

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

18 October 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 26 October 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
G Rapley
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 21 September 2017 (to follow).

5 **ITEMS DEFERRED** (Pages 6-7)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 8-11)

6 **APPLICATION NO DOV/17/00778 - SUSHAEL, DENTON ROAD, WOOTTON**
(Pages 12-24)

Change of use from holiday let to a residential dwelling

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/17/00246 - THE OLD RECTORY, CHURCH HILL, EYTHORNE** (Pages 25-36)

Erection of nine detached dwellings, landscaping, creation of new vehicular access and parking

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/16/00530 - SITE ADJACENT TO 5 FRIENDS CLOSE, DEAL** (Pages 37-50)

Erection of a detached dwelling

To consider the attached report of the Head of Regeneration and Development.

9 **APPLICATION NO DOV/16/01356 - LAND AT MONKTON COURT LANE, EYTHORNE** (Pages 51-59)

Change of use of land for the keeping of horses, formation of a vehicle access and erection of a gate (retrospective application)

To consider the attached report of the Head of Regeneration and Development.

10 **APPLICATION NO DOV/16/01342 - LAND ADJACENT TO THE HOPE INN, CANTERBURY ROAD, LYDDEN** (Pages 60-67)

Reserved matters application for siting, design, appearance, access and landscaping pursuant to outline permission DOV/14/00494 for the erection of

a detached dwelling and construction of a vehicular access

To consider the attached report of the Head of Regeneration and Development.

- 11 **APPLICATION NO DOV/16/00924 - WALMER AND KINGSDOWN GOLF CLUB, THE LEAS, KINGSDOWN** (Pages 68-81)

Erection of a green-keeper's maintenance building incorporating toilet and rest-room and the construction of a wash-down facility, associated hardstanding and landscaping

To consider the attached report of the Head of Regeneration and Development.

- 12 **APPLICATION NO DOV/17/00387 - PART OF WINGHAM COURT, HAWARDEN PLACE, CANTERBURY ROAD, WINGHAM** (Pages 82-102)

Erection of fifteen extra care properties (Use Class C2) comprising eight semi-detached dwellings, one detached dwelling and six apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking, together with internal access arrangement works and junction improvements; and associated landscaping and tree works

To consider the attached report of the Head of Regeneration and Development.

- 13 **APPLICATION NO DOV/17/01022 - LAND ADJACENT TO 44 FOSTER WAY, DEAL** (Pages 103-112)

Erection of a detached dwelling with associated parking and creation of vehicular access

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 14 **APPEALS AND INFORMAL HEARINGS** (Pages 113-119)

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

- 15 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.

- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 26 OCTOBER 2017

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/17/00246** **Erection of nine dwellings, landscaping, creation of new vehicular access and parking – The Old Rectory, Church Hill, Eythorne (Agenda Item 6 of 21 September 2017)**

2. **DOV/16/00530** **Erection of a detached dwelling – Site adjacent to 5 Friends Close, Deal (Agenda Item 12 of 23 March 2017)**

These applications are dealt with elsewhere on the agenda

3. **DOV/14/00240** **Redevelopment of site to provide a total of 100 residential units comprising: two-storey terrace, semi-detached and detached new-build dwellings; Change of Use and conversion of Tewkesbury House and the Chapel to provide 568 square metres of community space (Use Class D1), employment space (Use Class B1) and two residential units; minor demolition, alteration and conversion of the ‘Old Workhouse’ to provide ten residential units; retention and reinstatement of the fire-damaged Range building and erection of a two-storey terrace of ten residential units; car parking, landscaping, public open space and alteration to existing access (Amended plans and documents) – Eastry Hospital, Mill Lane, Eastry (Agenda Item 10 of 31 August 2017)**

4. **DOV/16/01328** **Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (to include demolition of 14 Archers Court Road) – Land rear of Archers Court Road, Whitfield (Agenda Item 8 of 20 April 2017)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

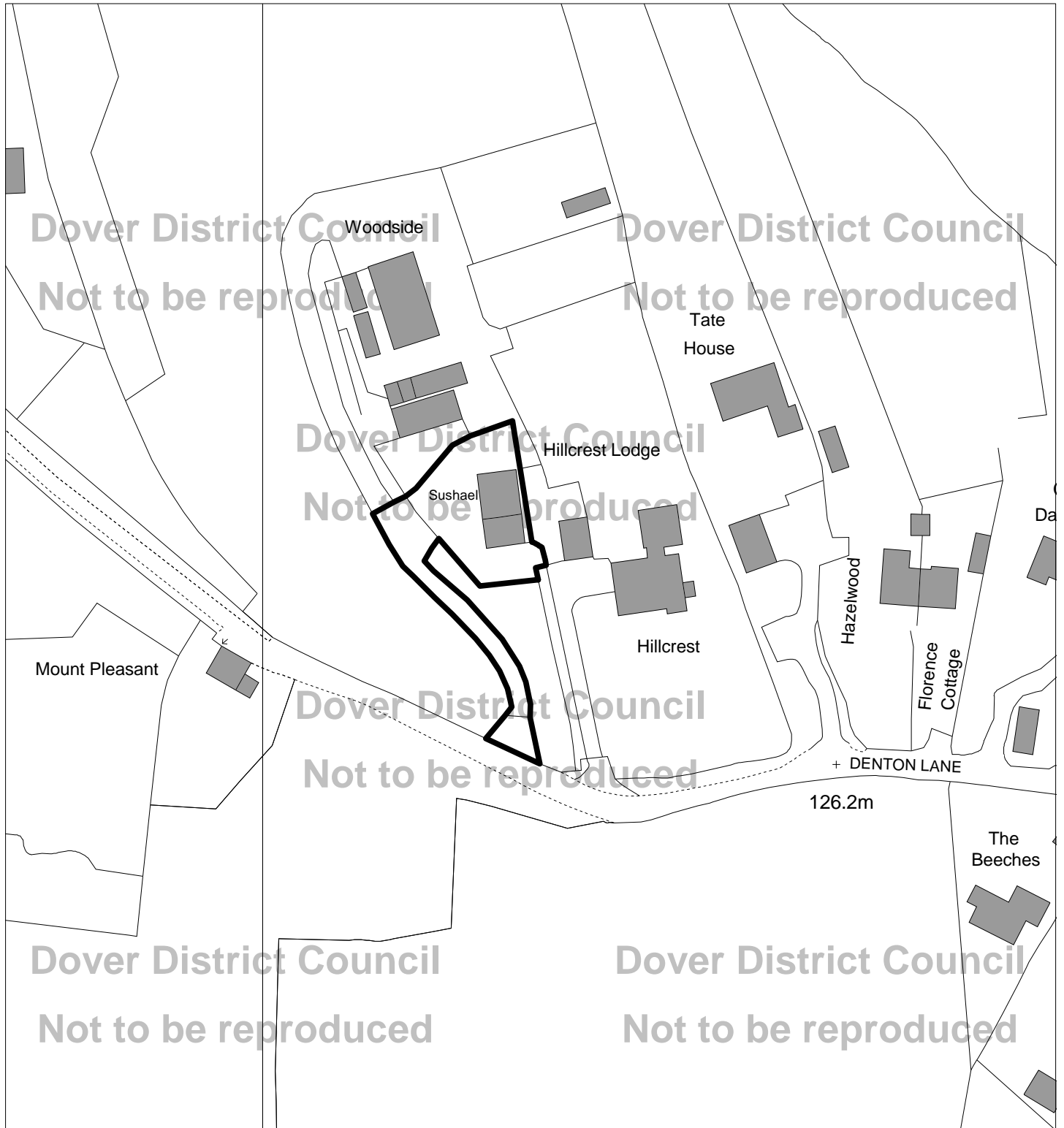
Article 14 - Prohibition of discrimination.

The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2017

Note: This plan is provided for purposes of site identification only.

Application: DOV/17/00778

Sushael

Denton Lane

Wootton

CT4 6RN

TR22044673



a) DOV/17/00778 – Change of use from holiday let to a residential dwelling - Sushael, Denton Road, Wootton

Reason for report: Called in by Cllr Ovenden

b) Summary of Recommendation

Planning permission be refused.

c) Planning Policy and Guidance

Dover District Council Core Strategy

- Policy CP1 states ‘the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services’.
- Policy DM1 states that ‘development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- Policy DM4 states ‘Permission will be given for the re-use or conversion of structurally sound, beyond the confines for commercial uses’.
- Policy DM11 “ Development that would generate travel will not permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies”.
- Policy DM13 states ‘parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking’.
- Policy DM15 ‘ development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is justified by a need to sustain the rural economy or a rural community’.
- Policy DM16 ‘Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted development incorporates design measures to mitigate the impacts to an acceptable level’.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states ‘that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole’.
- Paragraph 17 sets out the core planning principles... Planning should... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”take account of the different roles and character of different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...”

- Paragraph 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 49 States “that Housing applications should be considered in the context of the presumption in favour of sustainable development. In addition to the above, it states that relevant policies for the supply of housing should not be considered up to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- Paragraph 55 seeks to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- Paragraph 56 emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 65 “Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits”.
- Paragraph 115 attaches great importance to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- Paragraph 197 sets out local planning authorities should apply the presumption in favour of sustainable development.

Other Guidance/Relevant Matters

Kent Area of Outstanding Natural Beauty Management Plan.

(d) Relevant Planning History

DOV/17/00017 – Change of use from holiday let to residential dwelling – Refused for the following reason:

The proposed development would result in the loss of a rural tourist facility and would create a new dwelling within an unsuitable location. The proposed would generate additional traffic movements to and from the site to key services and would also likely to result in further domestic paraphernalia within its curtilage to the detriment of the visual amenity of the locality. the proposal would therefore be contrary to Dover District Council core strategy policies in particular CP1, DM1, DM4 and DM11 and the areas and objectives of the NPPF, in particular paragraphs 7, 14 and chapter 3.

DOV/12/00084 – Alterations to existing building (retrospective) and change of use to holiday let, to include alterations to provide attached stables and tack store, ancillary parking and access – Granted.

DOV/10/00200 – Certificate of lawfulness (existing) for continued use as a residential dwelling – registered.

(e) **Consultee and Third Party Responses**

Cllr Ovenden – Supports

The site is sustainable and therefore not against policy DM1, it is using a prebuilt form of development and rural gardens are classed as brownfield. There is no impact on the countryside and therefore should be approved.

Denton-with-Wootton Parish Council - Objects

Consideration has been given to the comments of the re-submitted application covering letter. This does not materially affect the previous comments summarised below;

- A number of applications have been submitted and refused, including its initial use as a holiday let. The previous application for the premises was designated for demolition but this was not enforced and subsequently retrospective permission was given as a holiday let.
- It would appear the building was not designed or built as a permanent habitation and accordingly would not comply with current regulations and could require substantial alterations.
- The main house, previously known as Susheal has been sold to new owners and renamed Hillcrest.
- The reference to Millfield as Sushael in this application may mean that the full background planning history of the premises may not be clear to all potential respondents.
- It is difficult to conceive that this application provides any further evidence that change of use is appropriate despite the extensive consideration that similar applications have previously been given.
- It is fully understood that the owner has difficulty in selling the premises because of the restrictions currently in place but consider that this reason is not sufficient to justify a change of use application. The application should be refused or granted on the merits of the application itself and not the potential for financial gain or change of ownership.
- The granting of permission in such a matter would set a precedent for other premises designed and built for non-residential or short-term occupation with the intent of subsequently applying for change of use to full habitation, when an application for planning for new residential premises would have been refused.
- The changes required to make what is currently a non-residential building, with only permission for temporary habitation, suitable as a permanent residence is likely to be the extensive alterations to the existing premises, which we do not believe can be justified at this stage.
- The issues currently exist in respect of utility services to Susheal and the two other properties that have been sold from the larger site, Hillcrest and Woodside, including water and drainage, as they were previously serviced as a single property. As this is an ongoing matter which may materially affect the usage of all three properties we believe that these matters should be resolved before any further permission in respect of a change of use of this property is considered or granted.
- Concerns that the landscape and visual report and photographs are misleading. The report was completed in 2011 and substantial changes have taken place since that time, including a considerable reduction in the trees surrounding the property,

meaning that the premises are now much more visible from the road and other public rights of way, in addition to the neighbouring properties.

- As the parish council we do not recall having seen any information or planning application for tree removal. The premises do sit within the AONB and this should be seriously considered in respect of this application.
- The previous objections and comments in respect of change of use applications for these premises remain relevant and should be considered.

One letter of objection has been received and is summarised below;

- The site is not well screened it does not take into account the autumn season, there will be a visual impact for other villagers and the Hillcrest;
- There would be a loss of a tourist facility as identified in previous planning application refusal;
- The property being used as a holiday let in the local area is a viable business and in fact there has been a resident with her two pets in place in April;
- The re marketing of the property for sale, this may be due to the current valuation for potential investors, in the current climate.

(f) **The Site and Proposal**

1.1 The application site is located on the north side of Denton Lane, to the north-west of Wootton and outside of the defined settlement boundaries. The site is located 3.4 miles outside of Shepherdswell which provides access to shops and local amenities. The nearest train station is approximately 6 miles away in Temple Ewell.

1.2 The site comprises an irregular plot of land, including an access which affords access to Woodside, which is located to the rear of Sushael. The property Woodside is immediately adjacent to the northern boundary of the application site, with Hillcrest and Hillcrest Lodge located to the east of the application boundary.

1.3 The subject of the application is an existing holiday let, which is currently situated within a cluster of residential dwellings set back significantly from Denton Lane with an access through a gated entrance.

1.4 The holiday let consists of a bedroom at first floor, with a bathroom, kitchen and dining room on the ground floor. Attached is garaging and a store room.

Proposal

1.5 Planning permission is sought for the change of use of the holiday let to a residential dwelling. The external appearance of the holiday let and its built footprint would not change as a result of this application. Therefore the application is intended solely to obtain permission to use the building as a permanent dwelling.

Supporting information

1.6 In support of the application the planning statement states 'the current owners previously owned this and the adjacent property Hillcrest, however, since selling Hillcrest they have found it difficult to run the property as a holiday let as it is no longer feasible for them to run as a holiday let'.

- 1.7 The letter from Miles and Barr dated 6th December has been submitted which sets out that the property has been marketed on its own and as part of a larger plot since 2013. It sets out that the rural location would make the managing of a holiday let time consuming and the lack of residential use on the property makes borrowing for a purchase difficult limiting the purchasers. Additionally purchasers would be couples or a local family as they would want to live in the property as their only home.
- 1.8 An additional email has been submitted from Winkworth (dated 1st February 2013) which sets out that the property with holiday let restrictions would not be suitable for a standard mortgage and would be classed as commercial which would reduce the amount of purchasers who could fund it on standard terms.
- 1.10 A letter dated 2nd December 2016 from Ward and Partners has also been submitted. They state they 'have been marketing the property for around three months' and identify that the restriction in place restricting the property to holiday home/secondary residence has had a detrimental effect on the sale ability of the property but also the price'. (this likely to be around the latter part of 2016). A further letter from Wards (August 2017) indicates their position with regards to the difficulty in the achieving occupancy of the holiday home – due to an absent landlord.
- 1.11 The applicant has said that he has tried to let the holiday let out and it appears that several agencies would not list it or run with it as a viable proposition, as such.

2. Main Issues

2.1 The main issues for consideration are;

- Principle of the development.
- The loss of a holiday let as a tourist facility;
- Impact on residential amenity;
- The impact on the character and appearance of the street scene and rural area;
- Highway issues
- Sustainability Overview
- Other Matters

Assessment

3. Principle of Development

3.1 Planning permission was granted under DOV/12/00084 for the conversion, of what was then an existing building, to a holiday let. The permission was given against a backdrop of a policy of restraint with regard to residential development beyond a rural settlement, but in acknowledgement that the holiday let restriction would be in accordance with government policy to encourage small business, including tourist accommodation. Since that time, national planning policy has generally remained unchanged with regard to the location of housing in the rural area, with the focus for development being at existing communities, this also being reflected locally through the application of a settlement hierarchy under Policy CP1 of the Core Strategy. In the case of the current application site/proposal:

- Wootton is considered to be a hamlet (where settlement confines do not apply) and in accordance with Core Strategy policy CP1 is not considered suitable for residential development.

- The nearest settlement confines are at Lydden, approximately 2.45 miles to the north east and Shepherdswell approximately 3.4 miles to the south east. Policy DM1 does not permit development on land outside settlement confines unless it is justified by other development plan policies or it functionally requires such a location. A functional justification would include a proven accommodation need for an agricultural worker.
- Where a proposal would be contrary to Policy DM1, as in this case, the Core strategy indicates (para 1.7) that it would require “unusual and compelling justification for permission to be given”.
- Policy DM4 only permits the conversion of rural buildings to private residential uses where the building is adjacent to the confines, which would not apply to the current application site.
- DM11 resists development that would generate travel beyond settlement confines unless justified by other development plan policies, none of which can be identified in this case.

3.2 The proposal would therefore lead to an unrestricted residential use in a location where the Development Plan precludes such development and would be contrary to the Development Plan. Members will be aware that the Council is able to demonstrate a 5 year housing land supply and that, in the context of paragraph 49 of the NPPF, full weight can be given to the Core Strategy housing policies. The NPPF affirms (Paragraph 12 & 196) that the planning system should be plan-led, with the development plan being the starting point for decision making.

3.3 It is important to point out that, for the fair and efficient operation of the Development Management service, the evaluation of material considerations should be undertaken in a manner that can be consistently applied to other proposals of a similar nature. Setting aside the circumstances of this application, the following matters provide a relevant backdrop for assessing proposals to remove holiday let restrictions, in locations where (as is the case here) housing would not normally be acceptable:

- There has been a longstanding practice (subject to site specific circumstances) of favourably considering conversions to provide residential accommodation with a holiday use restriction. The justification for this stems from Policy DM4 (and prior to that LE20 of the 2002 Dover District Local Plan), which allows for the conversion of rural buildings outside settlement confines for commercial uses, which in essence a holiday let use is. The local planning authority generally takes a positive approach to holiday let conversions in recognition of the wider economic benefits for rural tourism and the local economy.
- The credibility of this permissive route under DM4 (and for the retention of the stock of holiday lets granted over previous years) relies on a robust and consistent approach being taken to any application to subsequently have a holiday let condition removed thereby enabling a property to be used as an unrestricted dwelling. Otherwise there’s a strong risk that applications for holiday lets could be perceived as or might become, inadvertently or otherwise, a ‘back door’ means of securing open market housing in locations, which would be contrary to the strategy of the development plan. Such an outcome would also undermine confidence in the operation of planning policies.

3.4 The NPPF is clearly a material consideration to which considerable weight should be given. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework and that the assessment of

sustainability has regard to three dimensions: economic, environmental and social, which should be sought jointly and simultaneously through the planning system. These are considered in more detail within a 'sustainability overview' of the proposal at the conclusion of this report.

3.5 NPPF paragraph 55 affirms the need to locate housing in rural areas where it will enhance or maintain the vitality of rural communities. This approach doesn't conflict with Policy CP1 of the Core strategy (settlement hierarchy). Likewise, the NPPF takes a strict approach to new housing within the open countryside. It states, "local authorities should avoid new isolated homes in the countryside unless there are 'special circumstances' such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling."

It is not considered that any of these 'exceptions' materially apply to the matters under review through the current application.

3.6 Paragraph 28 of the NPPF outlines the importance of policies to support economic growth in rural areas, including the encouragement of sustainable rural tourism facilities. This also aligns with the application of Policy DM4 of the Core Strategy to the assessment of applications for holiday let uses in the rural areas, as explained further below.

3.7 The current application is supported by evidence and information, as detailed at 1.6 to 1.11 above, which aims to demonstrate why permission should be granted for the change of use. Evidence from appeal decisions elsewhere suggest, in line with paragraph 1.7 of the Core Strategy, that special circumstances need to be identified to justify the loss, as such of a holiday let in a location where housing would otherwise be considered unsuitable. This would reasonably include the consideration and submission of evidence relating to the following:

- (i) Understanding the lack of demand e.g. historic occupancy rates.
- (ii) Whether any claims relating to the use not being viable are linked to management and/or pricing issues i.e. was the holiday let use managed effectively - were there personal circumstances that prevented it from being so? Was it advertised appropriately/widely and priced in line with market expectations in order to maximise interest?
- (iii) Marketing evidence to demonstrate that there is no market interest in purchasing the property with the holiday let condition attached. Such evidence would need to show that the property had been marketed at a fair market value, reflecting the existence of the condition. It would also need to be marketed for a reasonable period of time and by appropriate means.
- (iv) As (iii) but testing whether a relaxation of the current condition to enable occupancy for more than 6 consecutive weeks would prove more attractive to the market (this is a route highlighted by one Inspector on appeal).

Information relating to the above would need to be fully presented with an application, or following its submission, to enable objective analysis.

- 3.8 In this instance the applicant has provided some supporting evidence in the form of the letters from Ward and Partners, Miles and Barr and Winkworth. These agents state they have marketed the property for 3 months on the open market, however consumer interest in the property has been limited by fact that the properties use is restricted to a holiday let, which has in turn had an impact on its value. The last marketing exercise appears too be in 2013 some four years ago, with no evidence being forthcoming the applicant has actively marketed the property as a holiday let, within the last four years.
- 3.9 Having researched the property there is evidence that the property is still being marketed for sale with Ward and Partners as a holiday home with a price of £280,000. Evidence from applications elsewhere suggest that a sales price, with the holiday let restriction, would attract in the region of a 30% reduction in value over normal market housing. The applicant has not provided any information in respect of the above and whether the price is considered to be reasonable. Additionally there is no evidence that the holiday let business is still being marketed or in fact is unviable in terms of a business.
- 3.10 Some receipt books have been received which only shows two entries of holiday occupation from 2013 – 2017 with no entries other than between 25th July – 8th August 2014 and 23rd December – 31st January 2015 which shows no charge to the occupant. However, due to the lack of the marketing exercise as set out above, it is not clear where the business would be generated from and therefore it is not considered the receipt books are considered to be sufficient evidence to support the change of use.
- 3.11 Reference has been made by the applicant that the council is unable to demonstrate a 5 year housing supply. The Council does of course now have a 5 year housing land supply and as mentioned, full weight can be given to development plan policies. As stated, these policies preclude residential conversions in locations beyond village confines as here. The applicant has referred to an application DOV/16/00041 which allowed the conversion of a holiday let into 4 residential dwellings. This scheme was granted for specific reasons relevant to that application and adequate marketing was independently assessed and considered adequate. This was at the time a five year housing supply could not be demonstrated, in addition four dwellings were considered to make a contribute to the housing land supply.
- 3.12 With regard to the supporting information provided with the application and the assessment criteria outlined at 3.8, it is considered that the application falls some way short of clearly and adequately demonstrating that a holiday let use at the property would be unviable.
- 3.13 As explained above, the Core Strategy states that a grant of permission in such circumstances would require “unusual and compelling justification”. Accordingly the principle of development which would effectively allow a dwellinghouse, beyond confines, some considerable distance from services and facilities remains unjustified and in this case unacceptable. It falls therefore to determine whether there are any other material planning considerations sufficient to set aside Development Plan policy
- 3.14 The Loss of a Holiday Let as a Tourist Facility

Supporting a prosperous rural economy is a key consideration of the National Planning Policy Framework set out in paragraph 28 which states ‘planning permission should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside’. The loss of the holiday would be contrary to the objectives of the National Planning Policy Framework in respect of paragraph 28.

3.15 The Core Strategy does not have a specific policy in respect of rural tourism. However, policy DM4 sets out permission will be given for the re-use or conversion of structurally sound, permanent buildings outside the confines of rural service centres, local centres and villages for

For commercial uses;

- For commercial uses in buildings that are closely related or adjacent to the confines;
- For private residential use in buildings that are adjacent to the confines”.

When planning permission was granted for a holiday let it would have benefited the rural economy and would have been classed as a commercial building in respect of policy DM4 of the Core Strategy. The holiday let was permitted in a rural location outside of the confines for these reasons and would not have been granted permission for permanent residential use on the basis that it is not adjacent to settlement confines, which is required by policy DM4 when considering the conversion of a rural building into a private residential dwelling. It is also worth noting that condition 3 of the planning decision stipulated that “the unit of accommodation hereby permitted shall not be used or occupied for any DOV/12/00084 purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere.” The reason for this is to safeguard against the permanent use of the residential use of the building, which would be contrary to the planning policies for the area and to ensure the continued use of the holiday accommodation.” The loss of the holiday in this location would be contrary to policy DM4 and the aims and objectives of the National Planning Policy Framework.

Impact on Residential Amenity

3.16 Paragraph 17 of the NPPF outlined that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants. Given that this application does not seek to extend or in any way alter the existing holiday let, its use as an unrestricted dwelling would not impact upon the residential amenity of neighbouring properties and would be acceptable in this regard. I am also satisfied that the level of internal space afforded by the dwelling is acceptable for occupants.

The impact on the character and appearance of the street scene and rural area;

3.17 The site is located within the countryside and the Kent area of outstanding natural beauty. Paragraph 115 of the National Planning Policy Framework attaches significant importance to conserving landscape and scenic beauty in National Parks, the Broad and areas of outstanding Natural Beauty. Paragraph 1.57 of Dover District Councils Core Strategy ‘states the parts of the district that are designated as Kent Area of Outstanding Natural Beauty enjoy special protection. In addition to this the Kent AONB Management Plan promotes appropriate management to help meet the national policy objectives. Section 4 of the Kent Downs AONB Management Plan contains landform and landscape character policies, including policy LLC1: “The

protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.” Policy LLC6: “The improved awareness and appreciation of all the special qualities of the AONB landscape and its conservation to people who influence the future of, live, work in or visit the AONB will be pursued.” The AONB Management Plan is adopted guidance and carries weight in respect of how development proposal should be considered.

- 3.18 The proposed change of use does not seek to alter the external appearance of the building, beyond those changes permitted under DOV/12/84 for the holiday use. However, the use as a new dwelling would be likely to result in additional and permanent domestic paraphernalia such as outbuildings, domestic planting, hardsurfacing, means of enclosure etc. within its curtilage which could result in some visual interruption within an otherwise largely unspoilt and rural landscape setting. In respect of development within a domestic curtilage, consideration has to be given over whether it would be reasonable to remove permitted development rights. On balance, in this instance probably not. Due to the topography of the landscape, in this case, the additional domestic paraphernalia associated with a dwellinghouse including extensions, outbuildings, hard surfaces would increase the evident presence of a new dwelling here in this undeveloped rural location.
- 3.19 It is inevitable that additional domestication of the building would add to the domestic characteristics of the building in an otherwise rural setting. Therefore the proposed change of use in this regard would be likely to have an adverse impact on the AONB and therefore would be contrary to the aims and objectives of the National Planning Policy Framework and the Kent Downs AONB Management Plan.
- 3.20 The applicant has submitted a landscape and visual impact assessment dated November 2011 and the application site has changed in this time. There are no proposed alterations to the existing building; however the characteristics of the site could also change with the intensity of use, associated with the permanent occupation of the building as a dwellinghouse as such. Intensity of use of the site, where permanent occupation is concerned would be likely to include additional private or related use i.e school runs and shopping trips, visitors to the site, deliveries etc. There are also concerns over potential lighting that could affect the night sky.
- 3.21 In this case the change of use would begin to adversely affect the character and in particular the quietude of this particular location. Harmful effects from intensification of activities associated with a dwelling here cannot be controlled by condition. Accordingly the proposed development does not comply with countryside protection policy and is therefore contrary to policies DM15 and DM16 of the Core Strategy and AONB protection policies set out in the AONB Management Plan and the National Planning Policy Framework.

Highway Issues

- 3.22 Policy DM11 of the Core Strategy sets out development which would generate travel outside the rural settlement confines would not be acceptable unless justified by development plan policies. The Dover District Settlement Review and Hierarchy describes Wootton as a hamlet. The nearest bus stop is in Denton, with the nearest railway station being in Temple Ewell 6 miles away. Due to the limited level of facilities it is expected the occupants of the proposed dwelling would have to primarily rely on car journeys for basic day to day needs, such as shopping, school

journeys etc.. This would significantly increase the vehicular travel demand contrary to the aims and objectives of policy DM11 of the Core Strategy.

- 3.23 Policy DM13 of the Core Strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. The dwelling would be defined as a 1-bedroom house in a rural location, and therefore a minimum of 1.5 parking spaces would need to be provided. The site currently accommodates 4 car parking spaces due to the layout of the site and all would be retained following the proposed change of use. The proposed development would be in full accordance with policy DM13.

Sustainability Overview

- 3.24 Achieving sustainable development lies at the heart of the planning system. The NPPF (Paragraph 8) states that to deliver this, economic, social and environmental gains should be sought jointly and simultaneously.
- 3.25 The provision of tourist accommodation brings an economic benefit to the district. Paragraph 28 of the NPPF identifies tourist and visitor facilities as being a valuable arm of rural economic sustainability, with potential to input into the rural economy and provide wider benefits of tourism within the district. Whilst it is noted that the holiday let property subject of this application, may not have been viable, there is insufficient current evidence (submitted with the application) to suggest that the property is unsuitable for the use, or that it would be unviable in the long term with successful marketing at an appropriate rental value and undertaken. There is no reason to believe that the nature of the location, between Canterbury and Dover would not be attractive to tourists. In the circumstances it has not been demonstrated that the loss of the holiday let would constitute anything less than an economic disbenefit.
- 3.26 The NPPF recognises the social benefit of providing a supply of housing. In this case, the provision of one new open market dwelling would only contribute in a very minor way and against a backdrop of the Council being able to demonstrate an adequate (5 year) supply of housing.
- 3.27 It's also important to point out that with no footway or lighting for most of its length into Denton along Denton Lane and this would not lend itself to ready use by pedestrians. Even compared to a more regularly used holiday let, the use of the property without an occupancy/holiday let restriction would be likely to increase the use of the car in a location where access to alternative means of travel is marginal at best as discussed in paragraph 3.22. In this respect, the proposal would be likely to encourage higher trip rates by car and other related traffic activities and work against environmental objectives relating to reducing pollution and moving towards a low carbon economy.
- 3.28 From the above analysis, it must be concluded that the proposal would materially conflict with the objectives of sustainable development.

Environmental Impact Regulations

- 3.29 The land to which the application relates falls within a 'sensitive area' as defined within the Environmental Impact Assessment Regulations 2011. This definition of a

sensitive area includes land which is designated as a SSSI or an AONB. Whilst the proposed development does not fall within the list of Schedule 2 development it is within a sensitive area and the regulations therefore require that the LPA screens the application. This process has been undertaken and it has been concluded that due to the relatively minor impacts and effects of the development and its siting that mitigation as such in EIA terms is not needed. The proposal does not require an Environmental Statement.

Conclusion

- 3.30 The proposal would result in a dwelling house in a location that would be clearly contrary to Development Plan policy and would constitute an unsustainable form of development, contrary also to the aims and objectives of the NPPF.
- 3.31 Insufficient evidence has been submitted with the application to suggest that the harm arising from the conflict with the Development Plan and NPPF should be set aside. In particular it has not been demonstrated, in a manner commensurate with the assessments of other applications of this type, that the use of the property as a holiday let is no longer viable.

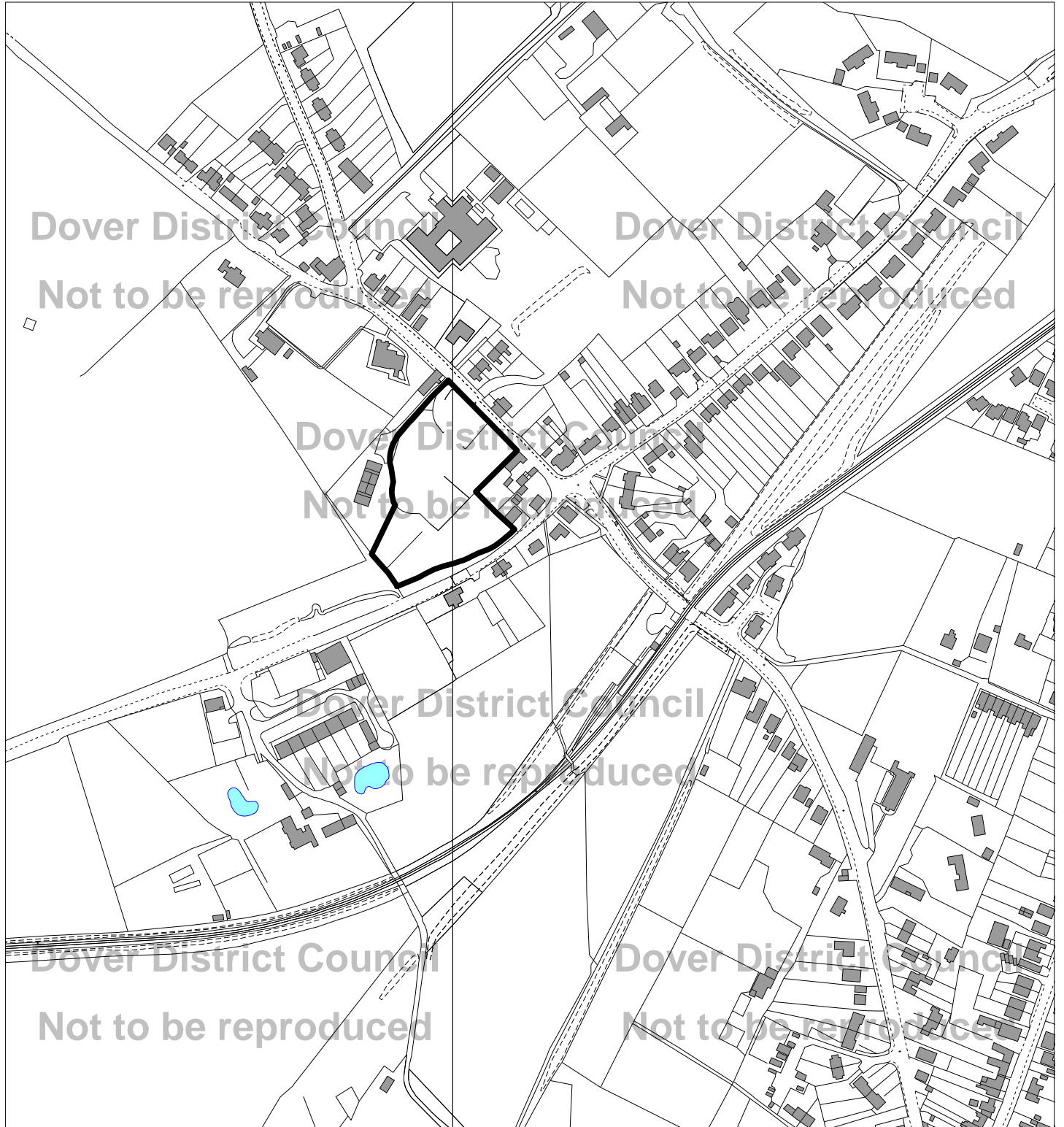
g) Recommendation

I PERMISSION BE refused on the grounds:-

- 1) The proposed development would result in the loss of a rural tourist facility and would create a new dwelling within an unsuitable location. The proposal would generate additional traffic movements to and from the site to key services and would also likely to result in further domestic paraphernalia within its curtilage to the detriment of the visual amenity of the locality adversely affecting the rural character and unspoilt quality of the location. The proposal would therefore be contrary to Dover District Council core strategy policies in particular CP1, DM1, DM4 DM11, DM15 and DM16, policies LLC1, LLC6 of the Kent Downs AONB Management Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 14 and chapter 3.

Case Officer

Karen Evans



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2017

Note: This plan is provided for purposes of site identification only.

Application: DOV/17/00246

Old Rectory

Church Hill

Eythorne

CT15 4AE

TR27994962



a) DOV/17/00246 - Erection of nine detached dwellings, landscaping, creation of new vehicular access and parking - The Old Rectory, Church Hill, Eythorne

Reason for report: The number of contrary views (6)

b) Summary of Recommendation

Approve Planning Permission

c) Planning Policies and Guidance

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF)

Paragraph 6- recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7- outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14- states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 47- refers to the responsibility of each LPA to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. It goes on to state how the LPA should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure competition in the market for land.

Paragraph 49- states that Housing applications should be considered in the context of the presumption in favour of sustainable development. In addition to the above, it states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50- stipulates the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive communities.

Paragraph 56- emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 - states that planning policy and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local character or distinctiveness.

Paragraph 61 - states that whilst the visual appearance and architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations.

Paragraph 63 - states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Equally permission should be refused for development of poor design in accordance with paragraph 64.

Paragraph 66 - states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Dover Core Strategy (2010)

CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.

CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.

CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.

DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.

DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan

Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan (LALP)

DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

LA36 – highlights the repositioning of the settlement boundary to include this application site for residential development. The pre-amble of this policy states that the alteration to the boundary ‘may enable development but.....the acceptability of any planning application proposals will be judged against general Development Plan policies and all other material considerations.’

The policy table highlights the main issues for consideration being the trees, access and the setting of listed building.

Supplementary Planning documents and guidance

Affordable Housing Supplementary Planning Document - the purpose of this SPD is to alert developers to the scale and need for affordable housing, including outlining measures for how it will be secured.

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

DOV/13/0033 granted on 1 August 2013 for 2 large (4 and 6 bedroom) detached houses and garages on part of the site (approximately that part occupied by proposed plots 1, 2 and 3).

DOV/08/0387) for 2 detached houses in the approximate positions of proposed plots 1/2 and 8/9 was refused due to their unacceptable design, their impact on the settings of listed buildings and their mutual overlooking.

e) Consultee and Third Party Comments

Eythorne Parish Council object to the proposed development and raise a number of material planning concerns, such as; highways issues, heritage, tree preservation and wildlife.

Environmental Health note that historical maps shows Unknown Filled Ground (pond, marsh, river) covering some of the land at this property. In view of this, they request that suitable conditions be included that requires an investigation and risk assessment to be carried out if contamination found, a gas impermeable membrane to be incorporated within the floor slab of the development and a construction management plan.

Heritage Team have no comments regarding the detailed design of the proposed development, however raise concerns relating to the statement within the Heritage Strategy relating to the listed wall.

“The wall is listed with The Old Bakery and the list description states: “wall attached to rear and extending westwards up Church Hill about 25 yards. Red brick. About 12 feet high on plinth with coping with boarded door at end nearest house.” The Heritage Statement notes that works of ‘maintenance and identical repair... and works of stabilisation’ are proposed; however as this wall is listed it is important to determine what these works are in detail as Listed Building Consent may be required. As it is a criminal offence to carry out works to a listed structure without consent when it is required I strongly recommend that further information be sought on the exact nature of the works proposed so I can better advise on the need for LBC.”

Following discussions with the applicant it has been agreed that no works are to take place to the listed wall, and as such no listed building consent is required. An informative is to be placed upon any permission highlighting that any works to this listed structure will require the benefit of listed building consent.

Southern Water initial investigations suggest that SW can provide foul sewage disposal to service the proposed development. Southern Water requires a formal connection for a connection to a public sewer to be made by the applicant or developer. It is suggested that planning permission should be granted subject to the imposition of informatives.

KCC Highways previously objected to the amount and location of car parking shown within the site, lack of suitable turning facilities for refuse/delivery and insufficient visibility splays. KCC also confirmed that parking restrictions will be required on the opposite side of Church Hill to the access, to allow a refuse vehicle to turn in/out of the site and also so that a driver turning right out of the site can then give way to a northbound vehicle coming through the narrower section of Church Hill to the south.

The applicant subsequently amended the proposals and provided further information in light of these comments. The amendments included the following:

- Improvements to access visibility splays and confirmation that land within the control of the applicant is being used for the Highways works.
- Three replacement parking spaces proposed near the site entrance and KCC consider that the maximum number to be displaced is likely to be four, so given that three spaces are provided on site and on street parking is available further up Church Hill, it is not considered a significant impact in highway terms.

KCC Highways subsequently confirmed the amount and location of car parking shown within the site is sufficient to ensure the proposals are unlikely to lead to unacceptable on-street parking on the existing highway, and that suitable turning facilities for a refuse/delivery vehicle are also provided.

The proposals are therefore acceptable from a highway perspective subject to conditions. The parking restrictions can be implemented through a Traffic Regulation Order by the highway authority and highway alterations can be carried out by the applicant through a s.278 agreement with the highway authority.

Southern Gas Network request that they are able to gain access to their pipeline- as shown on the associated map submitted- throughout the duration of operations. The comments list a number of informatives to the application in relation to safe digging practice and other safety procedures.

Dover District Council Tree Officer was consulted and met with the applicant on site. Whilst the site has a number of trees subject to a Tree Preservation Order, it has been agreed that there would be no detrimental impact upon these trees subject to the imposition of suitable conditions that require the submission of details of foundations. These conditions are set out at the end of the report.

Ecological Officer: On receipt of the applicant's reptile report which was submitted to support the application, the ecological officer has commented the following:

"The ecology report concludes that off-site translocation would be required given the density of proposed development. In that case a S.106 agreement will be needed to ensure that any third party land is prepared and maintained in such a manner as to sustain the translocated population, in accordance with the duty on local authorities under the NERC Act 2006."

Neighbour Representations

In total seven neighbour representations have been received from five interested parties, and all object to the application for the following reasons:

- Tree Preservation Orders on site and trees being removed in any event.
- Traffic and in particular at Church Hill.
- Loss of village feel.
- Amount of development too much.
- Construction traffic.
- White Horse Bed and Breakfast refused for additional parking space because of traffic.
- Inadequate access.

Eythorne Parish Council also objected to the proposal, broadly for the same reasons that are listed above making a total of 7 objections.

f) The Site and The Proposal

The Site

The application site is an irregular shaped parcel of land totalling approximately 0.73 hectares, located to the west of Church Hill and to the north of Shepherdswell Road, within the village confines of Eythorne.

Eythorne is identified within the Dover Core Strategy as a Village – the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.

The site is currently undeveloped scrub and grassland and was the garden area associated with the former The Old Rectory.

The application site was formerly occupied by The Old Rectory (a Grade II listed building), however following a fire in 2007, the building was de-listed in 2008 and no above-ground traces of the building are apparent. Garden features such as the walls and steps remain on site.

To the north east the site is bound by Church Hill and the boundary of the site is defined by a red brick wall (listed and associated with The Old Bakery). The site also

falls within close proximity to a number of listed buildings, including The Church of St Peter and St Paul, The Old Bakery and Granary.

The site includes the land allocated under Land Allocations Local Plan policy LA36 as well as land that (whilst within the village confines) does not form part of this allocation.

The Proposal

The proposed development seeks to provide a total of nine two storey, detached, 4 bedroom family dwellings in a cul de sac formation, fronting onto the proposed access route off Church Hill with a turning head at the end.

Access to the site is proposed via the existing access which is proposed to be altered in order to achieve adequate visibility splays and a total of 24 parking spaces are provided.

A number of highway improvement measures are also proposed at the request of KCC Highways including provision of a footpath, a pedestrian crossing and three parking spaces in lieu of the parking restrictions on Church Hill in order to achieve the access visibility.

Main Issues

The main issues in the determination of this application are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact upon trees
- The impact on neighbouring properties
- The impact on the highway network
- Heritage
- Other Matters

Assessment

Principle of Development

1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2 The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.

3 Eythorne is identified as a tier five settlement (Village) within the Dover Core Strategy which allows for development that would reinforce its role as a provider of services to essentially its home community.

4 Policy LA36 of the Land Allocations Local Plan amended the Eythorne Settlement Boundary to include all of this site, as it was considered the site functions as the main built up part of the village.

5 The site has previously accommodated residential development. Indeed, much of it was formerly occupied by a large and imposing Grade II listed 3 storey building, The Old Rectory, which was located centrally about 25 metres from the Church Hill frontage, together with its extensive gardens. The site is situated in a relatively sustainable location in close proximity to a number of services, including a church hall, a primary school, churches, a public house, a playground and bus service. As part of the application and following discussion with KCC Highways, a number of highway improvements are proposed. These include the provision of a short section of footway to the south of the site access and a pedestrian crossing point to the existing footway on the north side of Church Hill. These works will provide pedestrian access between the site and the existing bus stops, school and other amenities in the village.

6 The proposed residential development would have economic and social benefits in accordance with the NPPF presumption in favour of sustainable development.

7 In summary, the site falls within the village confines of Eythorne and therefore the principle of new housing development is acceptable and accordance with CS policy DM1, Land Allocations Local Plan Policy LA36 and sustainability objectives of the NPPF.

Impact on the Character of the Area

8 The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area. Paragraph 17 states that the need to always secure high-quality design should underpin decision-taking. Paragraph 56 refers to good design being a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

9 The application site is situated on the corner of Church Hill and Shepherdswell Road, bound by residential development to the north fronting Church Hill and to the east along Shepherdswell Road.

10 As set out policy LA36 of the Land Allocation Local Plan the boundary has been amended to include this site within confines and it is considered that the site functions as the main built-up part of the village. The site is surrounded by a mixture of two storey and single storey dwellings of largely traditional character, comprising red brick, yellow brick and render elevations and pitched clay tiled roofs.

11 The proposed layout of development follows the building line of development along Church Hill, the rear building line of development along Wigmore Lane and likewise extends no further than development on the opposite side of Shepherdswell Road. This will ensure the proposal reflects the surrounding pattern of development and does not appear out of character. The layout of development allows for adequate space between existing and proposed properties that reflects the existing grain of development. In light of this, it is considered that the application site can adequately accommodate the proposed development without appearing cramped or overdeveloped.

12 Turning to the specific design of the dwellings the proposal is considered to respect the existing development within the vicinity.

13 The layout of development is largely dictated by the need to protect and preserve TPO trees on site around the perimeter of the site. Access to the site is via the existing access, with an internal road entering the site in a southwestern direction, with a turning head between plot 7 and 8 at the end next to plot 7. The proposed dwellings are positioned off this internal road and considered to be located sufficient distance from one another and surrounding properties.

14 In terms of design the mixture of weather board, brick and off white render elevations and plain tiled roofs are considered to reflect existing development. The architectural detailing on each property, including chimneys, gable and hipped roof configurations, porch detailing and long vertical windows adds variety, and results in a traditional and high quality appearance, reflecting the character of the area.

15 From a heritage perspective and in the context of the nearby listed buildings, Dover Heritage Team have confirmed that the design of proposed development is acceptable and no objection is raised from a heritage perspective.

16 The heritage team has raised concern with regards to the red brick wall which runs along the site frontage. This wall is a listed structure associated with The Old Bakery and is to remain as part of the proposed development. The submitted Design, Access and Heritage Statement notes that maintenance, repair and stabilisation works are proposed, and the Heritage Team has raised concerns that such works may require listed building consent. The applicant has confirmed that proposed works would relate only to the removal of minor sapling and shrub growth.

17 Overall it is considered the proposed development respects the character and existing development within the area.

Impact upon Trees

18 The application site is the subject of Tree Preservation Order through an Area designation.

19 As demonstrated on the submitted Tree Survey and Tree Protection plan the proposed development seeks to retain the majority of the site, and the built form has been positioned to avoid root protection areas of those trees.

20 The Council's Tree Officer has visited the site and has provided comments which raise no objection to this proposal, subject to the imposition of suitable safeguarding conditions which relate to the provision of details regarding the foundations of the plots closest to the root protection areas. These conditions are all set out in full at the end of the report.

21 Furthermore whilst we note local concern has been raised with regards to future pressure for removal of trees on site, the trees are protected by Tree Preservation Orders and thereby protected by different legislation and we are therefore content there is no harm.

22 Whilst there are a large number of mature trees within the application site, it is not considered that this proposal would bring about any significant harm to these trees, with all of high quality being retained. As such there would be no detrimental impact upon the character and appearance of the locality.

Impact on Residential Amenity

23 Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

24 The nearest buildings to the site include Our Lady Flats to the northwest of the site, properties along Shepherdswell Road to the southeast and properties along Church Hill and Wigmore Lane.

25 The proposed development would be situated a sufficient distance away from these residential properties, to ensure that there would not be any overlooking (mutual or otherwise), no creation of a sense of enclosure, or the loss of any sunlight/daylight.

26 Likewise, with the properties that lie beyond the application site; the layout has been designed to ensure that all back-to-back distances are acceptable, and that there would be no direct overlooking of properties in Shepherdswell Road or any properties in Church Hill.

27 Whilst the development would inevitably increase the level of activity, this is not considered to be of a level that would unduly impact upon existing residents. Additional car movements and day to day activities are as one would expect within an area such as this, and indeed has been identified as being acceptable in this location through the LALP 2015 (Policy LA36).

28 For these reasons it is not considered that the proposal would result in any detrimental impact upon the residential amenity of neighbouring occupiers, and the proposal would therefore comply with the requirements of the NPPF (paragraph 17).

Highways

29 Policy DM13 of the Core strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.

30 The site has an existing vehicular and pedestrian access to the north-east corner of the site. The proposed development seeks to use this existing access, but altered in order to achieve adequate visibility splays. In order to achieve the required visibility splays as part of the proposal parking restrictions (which will be implemented through a Traffic Regulation Order by the highway authority) will be provided on the north side of Church Hill in the vicinity of the access and on the approach to the narrowed section. This will enable two vehicles to pass each other whilst one is waiting to give way at the narrowing; to allow suitable turning and passing room at the location of the site access, and to provide suitable visibility at the pedestrian crossing point.

31 In accordance with the Kent Design Guide Review Interim Guidance Note 3 a total 24 parking spaces are provided.

32 In terms of traffic generation, the submitted Transport Statement suggests the proposed development would generate a total of 7 No two-way AM and 8 No PM peak hour movements with a total of 69 No additional daily trips and represents a negligible increase on the local highway network.

33 A number of highway improvements are proposed including the provision of a short section of footway to the south of the site access and the provision of a pedestrian crossing point to the existing footway on the north side of Church Hill. These improvements will provide pedestrian access from the application site to the facilities within the village and therefore promote sustainable modes of transport.

34 KCC have reviewed the proposal and raise no objection to the development. In light of the above the proposed development is considered acceptable.

Heritage

35 Concern has been raised with regards to the impact upon the listed wall to the front of the application site. The NPPF (paragraph 128) requires that applicants should describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets' significance. The applicant has submitted a full heritage assessment which identifies the historic use of the land at its importance in relating to the setting of the building.

36 Paragraphs 132-135 of the NPPF relate to the significance of heritage assets and how planning applications should be determined to ensure that great weight is given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

37 The applicant has confirmed that there are no required alterations to this wall and as such there would be no detrimental impact upon it. In terms of its setting, the Heritage Officer has confirmed that there would be no adverse impact as a result of this proposal.

38 There are two listed buildings that front on to Church Hill – namely the Grade II listed buildings known as 'The Bakery and Wall' and 'The Granary' which lies approximately 10metres to the south east of the Bakery. The Church of St Peter and St Paul lies to the north of the site is a Grade II* listed structure, with the churchyard containing a monument (to the Sayer Family) which is Grade II listed as well as three other groups of headstones that are Grade II listed.

39 Because the site is contained, with substantial tree cover around the boundaries, there is clear separation between this application site and the neighbouring listed structures. That said, the layout has been designed in such a way as to ensure that the dwellings, and associated outbuildings would be distanced away from the listed buildings. All listed buildings (headstones/monuments aside) are visible from the public domain whereas these dwellings would not set away from the public highway, and would be set behind substantial tree cover. They would not therefore be read in the same context as the heritage assets.

40 The proposed dwellings are considered to be well designed, with a good level of detailing, and are also of a scale that would respond positively to the character of the locality. The dwellings would be larger than both the Granary and the Bakery, however, when viewed from the highway it is considered that only glimpses of the roofs of these new dwellings could be seen.

41 The application site (and thus the proposed dwellings within) would not be visible from the front of the church, or from within the church grounds, because of the existing buildings, landscaping and the topography (with the land falling as one moves from the church to the site). As such, it is not considered that the proposal would not have upon the setting of this building or its grounds.

42 In light of the above, it is considered that the development would cause no harm to the setting of the listed buildings aforementioned. The impact of the development is therefore considered to be neutral in addressing the requirements of paragraph 134 and 135 of the NPPF.

43 It is therefore considered that the proposal complies with the requirements of the NPPF insofar as an assessment has been made of the significance of the heritage assets, and the proposal would not have an adverse impact upon the setting or these assets, and in any event the public benefits of the scheme in delivering much needed housing within the district would outweigh any perceived dis-benefit. The proposal is therefore considered to comply with the requirements of paragraphs 132 – 135 of the NPPF.

Other Matters

44 The applicant has submitted a reptile report with the application which identified a total of 19 animals during the survey – all of which were slow worms. No common lizards were found within the application site.

45 This number is relatively low given the size of the site, however, this is likely to be due to the type of habitat on site. The report identifies that translocation will be required, therefore in line with comments made by the ecological officer, a condition will be needed to ensure that any third-party land is prepared and maintained in such a manner as to sustain the translocated population, in accordance with the duty on local authorities under the NERC Act 2006.

46 Details of suitable drainage (foul and surface) can be sought by condition.

Conclusion

47 In light of the above, it is considered that the proposal is acceptable, and would comply with the requirements of Policy LA36 of the LALP (2015). Whilst the proposed dwellings would not mimic those within the immediate vicinity, they are considered to be of a scale and form that would be acceptable – subject to details conditions.

48 The proposal would not result in any significant harm to residential amenity, highways, or ecology. The impact upon heritage assets has also been carefully considered and no objection is raised.

49 It is therefore recommended that the application be approved, subject to the imposition of the safeguarding conditions set out below.

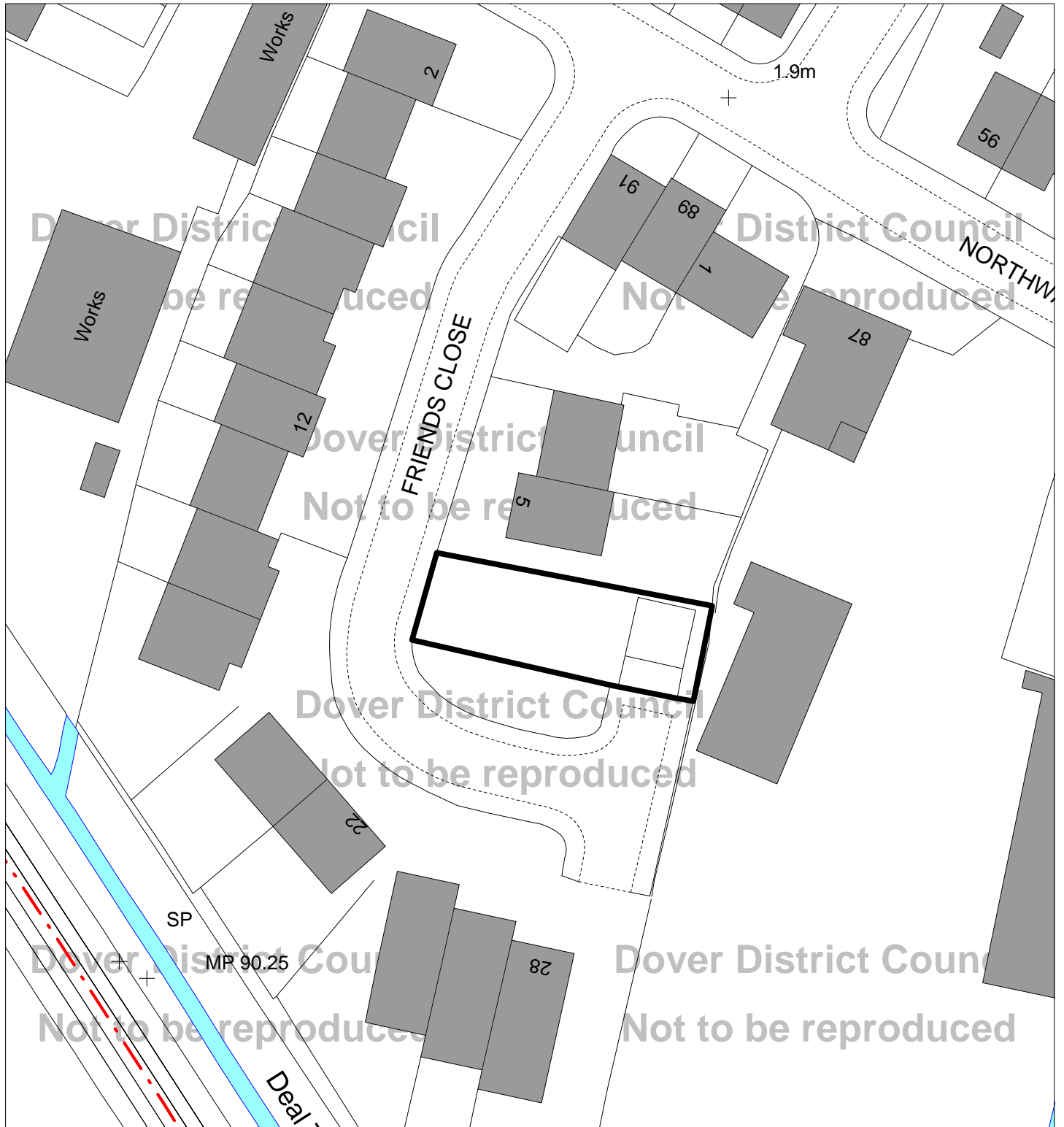
Recommendation

I Planning permission be GRANTED, subject to conditions to include: 1) time, 2) approved drawings, 3) samples, 4) design details, 5) cycle and bin storage, 6) parking/turning, 7) construction management plan, 8) archaeology, 9) remove pd for openings, 10) foul and sewage disposal details, 11) landscaping, 12) tree and hedgerow protection measures/details, 13) surface water disposal, 14) foundation design, 15) decking/patio details, 16) slow worm translocation details, 17) ground levels and sections

II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by planning committee

Case Officer

Chris Hawkins



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2016

Note: This plan is provided for purposes of site identification only.

Application: DOV/16/00530

Site adjacent to 5

Friends Close

Deal

CT14 6FD

TR37175331



a) DOV/16/00530 - Erection of a detached dwelling - Site adjacent to 5 Friends Close, Deal

Reason for Report – Members resolved to defer the application at the Planning Committee meeting on the 23 March 2017. Initially, the application was referred to Planning Committee due to the number of contrary views that had been received with regard to this application.

b) Summary of Recommendation

Approval

c) Statutory Requirements, Planning Policies and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy

- Policy CP1: Settlement Hierarchy
- Policy CP4: Housing Quality, Mix, Density and Design
- Policy CP5: Sustainable Construction Standards
- Policy DM1: Settlement Boundaries
- Policy DM13: Parking Provision

Dover District Local Plan 2002 (saved policies)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Section 6: Delivering a wide choice of high quality homes;
- Section 7: Requiring Good design ;
- Section 10: Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to the main issues associated with development.

Other Documents

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

DOV/04/00261 Site at Northwall Road, deal: Erection of 19 no. new 2 storey dwellings plus all associated works – GRANTED.

DOV/04/00261/C Site at 89 Northwall Road, Deal: Amendments to approved planning permission DOV/04/00261 – changes to roof levels and children’s play area and additional parking – GRANTED

This application was heard at the Planning Committee meeting on the 23 March 2017 where a report was prepared for Members with a recommendation for approval, with the applicant offering the submission of a Unilateral Undertaking that would see the completion of all highway works within the development completed within three months of the occupation of the dwelling in question.

At this meeting, Members resolved to defer the application for the following reasons:

‘That, notwithstanding the Officer’s recommendation, Application No DOV/16/00530 be DEFERRED for further information from the applicant on the following: i) Surface water and foul drainage and relocation of attenuation tanks; and ii) The availability of open space nearby, evidence of which will aid Committee members in considering whether the loss of designated open space is justified.’

e) Assessment

1. All material considerations were set out within the previous report, which is set out within Appendix 1 to this report. This report therefore seeks to address the two issues raised above, and also to update Members upon the latest position with regards to the road, and how its completion will be secured.

Drainage

2. Concern was raised at the meeting that the existing drainage tanks would need to be relocated as a result of this proposal. The applicant has submitted amended plans which show the location of the storage attenuation tanks. These are set under the car parking area and also to the rear of the proposed dwelling. These would not therefore be impacted upon by any foundations of the proposed dwellings.
3. The plans have been submitted to Kent County Council Highways Authority who have agreed that they are acceptable in terms of the impact upon the highways.
4. The storage proposed would be sufficient to meet the existing requirements of the development, as well as the new dwelling that is before Members for consideration. As such, the proposal would not bring about any additional flood risk within the

locality. The location of the drainage tanks has not changed significantly and thus comments from the EA, LLFA and SW are not required. That being said, given the drainage tanks need to be relocated, a condition will be imposed requiring details of the provision and relocation of drainage tanks to be submitted to the local planning authority, and agreed in writing, prior to the commencement of development.

5. The Environment Agency previously objected to the original application for 19 dwellings (DOV/04/00261) as the scheme did not incorporate appropriate flood risk measures. However, revised plans were submitted which were subsequently considered to be acceptable further to planning committees resolution to grant planning permission.
6. Southern Water raised no objection to the previous application (DOV/04/00261) provided that condition was imposed required details of the disposal of foul and surface water. The Council ensured that this was secured by condition.
7. The Environment Agency were consulted on the current proposal for a single dwelling, and raised no objection to the application subject to conditions which relate to the internal floor levels of the building. Southern water were not consulted on the application, however they will be consulted when details on the revised location of the drainage tanks are submitted.
8. Given that the drainage tanks need to be relocated, a condition will be imposed requiring details of the provision and relocation of drainage tanks to be submitted to the local planning authority, and agreed in writing, prior to the commencement of development.
9. It is therefore considered that there are no grounds to object to the proposal on the basis of flood mitigation/impact. It is considered that there are adequate measures in place to serve the development.

Open Space

10. In terms of the level of open space provision within the locality of the site, the site is located some 200metres from the North Deal Recreation Ground, which includes equipped play area, MUGA, and large areas of managed open space suitable for sports and recreation. This open space can be accessed by pedestrians from Northwall Road and is therefore considered to be easily accessible from Friends Close.
11. As one moves into the town the large Victoria Park, with associated leisure facilities is available for public use. Again, this is provided with a good level of equipped play, as well as sports provision. Victoria Park is identified within the Council's own Parks and Amenity Open Space Strategy (October 2013) as being of strategic importance, which identifies these as being where the Council will focus their efforts for improvements.
12. The Council's own strategy seeks for the provision of local play space within 600m and strategic play space within 1,000m of development – and as set out above, this proposal would meet with this criteria.
13. It is also noted that within the District of Dover, the strategy is for significant investment in these larger more strategic areas of open space, rather than the smaller sites such as this one. The reason being is that there is considered to be greater, wider public benefit from enhancing larger sites that attract greater numbers

of people – both in terms of the quality of life they enjoy, and also financially for the authority.

14. For these reasons, the loss of the relatively small amount of open space is not considered to be unacceptable. No objection is therefore raised on this basis.

Highways

15. As Members will recall, there was significant local interest in this application, although primarily due to criticism that the road surface was not completed following on from the previous development being occupied.
16. Whilst it was made clear that this in itself was not grounds to refuse this planning application, which was required to be determined on its own merits, the Council nevertheless sought to provide some comfort to the existing residents that this would be completed.
17. The applicant has been engaging with Kent County Council to resolve the matter of adoption of the highway – and thus the completion of the road surface etc. There is now agreement that a Bond can be entered into, with the applicant having already made the first instalment to Kent County Council Highways to recommence the Section 38 agreement.
18. Kent County Council have stated that they will provide the Road Bond subject to planning approval, which means that should the permission be granted, the works to the highway will be undertaken.
19. Again, this is not a material consideration in the determination of the application, but given the level of public interest in this matter, it was nevertheless considered prudent to inform Members as part of the application process.

Conclusion

20. It is therefore concluded that the application has now addressed Members' concerns both in terms of the drainage provision, and the impact upon the open space provision within the locality.
21. It is therefore recommended that Members give this application favourable consideration, and grant delegated power to grant planning permission, as per the recommendation on the papers (as appended to this report) and for any additional conditions or legal agreement that the Head of Planning and Development considers necessary.
22. It is recommended that an additional condition be imposed, which requires details of the relocation and provision of drainage tanks to be submitted to the local planning authority and approved in writing prior to the commencement of development.

Recommendation

Grant planning permission subject to conditions:

- I Grant planning permission subject to conditions, set to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) details of materials to be submitted iv) details of cycle and refuse storage; v) any conditions requested by KCC; vi) any conditions requested by KCC

Archaeology vii) any conditions requested by the Environment Agency; viii) details of the relocation and provision of drainage tanks.

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins

a) **DOV/16/00530 - Erection of a detached dwelling - Site adjacent to 5 Friends Close, Deal**

Reason for Report – the number of contrary views that have been received with regards to this application and Councillor Bob Frost call-in

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy

- Policy CP1: Settlement Hierarchy
- Policy CP4: Housing Quality, Mix, Density and Design
- Policy CP5: Sustainable Construction Standards
- Policy DM1: Settlement Boundaries
- Policy DM13: Parking Provision

Dover District Local Plan 2002 (saved policies)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Section 6: Delivering a wide choice of high quality homes;
- Section 7: Requiring Good design ;
- Section 10: Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to the main issues associated with development.

Other Documents

The Kent Design Guide sets out design principles of development.

d) **Relevant Planning History**

DOV/04/00261 Site at Northwall Road, deal: Erection of 19 no. new 2 storey dwellings plus all associated works – GRANTED.

DOV/04/00261/C Site at 89 Northwall Road, Deal: Amendments to approved planning permission DOV/04/00261 – changes to roof levels and children's play area and additional parking – GRANTED

e) **Consultee and Third Party Responses**

The Environment Agency were consulted and raised no objection to the development subject to conditions which relate to the internal floor levels of the building.

Deal Town Council were consulted and made the following comments:

'Strongly object to this planning application as the promised completion to both the road and paths by developer is yet to be done meaning they remain un-adopted causing major health and safety issues, damage to local cars, additional dwelling means lack of car parking space. The residents were previously promised a green area incorporating a children's play area and that no additional build would take place by developer. Concerns over flooding and overshadowing.'

KCC Archaeology were consulted and stated that no archaeological measures are required.

Neighbouring properties were notified of the application, and a site notice was placed on site. 10 objections were received with regards to this application, with the concerns raised summarised below:

- The proposal will lead to overlooking and loss of privacy on neighbouring properties;
- It was promised that the land would be laid to lawn and a play area established;
- The roads and paths surrounding the site are unfinished;
- Parking is an issue on Friends Close and the erection of a new dwelling will exacerbate the issue;
- The original planning applications were for a greater number of dwellings and were steadily reduced until permission was granted. As a number of dwellings have been on concern before, existing restrictions on the no. of dwellings should not be circumvented by subsequent, piecemeal additions;
- Environmental impact in terms of noise, dirt and general disruption during the proposed build would negatively impact many of local residents; and
- Already regular flooding on Northwall Road and it would appear that existing drainage is inadequate and as such the proposed development would appear inappropriate.

Councillor Frost requested that the application be heard before Planning Committee on the basis that:

- There is significant public interest;
- The site was proposed to be used for recreation;
- The status of the access to the site;
- The proposal would be over water holding tanks.

f) The Site and Proposal

1. The application site is located within the urban settlement boundary of Deal and consists of a piece of open land adjacent to the existing residential properties to the south of the close. The site is a rectangular piece of land which currently in use for storing building materials, however in a previous planning application (ref: 04/00261) it was allocated for use as a children's playing area, although a more recent application has seen this allowed to be used as open space. The surrounding area is predominately residential apart from immediately to the east and west of Friends Close are two storage yards.
2. The dwellings on Friends Close are 2 and 3 bed properties, and all of two storey, as are the majority of the properties within the wider vicinity. The pavements along Friends Close are unfinished leading to them being uneven and unusable for disabled residents or pram users – a complaint that numerous objectors have raised through the consultation process.
3. The site falls under Flood Zone 2 and 3 according to Environmental Records, as does much of the central area of Deal.

The Proposed Development

4. The proposed development seeks planning permission for the erection of a single 3 bedroom detached dwelling. The proposed dwelling would be finished in white render with brick detailing and have a slate effect pitched roof and 2 car parking spaces to the rear.
5. The building would have a maximum width of 8.1metres, a depth of 8.4metres, and a height of 8metres (to ridge). The property would be set back approximately 6metres from the edge of the highway (to the front) and 10metres to the edge of the highway to the side. Existing car parking spaces would lie between the property and the highway to the south (side). The property would have a rear garden of a depth of approximately 11 metres which would be relatively consistent with the neighbouring properties.

Assessment

Principle of Development

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
7. The NPPF states that any proposed development that accords with an up-to-date Local Plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a

presumption in favour of sustainable development and for decision taking this means approving development that accords with the development plan.

8. The site is currently an open piece of land used to store a small amount of building materials as well as being slightly overgrown. It is within the development of 19 dwellings (ref: 04/00261) which permitted the construction of the dwellings which form Friends Close. The area was previously conditioned to be a children's play area, however, further permissions have been granted which have seen this given over as open space within private ownership (DOV/04/00261/C).
9. The Council do believe that the provision of open space is important within urban areas, and as such would ordinarily be reluctant to permit any application that would result in its loss. However, this open space, which was originally set aside for a small play area, has never be used for this purpose, and there is now no prospect of this taking place due to land ownership (i.e. it not falling within the control of a management company). This loss has already been agreed through the granting of non-material amendment DOV/04/00261/C). It should also be noted that the North Deal Recreation Ground is approximately only 0.3km away from the proposed site that local residents can use.
10. The key considerations for this application are therefore whether the proposal would result in any visual harm, or any harm upon the residential amenity of the neighbouring occupiers.

Visual Impact

11. It is important to first consider whether the loss of the existing land (as open space) would be to the detriment of the character and appearance of the locality. At present the site is overgrown with building materials stored to the rear. The appearance of the site currently therefore detracts from the character and appearance of the locality. That said, should the site be cleared and fully landscaped, then there would be some benefit to the area – so I afford its current state very little weight.
12. That said, this is a relatively small site, and it is considered that because of its location, at the end of the cul-de-sac, the benefits of the open space would be limited (it is not of a scale to draw residents from beyond the very immediate vicinity). With this in mind, the loss of the open space would have a limited effect and would not be particularly harmful to the character and appearance of the area, subject to the design of the proposed building being of a suitable scale and design for this locality.
13. In this regard, the proposal has been designed to replicate the design of the properties that have been constructed within the cul-de-sac. With this in mind, no objection is raised to the proposal. It would sit well within the street scene and would not look out of place.
14. Perhaps more importantly, is the consideration as to whether the proposal would result in a cramped form of development. The proposal would result in a detached dwelling that would be set off the boundary with number 3 by two metres and a separation distance from the highway of six metres. When assessing this against the existing pattern and grain of development within the vicinity this appears comparable and it is therefore considered that this would not appear as incongruous when viewed from within the street.

Residential Amenity

15. The proposed dwelling would be located alongside number 3 Friends Close, and would be side on, with no windows proposed on the side elevation. The existing property does have two side facing windows, neither of which serve habitable rooms. Whilst this proposal would result in a loss of light to these windows, it is not considered that this would be to the detriment of the existing occupiers.
16. The position of the dwelling would also ensure that the proposal would not have an adverse impact upon the rear amenity space of this rear garden. There would be no unacceptable overlooking of this amenity space, nor any overshadowing/loss of light.
17. Whilst concerns have been raised with regards to an additional building within the Close, it is not considered that it would have a detrimental impact upon residential amenity.

Highways

18. The proposed dwelling would be provided with two off street car parking spaces, to the rear. This is considered to be an appropriate level of car parking provision for a dwelling of this scale, and as such there are no objections raised with regards to the impact upon highway safety.
19. The matter of the unfinished footpaths and highway within the existing development has been raised by a number of local residents. This matter is however not material to the consideration of this application. However it is noted that as a gesture of goodwill the applicant has submitted a Unilateral Undertaking which would require the existing roads and footpaths to be completed within three months of the first occupation of the dwelling if a planning permission is granted. This undertaking is not a material consideration as it is not considered necessary to make this development acceptable, and cannot be taken into account in determining the application. The undertaking would however be binding and enforceable.

Other Matters

20. In terms of flood risk, the submitted FRA details that the evidence provided can be used to demonstrate that the risk is significantly lower than that depicted by the coarse Environment Agency Flood Zone Map. The Environment Agency were consulted on this application, and have reviewed the submission, and are satisfied that this application can be approved subject to the imposition of a condition controlling the internal floor level of the building.

Conclusion

21. This application would see the loss of an area that was previously designated as open space. However, given the planning history on this site, it is now considered that the loss of this space would not have a detrimental impact upon either the character and appearance of the locality, nor upon the availability of appropriate open space for occupiers of the development. With this in mind, and the acceptability of the design, and impact upon residential amenity, it is concluded that this development is acceptable, and it is therefore recommended that

Members give this application favourable consideration and grant planning permission subject to the conditions set out below.

g) Recommendation

- I Planning permission be granted, subject to conditions set out to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) details of materials to be submitted iv) details of cycle and refuse storage; v) any conditions requested by KCC; vi) any conditions requested by KCC Archaeology vii) any conditions requested by the Environment Agency.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins

EXTRACT FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 23 MARCH 2017

Members were shown plans and photographs of the application site. The Planning Consultant advised that the application site was within a development granted planning permission in 2004. Under that permission the application site had been conditioned as a children's play area, but a recent application had seen it allocated as an area of open space. Concerns had been raised by residents about the loss of the play area and the fact that the highway and footpaths within the existing development had not been completed to an adoptable standard.

The principle of development was acceptable, as was the design of the dwelling which would be similar to properties nearby. The turning head would be maintained, and there were no concerns regarding overlooking or overshadowing. Concerns had been raised over the existence of tanks beneath the site which the applicant had indicated would be moved. The applicant had submitted a unilateral undertaking to complete the roads and footpaths to an adoptable standard within three months of the first occupation of the dwelling. However, the undertaking was not a material planning consideration as it was not necessary to make the development acceptable and, therefore, did not meet Regulation 122 of the Community Infrastructure Levy. The development would cause no demonstrable harm, was in a sustainable location and therefore, on balance, approval was recommended.

Councillor Gardner commented that the Council had let the residents of Friends Close down. Not only had they been promised a play area which had never materialised, but their highways and footpaths had never been completed either. He disliked the idea of building on land which had originally been designated as a play area and then open space. However, there would be a benefit in granting permission in that the applicant had provided an undertaking to complete the road and footpaths. Without this benefit he could certainly not support the application.

Councillor Bond referred to the history of the site which he regarded as relevant to the consideration of the current application. He queried why the Environment Agency (EA) had previously objected to development on the site, but now raised no objections. The applicant had advised that the underground attenuation tanks were to be relocated, but further information was needed on where they would go. He also queried who was responsible for surface water drainage in Friends Close given that the road had not been adopted by KCC. In such circumstances, the Local Planning Authority had no powers to enforce drainage. Finally, he questioned the value of the unilateral undertaking which could not be enforced should the applicant fail to uphold the agreement. He proposed that the application should be deferred for further information.

The Chairman agreed that further information was needed about on and off-site drainage, particularly how the tanks would be re-sited and maintained. He was also interested in knowing why the EA had changed its position on development at the site.

The Planning Consultant stressed that Members should assess the application as if the unilateral undertaking had not been offered. It was clarified that the undertaking

would require the applicant to undertake works to the road before the dwelling was occupied. This legal agreement would accompany the planning permission and, in Officers' opinion, should be enforceable. However, if the application were refused, the Council had no powers to address what was an unsatisfactory situation.

Members were advised that they should also consider whether the loss of open space would result in harm. At the present time there was no information available on where the tanks would go. It was clarified that if the road had been built to an adoptable standard, responsibility for surface water drainage would fall to KCC.

In response to Councillor G Rapley who stated that the Council had a duty in respect of play area provision, the Chairman advised Members that they would need to consider what, if any, alternative play areas were available in the vicinity. He recognised that the Committee should assess the application without the undertaking, but argued that this would influence its decision nevertheless.

The Chairman emphasised that the Committee must consider the application on its own merits. If Members were minded to refuse the application on the grounds of loss of open space, they were required to assess the evidence and consider why its retention was important. Officers' advice indicated that the unilateral undertaking was enforceable and therefore a significant benefit of the application.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/00530 be DEFERRED for further information from the applicant on the following: i) Surface water and foul drainage and relocation of attenuation tanks; and ii) The availability of open space nearby, evidence of which will aid Committee members in considering whether the loss of designated open space is justified.

(Councillor D P Murphy withdrew from the Chamber during consideration of this application)



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2016

Note: This plan is provided for purposes of site identification only.

Application: DOV/16/01356

Land and access

Monkton Court Lane

Eythorne

CT15 4BH

TR28784914



a) DOV/16/01356 - Change of use of land for the keeping of horses, the formation of a vehicle access and the erection of a gate (retrospective application) - Land at Monkton Court Lane, Eythorne

Reason for report: Because of the number of contrary views (18).

b) Summary of Recommendation

Planning permission be approved.

c) Statutory Requirements, Planning Policies and Guidance

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Council Core Strategy (2010)

Policy DM1 (Settlement Boundaries) states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if it functionally requires such a location.

Policy DM11 (Managing Travel Demand) Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.

Policy DM15 (Protection of the Countryside) Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:-

- i. In accordance with allocations made in Development Plan Documents, or
- ii. justified by the needs of agriculture; or
- iii. justified by a need to sustain the rural economy or a rural community;
- iv. it cannot be accommodated elsewhere; and
- v. it does not result in the loss of ecological habitats.

Policy DM16 (Landscape Character) Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Dover District Council Local Plan (saved policies) (DDLDP)

Policy DD21 (Horse Related Development) will be granted provided:

- i. It provides for the safety and comfort of horses in terms of the size of the accommodation and land for grazing exercise.
- ii. Ease of access to suitable riding country can be demonstrated;

- iii. Buildings are of a high standard of design and do not adversely impact the character of the area, appearance of the countryside or historic areas.
- iv. The nearby amenity of neighbours are not adversely affected.

Land Allocations Local Plan (LALP)

None relevant to this proposal.

Worth Neighbourhood Plan

None relevant to this proposal.

National Planning Policy Framework (NPPF)

Paragraph 6: Recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7: Outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14: states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 58: states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 109: of the NPPF states that the planning system should contribute to and enhance the natural and local environment.

Paragraph 112: states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

Paragraph 132: of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

Paragraph 133: where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.

Paragraph 134: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137- states that Local Planning Authorities should look for opportunities to for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.

d) **Relevant Planning History**

The sites planning history is listed below:

14/00477: Erection of 20 dwellings with associated car parking, access, garaging and landscaping. Appeal Dismissed.

16/00675: Outline application for the erection of a detached dwelling (with all matters reserved). Land adjacent to 2 Kennel Hill, Eythorne, CT15 4BQ. Refused.

e) **Statutory Consultee and Third Party Comments**

KCC Highways responded by saying that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Environmental Health had no observations or comments to make on the application.

Eythorne Parish Council strongly object to the application due to concerns over a previous application made by Pentland Homes in 2014 for an application for the erection of 20 dwellings with associated access and landscaping. The Parish feel that changing the use of the land for the grazing of horse would downgrade the level of agricultural land (currently grade 1). The overriding implications voiced by the Parish are that the applicant is attempting to 'shape the site' in order to facilitate future development unrelated to the keeping of horses.

Agricultural Advisor comments that the land appears to have been used for grazing for many years, rather than any more intensive agricultural use. There appears to be no detailed report of the agricultural quality of the land, but in any event this retrospective application for the change of use to the keeping of horses would not, of itself, represent any permanent or irreversible development, such that the land could not revert to an agricultural use, if so required. Consequently it is not considered that the proposal would represent a significant loss of agricultural land, in terms of the relevant advice in paragraph 112 of the NPPF.

Representations

A site notice was displayed notifying neighbours and local residents of the proposed development. A total of 18 responses were received which all object to the application. The reasons for objection are outlined below:

- Loss of the best and most versatile agricultural land;
- Concerns over the access in term of highway safety and whether it is needed given the use of the land and the existing access;
- Applicant is "shaping the ground" for a future bid for residential development on the site. For example, by attempting to lower the agricultural grade and soften the sites eastern boundary with hedging to essentially expand village confines;
- Anxiety over future use of the site in light of previous planning history;
- Lack of community engagement from the applicant with regards to their intended use with the land;

- Inaccuracies present within the application, particular reference is made to hedgerows and trees on site.

f) The Site and the Proposal

The Site

1. The application site comprises an irregular rectangle shaped parcel of land on the east side of Monkton Court Lane, located outside of the built confines of Eythorne and adjoining the Eythorne conservation area.
2. The land is an undeveloped green field site classified as grade 1 agricultural land which forms the start of a clear distinction between the edge of the village of Eythorne and open countryside.
3. The application site is situated opposite residential dwellings on the west side of Monkton Court Lane, and adjoins further residential development on Kennel Hill beyond its southern boundary.
4. This application is retrospective and the site is currently used for the keeping of horses and the new access and gate is in use.

The Proposal

5. The application seeks retrospective planning permission to change the use of the land for the keeping of horses. The application also seeks permission for the creation of a new access and gate, which is also retrospective.

Main Issues

6. The main issues in the determination of this planning application are as follows:
 - The principle of development;
 - The impact on the countryside;
 - Heritage impact;
 - The impact on residential amenity;
 - Suitability of the site for keeping horses;
 - Access and Highways.

Assessment

Principle of Development

7. The application site comprises undeveloped land located on the eastern edge of the village confines of Eythorne. The Eythorne conservation area is situated to the south west of the application area and adjoins the south west corner of the site boundary. The proposal seeks retrospective planning permission to use the land for the keeping of horses and the formation of a vehicular access.
8. Policy DM1 states that development will not be permitted outside of the defined settlement boundaries unless the proposal is justified by other development plan policies or if it functionally requires such a location. In this

case, the keeping of horses is best suited to and functionally requires a rural location.

9. Policy DD21 of the Dover Local Plan saved policies states that horse related development will be granted provided that; the site is safe and of a suitable size; it is easy to access suitable riding country and; the character of the area and neighbouring amenity is not adversely affected as result. It is considered that the site allows space for horse related development in line with development plan policy DD21.
10. Officers note that the site is grade 1 agricultural land, however this is not considered to be an issue in this instance as the grade of land is easily reversible from the keeping on horses. There is therefore no conflict with Paragraph 112 of the NPPF. This has been confirmed by the Councils agricultural advisor.
11. In light of the above, officers consider the principle of keeping of horses on this site to be acceptable, with planning permission subject to the proposal adhering with the requirements outlined within policy DD21 and the other material considerations set out below.

Impact on Character and Appearance of Countryside and Landscape

12. The site is in a rural location outside of the village confines of Eythorne and is characterised by sporadic residential development, open countryside and agricultural land.
13. Policy DM15 of the Core Strategy outlines how development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
 - i. In accordance with allocations made in Development Plan Documents, or*
 - ii. justified by the needs of agriculture; or*
 - iii. justified by a need to sustain the rural economy or a rural community;*
 - iv. it cannot be accommodated elsewhere; and*
 - v. it does not result in the loss of ecological habitats*
14. The keeping of horses functionally requires a rural location and is therefore acceptable as a matter of principle, in line with the requirements of policy DM1 as well as DM15. The development would also not interfere with or result in a loss of ecological habitats. The use of the land for the keeping of horses is a therefore considered to be a compatible use in the rural area.
15. Policy DM16 of the Core Strategy sets out how development that would harm the character of the landscape will only be permitted if:
 - i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or*
 - ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.*
16. The use of the land for the keeping of horses upholds the rural character of the area given that that the openness of the countryside is retained. The

keeping of horses is also a rural land based activity and therefore is an acceptable use of the site.

17. The agricultural buildings on site operate ancillary to the use of the land and are screened by mature vegetation along the western boundary, which minimise visual impact.
18. In light of the above, officers are satisfied that the change of use of the land for keeping horses is a suitable use of the land in this location and does not have an adverse impact on the character and appearance of the countryside or neighbouring conservation area, in line with Core Strategy policies DM15, DM16.

Heritage Impact

19. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal.
20. The Eythorne conservation area boundary adjoins the south-west corner of the application site, which extends to the west, away from the application site and south into the countryside. The conservation area begins on the southern corner of Monkton Court Lane and area incorporates a number of properties along 'The Street' stretching westward.
21. Views of the application site from the conservation area are limited, however the change of use of the land has not considerably changed these views and therefore it is not considered that there is any harm to the character and appearance of the conservation area. In this instance, the impact is considered to be neutral.

Impact on Residential Amenity

22. Policy DD21 states that horse related development will be permitted provided that there is no adverse harm on the residential amenity of neighbouring occupants. Likewise, paragraph 17 of the NPPF seeks to ensure that a good level of amenity is secured for all existing and future occupants of land and buildings.
23. The change of use of the land for the keeping of horses has not adversely affected the outlook of neighbouring residential dwellings. The presence of horses on site is the only notable change to the site, which is not considered to be unacceptably harmful to amenity.
24. Officers have read and understood the concerns raised by local residents with regards to the unpleasant smells that may arise. However, there is adequate space between the residential development and the land used for the keeping of horses. Environmental Health were consulted on the application and did not raise any concerns on this matter. Details of the muck heap location and disposal of waste will be secured by condition.

25. In light of the above, I am satisfied that the change of use of the land for keeping of horses has not resulted in harm to the neighbouring amenity of residents.

Suitability of Site for Keeping Horses

26. Policy DD21 states that horse related development will usually be permitted. However, for permission to be granted, sites for the keeping of horses must be safe, of a suitable size and have good access to riding country.
27. The site comprises 1.8 hectares (approximately 4.5 acres) of undeveloped land, which offers more than acceptable space for the keeping of horses. The site is enclosed by mature planting and a gate is installed to ensure that the horses are securely contained within the site. Good access to suitable riding country is provided.
28. The applicant has not submitted any information confirming how many horses are kept on the land. The British Horse Society sets out guidelines for the provision and grazing of horses, and states that average pasture will maintain approximately two horses per hectare as permanent grazing (1-1.5 acres per individual), provided that good pasture management is employed.
29. A condition will be imposed to the permission to ensure that the number of horses kept at the site is limited to 1 horse per acre, which is a maximum of four horses.
30. With the above in mind, it is considered that the sites characteristics conform to the requirements of Policy DD21.

Access and Highways

31. Access to the site is served by a vehicle crossover on Monkton Court Lane, which is concealed by a wooden gate measuring 3.5 metres in width and 1.25 metres in height.
32. KCC Highways were not required to comment on the application given that it does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.
33. Policy DM11 states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
34. The site is outside of the settlement confines of Eythorne and the use of the site for the keeping of horses will generate some vehicle movements. However, as discussed previously the location of the site is justified because of functional requirements and also in line with Policy DD21. In any event, the number of vehicle trips generated will not have an unduly adverse impact on the existing highway network and the existing road infrastructure would be able to accommodate this.
35. The vehicle crossover from Monkton Court Lane, allows appropriate visibility splays and an entry point large enough to accommodate vehicles travelling to and from the site.

36. Officers are satisfied with access arrangements onto the site and that the change of use will not have an adverse impact on the highway network. The change of use therefore accords with Policy DM11 of the Core Strategy.

Conclusion

37. In summary, a change of use of this site does not cause harm to the character of the countryside or conservation area, does not harm the neighbouring amenity of residents and offers safe and suitable accommodation to horses. The change of use therefore accords with policies; DM1, DM11, DM15, DM16, DD21 as well as the aims and objectives of the NPPF, subject to appropriate management of the site.

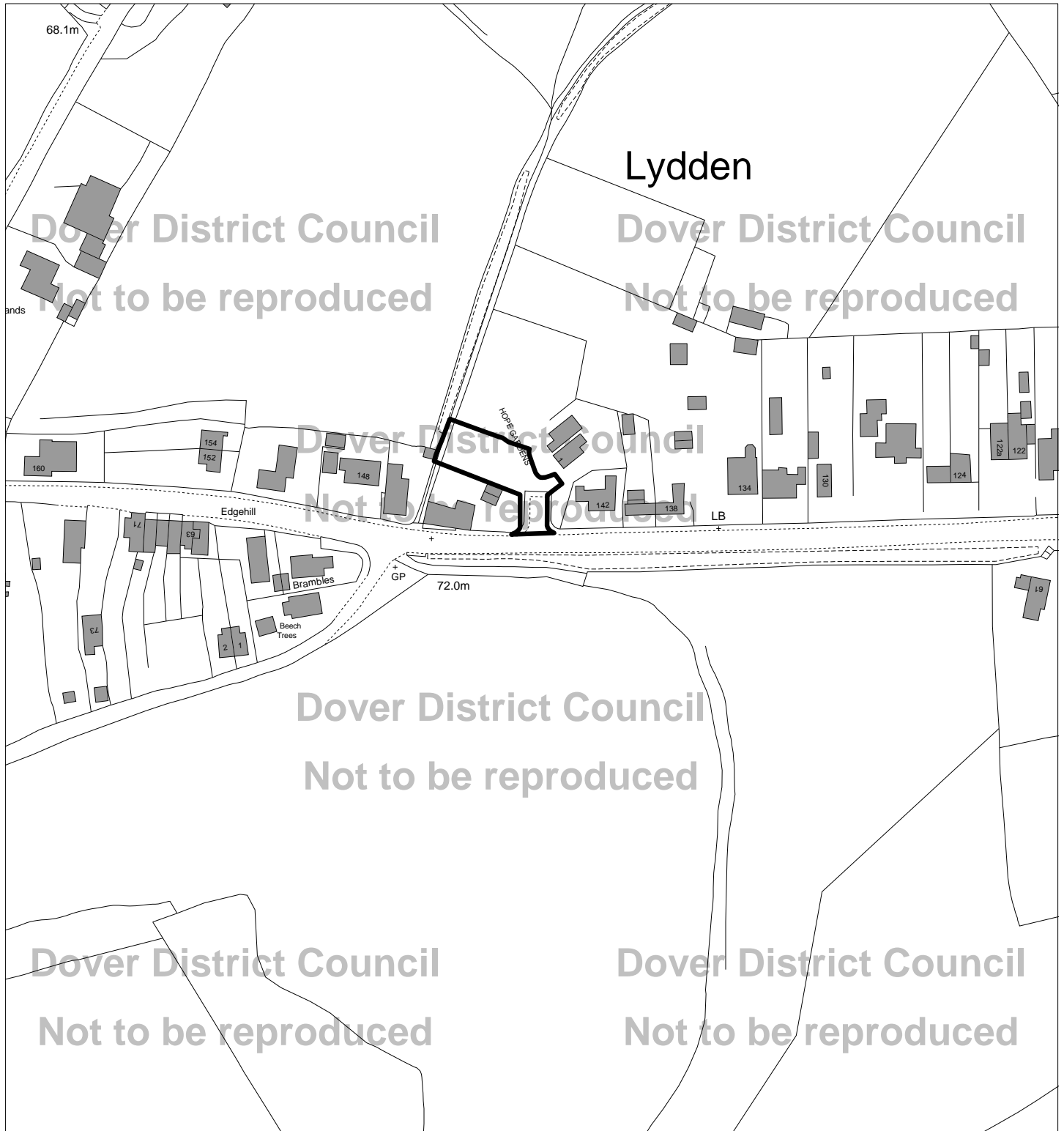
Recommendation

Grant planning permission subject to conditions to include:

- I i) carried out in accordance with the approved drawings; ii) to temporary structures; iii) storage and disposal of manure; iv) used for private use only; v) maximum number of horses.
- II Powers delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2017

Note: This plan is provided for purposes of site identification only.

Application: 16/01342

Land adjacent to the Hope Inn

Canterbury Road

Lydden

CT15 7ET

TR 6364 5427



- a) **DOV/16/01342 - Reserved matters application for siting, design, appearance, access and landscaping pursuant to outline permission DOV/14/00494 for the erection of a detached dwelling and construction of a vehicular access - Land adjacent to the Hope Inn, Canterbury Road, Lydden**

Reason for report: Referred to Committee due to the level of public interest.

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy:

Policy DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

Policy DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is the presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development; economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report.
- Paragraph 17 sets out 12 core principles which amongst the others seek to secure high quality design and a good standard of amenity for all existing and future residents.
- Section 1 sets out the needs of building a strong, competitive economy.
- Section 6: Delivering a wide choice of high quality homes
- Section 7: Requiring a good design
- Section 11: Conserving and enhancing the natural environment.

National Planning Policy Guidance

This provides guidance relating to matters contained within the NPPF.

d) **Relevant Planning History**

The relevant history is summarised below:

DOV/06/0338 – Erection of 5 dwellings and the erection of a detached building for 4 holiday apartments, public house car park and alterations to existing vehicular access – Refused.

DOV/07/0241 - Erection of 5 dwellings, public house car park and alterations to existing vehicular access – Refused.

DOV/09/00645 - Erection of four dwellings, public house car park and alterations to existing vehicular access – Withdrawn.

DOV/10/00486 - Partial demolition of existing single storey side extension – Granted.

DOV/10/0488 - Erection of four dwellings and construction of vehicular access, together with car parking for the public house – Granted.

DOV/13/00604 - S73 to vary Condition 2 to change plots 1 and 2 from a semi detached pair into two detached dwellings and alterations to the parking layout – Granted.

DOV/14/00249 - Erection of two detached dwellings and creation of vehicular access – Granted.

DOV/14/00493 - Related case – adjacent to this application site and elsewhere on papers – change of use and conversion to a single residential dwelling, erection of a detached garage and construction of a vehicular access.

DOV/14/00494 - Outline application for the erection of a detached dwelling and construction of a vehicular access – Granted.

e) Third Party and Consultee Comments

Kent County Council Highways – No comment.

KCC Public Right of Way – No comment.

The Parish Council were consulted and objected to the proposal on the following grounds:

- The Parish Council are aware that outline planning consent has already been granted for this site, however oppose to the type of dwelling that has been proposed as part of this Reserved Matters application.
- Residents living alongside the proposed build have already expressed their concerns related to the size of the property, the location of the windows and the fact that it will have a detrimental effect on their well-being.
- The plot is relatively small and the current design comes almost to the boundaries. During the building phase there will also be considerable inconvenience caused to the residents of the neighbouring properties.
- The impact of this build would be detrimental to the village.
- The increased vehicle traffic would also impact considerably on this already busy area. In conclusion the Parish Council would urge the officer to request that the applicant makes significant amendments to the proposed build, that are more in keeping with the size of the plot and taking account of the neighbouring properties.
- Following discussions with Officers, the scheme was amended in order to reduce the scale and bulk of development. The Parish Council were reconsulted and continued to object to the development by virtue of the height of the dwelling and overdevelopment on site.

The application was advertised and then re-advertised with the submission of amended plans. To date, a total of 20 letters of representation have been received, 11 objection and 8 in support.

The letters of objections are summarised below:

- Area is at capacity and cannot fit anymore development within it.
- Small plot not suitable for a dwelling and the proposed dwelling is too large for plot.
- Limited green space and create an urban feel to the area.
- Development would be cramped and overdeveloped.
- Balconies on plots 3 and 4 will cause overlooking issues for future residents.
- Disruption during construction.
- The dwelling would invade privacy by overlooking and the dwelling would appear overbearing.

The letters of support are summarised below:

- Sympathetically designed dwelling that fits within the area.
- The development needs this property to complete the space and would complete the development.

The Site and Proposal

1. The application site relates to the retained car park area immediately to the rear of the former Hope Inn Pub building, which is been converted to a four bedroom dwelling under planning permission (DOV/14/00493).
2. The site is rectangular in shape, curving round to the north east corner. A public footpath runs alongside the western boundary of the site, bound by a row of Sycamore, Ash and field Maple trees along the footpath. In terms of topography, the land slopes down to the north and due to the slope and the trees along the public footpath, the site is not readily seen from along the footpath.
3. A larger car park area originally adjoined the pub to the east, however planning permission was granted for four 2 storey detached units on this land (ref DOV/10/00488). This development has now been completed.
4. The application site has outline planning permission for a 4 bedroom dwelling, including a detached garage and access, and this application seeks approval of the reserved matters of siting, design, appearance, access and landscaping
5. During the life of the application and following discussions with the Council, the plans have been amended in order to reduce the scale, bulk and mass of the proposed dwelling.

Main Issues

6. The main issues for consideration in the determination of this application are:

- Principle of Development
- Siting
- Design and Appearance
- Access
- Landscaping

Assessment

Principle of Development

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
8. The principle of developing this site for the erection of one dwelling has been established through the approval of outline permission DOV/14/00494. This application cannot readdress the principle of development, but can only consider the matters not considered at the outline stage, in this case, matters of siting, design appearance, access and landscaping.
9. In this regard, a number of objections relate to the principle of development and the principle of a new dwelling on site, however as stated above, the principle of a new detached dwelling has been established and this application relates to the detail of development. The reserved matters are considered below.

Siting

10. The proposed indicative plans submitted as part of the outline application showed the proposed dwelling situated between the former Hope Inn and the dwellings approved as part of DOV/10/00488, accessed off the shared access road for the existing approved development, with a garden area to the rear. This was to ensure the proposal would not encroach any further into the open countryside, impact existing mature trees along the western boundary or impact the character of the area.
11. Likewise, the indicative plans as part of the outline showed the dwelling and detached garage facing onto the proposed shared access road, positioned to follow the building line of the approved detached garage as part of permission DOV/14/00493.
12. The currently proposed dwelling is situated in a similar position to that envisaged at the outline stage, with surface parking provided to the front of the dwelling, and garden space to the rear, however in order to reduce the sprawl and amount of development, the garage is now attached to the dwelling and moved off the southern boundary.
13. We note that a number of objections relate to the amount of development on site and suggest that the resultant development would result in a cramped and overdeveloped site, however the proposed development is of similar size to that envisaged at the outline stage and the garage is now attached to the dwelling. The proposed dwelling has a reasonable sized garden within the plot and is situated sufficient distance from the site boundaries. As such there is not considered to be any reasonable grounds to refuse on the basis of overdevelopment.
14. In terms of impact on residential amenity, the dwelling is situated at a sufficient distance from surrounding properties and is positioned to face onto the shared access road, beyond which is Canterbury Road; as such the proposed development is not considered to directly overlook any neighbouring properties. The north elevation facing onto plots 3 and 4 approved under permission DOV/10/0488 has no windows within the first floor to ensure no overlooking, and a 1.8m timber close boarded fence is proposed around the northern boundary to ensure no visual intrusion at ground floor level. The first floor window on the rear elevation serving bedroom 4 is not considered to cause significant overlooking issues to residents of the former Hope Inn as identified by the 45 degree line of

view on the proposed block plan, and the window serving the ensuite is obscure glazed. The south elevation facing onto the former Hope Inn has one first floor window; this serves the ensuite of bedroom 3 and is proposed to be obscure glazed to ensure no visual intrusion issues arise. Furthermore the existing 1.8m timber fence is to be retained between the existing and proposed dwelling to ensure no overlooking from the ground floor or garden area.

15. As such accordance with paragraph 17 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and building, by virtue of the siting, sufficient separation distance, positioning of windows, use of obscure glazed (which will be conditioned) and boundary treatments, the proposed development is not considered to result in overlooking, loss of privacy or visual intrusion that would harm the amenity of future or neighbouring properties.
16. In summary, the siting of development complies with that proposed at the outline, and as such is considered entirely acceptable.

Design and Appearance

17. Paragraph 58 of the NPPF states planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Likewise developments should be visually attractive as a result of good architecture and appropriate landscaping.
18. The proposed dwelling is a two storey detached property of red brick and white timber clad (to match exterior of the former Hope Inn building) construction, with clay tiled hipped roof. The front elevation comprises a single lead gable end, with the remaining frontage set back from this.
19. Whilst some consultees have raised with regards to the height of development, during the determination of the outline planning application, the Council accepted that a two storey dwelling of approx. 7m in height is appropriate. It would be slightly lower than that of the Hope Inn building and given the slope in the land it was considered that a dwelling of this height would be acceptable, subject to suitable design.
20. The proposed dwelling is two storey dwelling, with a ridge height of 7.775m. The height of development is similar to that considered appropriate at the outline stage, and the front gable end reflects the form of dwellings to the rear of the site and is therefore considered appropriate. Furthermore as illustrated on the street scene plan, the proposed dwelling is lower than the former Hope Inn, and therefore it would be hard to refuse planning permission on the basis of height.
21. In terms of appearance the proposed palette of materials is considered appropriate, and reflects surrounding development.

Access

22. Access to the site will be achieved via the existing shared access off Canterbury Road which was constructed under planning permission DOV/14/00493. This is an existing access and is considered acceptable to serve the proposed dwelling.

23. In terms of parking, policy DM13 states that the provision of parking should be a design led process, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking. This confirms that four bedroom dwellings in village locations require a minimum of 2 independently accessible car parking spaces.
24. The proposed development provides 3no. car parking spaces, one accommodated in the integral garage and the other two on the designated off street parking area to the front of the dwelling. As such adequate and appropriate car parking has been provided in line with local policy.
25. Kent County Council were consulted and made no comments, and therefore from a highway point of view, the proposed means of parking and access is considered acceptable.

Landscaping

26. In terms of boundary treatments, the existing 1.8m timber close boarded fence along the southern boundary will be retained between the proposed dwelling and the converted Hope Inn. A 1.8m timber close boarded fence is proposed along the western and north boundary of the site to provide a private rear garden and retain privacy between the proposed development and dwellings to the north of the site. The eastern boundary will be partially fencing with a low 1.2m timber close boarded fence along the front garden, with the majority of this frontage remaining open.
27. In terms of landscaping treatment, the front and rear gardens will be laid to grass, with one new tree proposed within the rear garden, as induced on the landscaping plan. The patio will be covered in grey stone pavers to match those used around the former Hope Inn. The proposed driveway to the front is proposed to be laid in grey block pavers to reflect the surrounding surfaces.

Conclusion

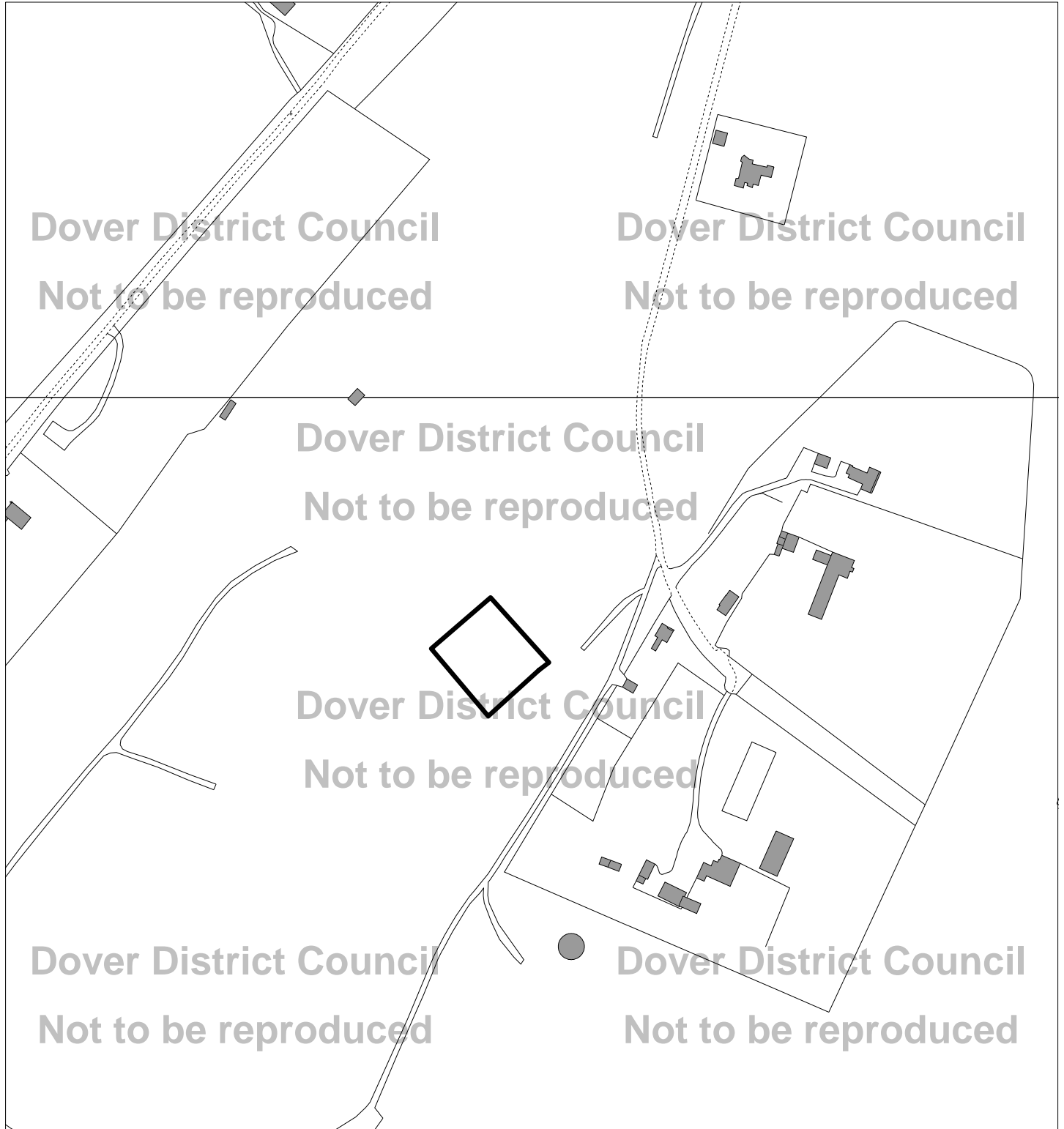
28. The proposed development complies with the principles established at the outline stage and for reasons set out above is acceptable by means of siting, design appearance, access and landscaping It is therefore recommended planning permission be granted subject to the following conditions.

Recommendation

- I Grant planning permission subject to conditions to include:
- 1) Time limits (reserved matters)
 - 2) Plans in accordance
 - 3) Obscure glazing windows
 - 4) Parking be used for parking
 - 5) Boundary treatments be retained
 - 6) Drainage details prior to commencement
 - 7) Limit working hours
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary matters and conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2017

Note: This plan is provided for purposes of site identification only.

Application: 16/00924

Walmer and Kingsdown Golf Club

The Leas

Kingsdown

CT14 8EP

TR7509 6867



- a) **DOV/16/00924 - Erection of a green-keeper's maintenance building incorporating toilet and rest-room and the construction of a wash-down facility, associated hardstanding and landscaping - Walmer and Kingsdown Golf Club, The Leas, Kingsdown**

Reason for report: The number of contrary views.

- b) **Summary of Recommendation**

Refuse Planning Permission

- c) **Statutory Requirements, Planning Policies and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF) 2012

Paragraph 6: recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7: outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14: states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 28: outlines how planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 56: emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 109: The planning system should contribute to and enhance the natural and local environment.

Paragraph 114: states that local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast, and improve public access to and enjoyment of the coast.

Paragraph 115: great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

Paragraph 118: outlines the principles that the LPA must follow when determining planning applications and the subsequent impact on biodiversity.

Dover Core Strategy (2010)

Policy CP1 (Settlement Hierarchy) The location and scale of development in the District must comply with the Settlement Hierarchy.

Policy SP7 (Green Infrastructure Network) The integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy.

Policy DM1 (Settlement Boundaries) Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

Policy DM3 (Commercial Rural Buildings) states that permission for new commercial development or the expansion of an existing business in the rural area will be given provided that certain criteria are met.

Policy DM11 (Managing Travel Demand) Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.

DM15 (Protection of the Countryside) Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

DM16 (Landscape Character) Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Local Plan Saved Policies (2002)

Policy C05 (Undeveloped Heritage Coast) Development will only be permitted under very specific circumstances. Development will not be permitted if it would adversely affect the scenic beauty, heritage or nature conservation value of a Heritage Coast or the undeveloped Coast.

Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

Policy LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

Policy LLC6 The improved awareness and appreciation of all the special qualities of the AONB landscape and its conservation to people who influence the future of, live, work in or visit the AONB will be pursued

Policy BD1: The maintenance and enhancement of existing designated sites and priority habitats, their extension and connection, will be pursued through sensitive management, fragmentation reduction and restoration.

Policy BD5: The protection, conservation and extension of Kent Downs's priority and distinctive habitats and species will be supported through the Local Plan process,

development management decisions and the promotion of the Biodiversity Duty of Regard (NERC Act 2006).

Supplementary Planning Documents and Guidance

The Kent Design Guide

Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

d) Relevant Planning History

An application was submitted in 2015 seeking full planning permission for the erection of a green keeper maintenance building incorporating toilet and rest room and the construction of a wash down facility, associated hardstanding and landscaping (ref: 15/00491). The Council refused the application for the following reason:

1. *The proposals, by virtue of the scale, form, siting, location and appearance in the Kent Downs AONB and Heritage Coast and its close proximity to the Dover to Kingsdown Cliffs SAC and the Dover to Kingsdown Cliffs SSSI, would introduce an inappropriate, intrusive and harmful form of development into a part of the district that is renowned for its natural beauty and character, which would cause adverse effects to designated ecological sites of international importance, thereby being contrary to Dover District Local Plan policy CO5, Core Strategy policies DM15 and DM16, the aims and objectives to NPPF paragraphs 17, 56, 64, 109, 114, 115 and 118, in particular and policies LLC1 and LLC6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.*

An appeal was then lodged by the applicant. The inspector dismissed the appeal and upheld the Council's decision to refuse planning permission.

Further planning history relevant to this application is listed below:

- DOV/96/00969; Erection of a greenkeepers store. Refused.
- DOV/97/00965- Erection of a greenkeepers store, associated hard landscaping and alteration to vehicular access. Refused.
- DOV/98/00137- Extension to existing greenkeepers storage and maintenance store. Refused.
- DOV/98/00775- Erection of storage building to accommodate twelve golf buggies. Granted.
- DOV/98/01157- Erection of greenkeepers store and creation of vehicular access. Granted on Appeal.

e) Statutory Consultee and Third Party Comments

DDC Landscape and Ecology were consulted and said the application should be refused on biodiversity and landscape impact grounds. The comments also state that the proposal would not preserve or enhance the AONB and that a Landscape Visual Impact Assessment (LVIA) should be carried out to test the various receptors effected by the development.

Natural England were consulted and referred the LPA to the comments made on the previous application (15/00491/FULL). These comments stated that further information was required in order for the Local Planning Authority to determine whether or not the proposal would have a significant effect on any European Site and Site of Scientific Interest. They recommend that the following information is obtained.

- i. *Chemicals/oils likely to be used and stored at the proposed maintenance building for vehicle maintenance and washing; and*
- ii. *What drainage and other safeguards will be in place such that foul water and contaminants do not reach the nearby designated sites.*

Natural England advise that the applicant does not appear to have addressed these concerns.

Ringwould with Kingsdown Parish Council were consulted and object to the application for a number of. The main concerns raised were over the impact of the development on the AONB, wildlife and landscape. Not only this, the Parish suggested the applicant has more useful land at their disposal which might be more suitable.

KCC Archaeology were consulted and stated that given the sites potential to yield archaeological remains, a pre-commencement condition should be imposed requiring a programme of archaeological work.

KCC Public Rights of Way had no comments to make on the application.

The Kent Wildlife Trust were consulted but did not make any comments on the application.

Third Part Representations

A total of 18 third party representations were received in response to this application. 11 of these object to the application, whilst 7 support it.

The main concerns raised in the letters of objection are summarised below:

- the impact of the development on the AONB;
- impact on neighbouring amenities;
- impact on the environment and wildlife;
- more suitable sites could be used.

The majority of the commentators who objected to the proposed recognised the need for the golf club to upgrade their facilities.

Those who support the application, do so for the following reasons:

- facilities were in need of updating to adhere to health and safety standards;
- Requirement for a modern golf course;
- Visual impact/ harm will be minimal and could be mitigated.

f) The Site and the Proposal

The Site

1. The application site comprises an area of land (approximately 760 square metres), situated within the grounds of Walmer and Kingsdown Golf Club to the south west of the southern end of Granville Road.
2. There are a cluster of residential dwellings accessed via Granville Road which are visible from the application site, including Kentbridge Lodge and Hope Point Lodge, located roughly 50 metres to the east of the application site.

3. The site is situated in the Kent Downs Area of Outstanding Natural Beauty and Undeveloped Heritage Coast, situated roughly 380 metres west of the Kingsdown to Dover Special Area of Conservation and SSSI. The Golf Course is also a Local Wildlife Site (DO31), designated for its chalk (calcareous) grassland.

The Proposal

4. This application seeks full planning permission to erect a greenkeepers maintenance building within the grounds of Walmer and Kingsdown Golf Course. The building will incorporate a toilet, wash-down facility and associated soft and hard landscaping.
5. The building would be agro-industrial in its appearance, with roof lights and roller doors circa 2.5 metres tall. The building would be a maximum of 5 metres at its highest point, stepping down incrementally to 4.6 metres and then to 4.1 metres. The proposed building would be 24.2 metres wide and 14.5 metres deep, which equates to a built footprint of 350.9 square metres.
6. Around the building an area of hardstanding is proposed, adjacent to which lies a wash-down facility with a drainage system into an underground treatment plant. The total area of hard landscaping proposed is 408.4 square metres.

Background Information:

7. A planning application was submitted in 2015 (15/00491) which also sought consent for the erection of a greenkeepers maintenance building and wash-down facilities. Planning permission was refused in 2015 and an appeal dismissed.
8. The applicant has submitted this application with the intention of addressing the inspectors concerns, which are outlined within the appeal decision. The inspector's decision has been a material consideration in determining this planning application.

Main Issues

9. The main issues in the determination of this application are:
 - Principle of the Development;
 - Design of proposed maintenance building;
 - Impact on the character and appearance of the AONB and Undeveloped Heritage Coast;
 - Residential amenity;
 - Ecology and biodiversity;
 - Archaeology;
 - Highway Impact;
 - Other Matters.

Assessment

Principle of Development

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
11. The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material

considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.

12. Policy DM1 of the Core Strategy states that development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
13. Moreover, paragraph 28 of the NPPF outlines how planning policies should support a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise. Policy DM3 of the Core Strategy states that permission for new commercial development or the expansion of an existing business in the rural area will be generally be granted. In all cases development should be within rural settlement confines unless it can be demonstrated that no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.
14. The application site is located outside of any defined settlements boundaries, however the propose development is for a green keepers maintenance building which will operate ancillary to the main use of the golf course. Therefore, it is considered that the development proposed functionally requires its location and is ancillary to an existing use.
15. In light of the above, it is considered that providing a greenkeepers maintenance building would support the rural community and economy because it is necessary to ensure continued success of the golf course. This was supported by the inspector within his appeal decision who states *“the facilities proposed are more appropriate to the needs of the Club, and would address health, safety and welfare concerns, as well as providing up-to-date accommodation to further the aims of economic development in the area.”* Further to this, the proposed buildings location- outside of the defined settlement boundaries- is justified by its functional requirement to be within the grounds of the golf course.
16. The principle of development is therefore considered acceptable, with planning permission subject to the consideration of other relevant development plan policies and material considerations.

Design of Proposed Maintenance Building

17. Paragraph 17 states that the need to always secure high-quality design should underpin decision-taking. Likewise, paragraph 56 refers to good design being a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.
18. The design of the proposed maintenance building needs to achieve a delicate balance between functionality and visual impact. For example, the building must be fit for purpose in terms of its size and the facilities it includes, however at the same time needs to be aesthetically pleasing in order to minimise the visual impact on the Kent Downs AONB and Undeveloped Heritage Coast.

19. The proposed maintenance building is quite a large structure being up to 5 metres in height, 24.2 metres wide and 14.5 metres deep (350.9 square metre footprint). When added to the proposed area of hardstanding, the development comprises an area of roughly 760 square metres.
20. The applicant has sought to minimise the buildings size and prominence, at least to some extent with proposed excavation works, which would sink the building into the landscape. However it is also noted that these excavation works are also required to ensure that building can be erected on a flat surface.
21. The front elevation would be clad with vertically emphasised timber cladding, giving the impression that the building forms part of the landscape, particularly as it would be sunk into the ground by some 2 metres.
22. The building would have a maximum ridge height of 5 metres, decreasing incrementally from the top left corner of the front elevation to the top right corner where the height is approximately 4 metres. The building would have a pitched roof with a staggered height, and be fitted with roof lights to ensure the building benefits from good natural light.
23. The design of the maintenance building has evolved since the application was first submitted in August 2016, and officers now consider the revised design approach and proposed landscaping scheme presents an improved solution that balances functionality with aesthetics.
24. However, the size of the building means and its exposed location means that it will appear dominant in the landscape and result in visual harm, which cannot be fully mitigated by good design.
25. The impact of the proposed building on the character and appearance of the countryside, AONB and undeveloped heritage coast is discussed in the next section of this report.

Impact on the character and appearance of the AONB and undeveloped heritage coast

26. Policy DM15 states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
 - i. *In accordance with allocations made in Development Plan Documents, or*
 - ii. *justified by the needs of agriculture; or*
 - iii. *justified by a need to sustain the rural economy or a rural community;*
 - iv. *it cannot be accommodated elsewhere; and*
 - v. *it does not result in the loss of ecological habitats.*

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

27. Walmer and Kingsdown Golf Course is a rural business and it is considered that the continued success is central to sustaining part of the local rural economy and the rural community who will use the golf courses facilities in their leisure time. The need for and importance of the proposed facility is set out by the inspector who states that *“the facilities proposed are more appropriate to the needs of the Club, and would*

address health, safety and welfare concerns, as well as providing up-to-date accommodation to further the aims of economic development in the area.”

28. However the inspector goes on to state that these aims could be addressed with a *“building that is more appropriate to its surroundings and possibly in a more appropriate location.”* The building proposed would occupy a very exposed and open part of the golf course appear as quite prominent within the landscape.
29. Therefore whilst the maintenance building does functionally require a location within the boundaries of the golf course, there is a strong case that it could be accommodated elsewhere. No evidence has been submitted by the applicant to suggest that no other suitable sites have been explored. It could be that a replacement building could be located in the position of the existing storage/maintenance building.
30. Policy DM15 also states that for development to be acceptable in the countryside it must not result in the loss of ecological habitats. As will be discussed later in this report, the proposed maintenance building, by virtue of its location would result in a loss of important ecological habitats.
31. For the reasons outlined above, it is not considered that the proposed development meets the requirements of policy DM15.
32. Paragraph 115 of the NPPF states that when determining planning applications great weight should be given to conserving should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. Likewise, paragraph 114 requires identifies that it is vital for local planning authorities to maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast.
33. Policy DM16 outlined how development that would harm the character of the landscape will only be permitted if:
 - i. *It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or*
 - ii. *It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.*
34. Saved Local Plan Policy CO5 states that development will only be permitted on the undeveloped heritage coast, if:-
 - i. A coastal location is essential and no suitable site exists
 - ii. The development is not in an area of eroding cliffs or unstable land;
 - iii. It would not result in the need for coastal protection works; and
 - iv. There is no adverse off-shore impact.
35. Additionally, on the heritage coasts, development will not be permitted if it would adversely affect the scenic beauty, heritage or nature conservation value of a heritage coast or undeveloped coast.

36. The application site falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and an area of undeveloped heritage coast, and therefore Core Strategy Policy DM16 and saved local plan policy CO5 apply:

37. The Councils landscape officer makes the following comments and observations:

“Given that the proposal is within the AONB, it is of concern that no landscape and visual impact appraisal (LVIA) has been submitted. The location is prominent and visible from a number of viewpoints used for recreation walking, horse-riding and cycling, all of which are considered sensitive receptors of visual impacts:

- *Oldstairs Road also National Cycle Route 1*
- *Public bridleway ER23 (SW from Victoria Road) and possibly as far west as Oxneybottom Wood*
- *Public bridleway ER24 (from Victoria Road towards Otty Bottom)*
- *Public Footpath ER285 (Freedown)*
- *Possibly PROW ER273 (near Oldstairs Road)*
- *Possibly PROW ER18 (adjacent to Wood Hill)*
- *Possibly PROW ER14, north of East Valley Farm, although vegetation may screen the long distance view*
- *Possibly PROW ER27, SW of barrow Mount, although vegetation is likely to screen this oblique view.*

Without an LVIA it is not possible to determine whether the proposed development would give rise to significant effects on the above receptors.

Additionally, the impact of the proposed development, including the proposed landscaping, on the local landscape character needs to be addressed through LVIA, to assess whether this would have a significant effect on its particular attributes.

It is recommended that the applicant provide a LVIA, following the Landscape Institute LVIA Guidelines, 3rd edition. Without such, the recommendation is for refusal on landscape grounds, specifically that the application does not conserve the landscape and natural beauty of the Kent Downs AONB, contrary to NPPF paragraph 115.”

38. These comments were received on the 4th January 2017, and since that time the applicant has submitted revised plans. However, it is not considered that the design measures incorporated mitigate the visual impact to an acceptable level and thus officers consider that these comments would remain unchanged.

39. In the absence of a Landscape Visual Impact Assessment (LVIA) it is not possible to understand how the applicant has arrived at the conclusion that that the siting of the building in this location is suitable.

40. Notwithstanding the above, given the exposed location of the site, it is questionable whether due consideration has been given to the location of the proposed building “to avoid or reduce” harm to an acceptable level, particularly without evidence showing that there are no other suitable sites that exist.

41. Section 4 of the Kent Downs AONB management plan contains landform and landscape character policies, including policy LLC1:

“The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.”

42. Whilst this is not a development plan policy it does give direction within the adopted supplementary guidance on how development proposals should be considered. The lack of evidence and open siting within the landscape makes it difficult to consider that the proposed development achieves the aims of policy LLC1.
43. Further to this, the prominent and dominant location of the maintenance building in the landscape would adversely affect the scenic beauty, heritage or nature conservation value of a heritage coast or undeveloped coast, contrary to saved Local Plan policy CO5.
44. Accordingly, the development proposals have not addressed the inspectors concerns and would result in a development that is incongruous and obtrusive in this sensitive location, contrary to Core Strategy policy DM16, policies LLC1 and LLC6 of the Kent Downs AONB management plan and paragraphs 114 and 115 of the NPPF.

Residential Amenity

45. Paragraph 17 of the NPPF seeks to ensure that planning decisions secure a good standard of amenity for all existing and future occupants of land and buildings.
46. The application site is located within the ground of Walmer and Kingsdown Golf Course and deliberately away from residential dwellings. The nearest dwellings are Hope Point Lodge and Kentbridge Lodge, which are situated to the west of the application site, accessed from Granville Road. The proposed maintenance building would be visible from the windows of these dwellings, however it would be cited a considerable distance away and given that the topography of the land slopes downwards away from the properties the structure would not appear overbearing or oppressive.
47. It is not considered that the operations associated with building will be harmful to the amenity of neighbouring residential occupants.
48. For these reasons, it is considered that the proposal would be contrary to the requirements of the NPPF in regard to residential amenity

Ecology and Biodiversity

49. Policy CP7 of the core strategy states that the integrity of the existing network of green infrastructure will be protected and enhanced through the lifetime of the Core Strategy. Planning permission for development that would harm the network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure.

50. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
51. The application site is located close to a European designated sites and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the Habitat's Regulations'). The application site is located 380 metres west of the Dover to Kingsdown Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSI).
52. The previous application for the erection of a greenkeepers maintenance building (15/00491), was refused partly on ecology grounds.
53. *The proposals, by virtue of the scale, form, siting, location and appearance in the Kent Downs AONB and Heritage Coast and its close proximity to the Dover to Kingsdown Cliffs SAC and the Dover to Kingsdown Cliffs SSSI, would introduce an inappropriate, intrusive and harmful form of development into a part of the district that is renowned for its natural beauty and character, which would cause adverse effects to designated ecological sites of international importance.*
54. Whilst the calcareous grassland would not be impacted, it was the proximity of the building to the SSI and SAC that were of primary concern, coupled with a lack of information that would allow the local planning authority to assess the impact of the building on the nearby European Sites.
55. The location of the maintenance building has therefore been re-thought to overcome this reason for refusal and has attempted to address impact on the landscape, impact on existing residential properties and the potential for disturbance, views from public footpaths and views from outside the golf course.
56. Natural England, responded to the consultation stating that their previous comments for application 15/00491 would still apply. These comments stated that further information was required in order for the Local Planning Authority to determine whether or not the proposal would have a significant effect on the nearby European Sites and Site of Special Scientific Interest. They recommend that the following information is obtained.
- v. *Chemicals/oils likely to be used and stored at the proposed maintenance building for vehicle maintenance and washing; and*
- vi. *What drainage and other safeguards will be in place such that foul water and contaminants do not reach the nearby designated sites.*
57. The applicant has submitted details of the proposed drainage and safeguarding measures, however details of the chemicals and oils likely to be stored in the building are not disclosed. Given that the LPA are minded to refuse the application, this information was not obtained.
58. Officer's note that the application is now located approximately 380 metres away from the SSSI and SAC, whereas before it was only 78 metres away. In this regard, the applicant has sought to mitigate the impact the proposed development may have on the SAC and SSSI.

59. If further information was submitted, it would allow the LPA to assess the application against sections 61 and 62 of the habitats regulations.
60. The Councils ecological officer was consulted on the application who responded saying that the site is designated as being 'rank calcareous grassland.' Lowland calcareous grassland is a priority habitat for which every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.' Comments follow to state that without compensation for loss of calcareous grassland, recommendation is refused on biodiversity grounds.
61. With the above in mind, the proposal would result in a loss of important ecological habitats in a local wildlife site, which is contrary to core strategy policy DM15 and paragraph 188 of the NPPF.

Archaeology

62. KCC archaeology were consulted on the application and responded saying that the site had the potential to yield significant Bronze Age and WW2 archaeological features or findings of interest. It is recommended that provision is made in any forthcoming planning consent for a programme of archaeological work, to be completed prior to commencement. This could be conditioned.

Highway Impact

63. Policy DM11 outlines how development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
64. The proposed greenkeepers maintenance building would operate ancillary to golf course, and would be used by existing members of staff responsible for course maintenance. It is therefore considered that the development would not result in any additional vehicle movements.
65. In light of the above, the Council raise no objection to the proposed on highway grounds.

Conclusion

66. The development proposed comprises a large agro-industrial style building and associated hardstanding within the Kent Downs AONB and area of undeveloped heritage coast. The proposed maintenance building would appear prominent in the landscape and have an adverse visual impact on the areas protected natural beauty. Whilst the revised design approach was no doubt an improvement, this has not in the opinion of officers successfully mitigated the visual harm that would manifest as a result.
67. As with the previous application there is still concern over the siting of this development in a very sensitive and open location within the Golf Course. No LVIA was submitted with the application and therefore officers have not been able to understand the reason behind the chosen location for the proposal and its impact on identified landscape receptors.

68. It is considered that, subject to suitable explanatory work, there are likely to be other more suitable sites within the grounds of the golf course. There is no compelling evidence submitted to show that other sites have been duly considered and why this particular location is suitable.
69. Walmer and Kingsdown Golf Club is designated as a Local Wildlife Site, which is designated for its chalk (calcareous) grassland. The development proposed would result in the loss of rank calcareous grassland, without compensatory measures, which would result in the loss of an important ecological habitat.

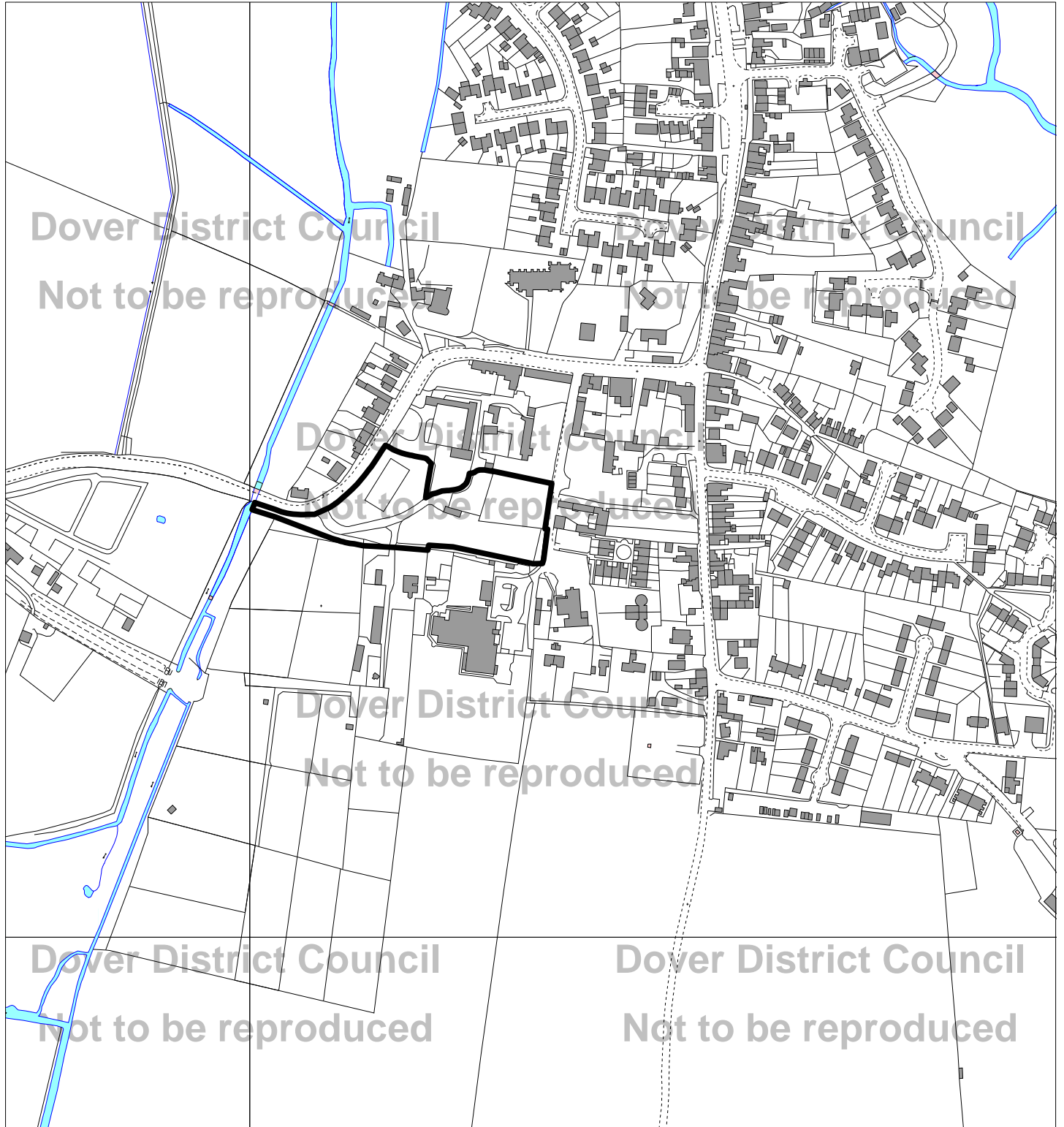
Recommendation

Refuse planning permission for the following reasons:

- I The proposals, by virtue of the scale, form, siting, location and appearance in the Kent Downs AONB and Heritage Coast, would introduce an inappropriate, intrusive and harmful form of development into a part of the district that is renowned for its natural beauty and character, thereby being contrary to Dover District Local Plan policy CO5, Core Strategy policies DM15 and DM16, the aims and objectives for NPPF paragraphs 17, 56, 64, 109, 114, 115, in particular and policies LLC1 and LLC6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.
- II The proposal, by virtue of its siting on chalk (calcareous) grassland, would result in a loss of important ecological habitats without any compensatory measures for this loss, thereby being contrary to Core Strategy policies CS7, DM15 and the aims and objectives of NPPF paragraph 118.

Case Officer

Chris Hawkins



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780
published 2017

Note: This plan is provided for purposes of site identification only.

Application: DOV/17/00387

Part of Wingham Court

Hawarden Place

Canterbury Road

Wingham, CT3 1EW

TR24105731



- a) **DOV/17/00387 – Erection of 15 extra care properties (Use Class C2) comprising 8 semi-detached dwellings, 1 detached dwelling and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works - Part of Wingham Court, Hawarden Place, Canterbury Road, Wingham**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- Policy CP7 - Seeks to protect and enhance the existing network of Green Infrastructure, and states that integrity of the existing network of green infrastructure will be protected and enhanced.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable development; secure high quality design and a good standard of amenity for all existing and future residents; contribute to conserving and enhancing the natural environment; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; conserve heritage assets in a manner appropriate to their significance; and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter three of the NPPF seeks to support a prosperous rural economy, including by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel”. However, it is also recognised that “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban and rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should also plan for a mix of homes based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities.
- Chapter seven requires good design, which is a key aspect of sustainable development. Planning decisions should ensure that developments: will function

well and add to the overall quality of the area over the lifetime of the development, respond to local character and history and are visually attractive as a result of good architecture and appropriate landscaping; should not stifle innovation however stresses the importance of reinforcing local distinctiveness; and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

- Chapter twelve requires that regard be had for the desirability of new development contributing to or enhancing the significance of heritage assets. An assessment should be undertaken as to whether harm would be caused to designated and non-designated heritage assets. Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where substantial harm would be caused, permission must be refused unless there are substantial public benefits which outweigh the harm, or four exceptional circumstances are met.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

Dover Heritage Strategy

- Provides evidence and advice of the historic environment of the District and seeks to ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration.

d) **Relevant Planning History**

The planning history for this site is extensive. However, the most relevant applications to the current proposal, and recent applications, are as follows:

DOV/97/0364 – Renewal of permission DOV/92/0532 for conversion of outbuildings to 4 dwellings, ancillary accommodation and garages, and erection of new garages on site of former outbuilding (Wingham Court) – Granted

DOV/99/00562 – Conversion of existing granary building to single dwelling, erection of detached garage and alterations to existing vehicular access (The Granary) – Granted

DOV/99/00563 – Listed building consent for the refurbishment, alteration and extension of existing granary building in association with conversion to single dwelling (The Granary) – Granted

DOV/15/01100 – Erection of 15 care units (Use Class C2), comprising of 9 terraced houses and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works – Refused and Dismissed at Appeal

DOV/15/01114 – Erection of a canopy extension, enlargement of window opening for the insertion of French doors and relocation of flue vent to South East elevation including the removal of a kitchen wall and a new partition constructed to create a larger kitchen (The Chicken House) - Granted

e) **Consultee and Third Party Responses**

DDC Principal Heritage Officer:

Initial response, received 26th May 2017

Listed status of Goose Barn:

The building is shown on historic maps pre-1948 and clearly had some form of relationship to the site as a farm. Current use of the building appeared to be storage; previous use unknown, i.e. no indication from the form/detail demonstrating particular agricultural use. Planning history demonstrates that other outbuildings on the site were treated as curtilage listed to Wingham Court (II*) at the time of their conversions: the site location plan indicates that Wingham Court and all outbuildings including the Goose Barn were in the same ownership at that time (1990's), and it is reasonable to assume that they were in the same ownership at the time of listing (1952). Based on this rapid assessment it is reasonable to consider the Goose Barn to be curtilage listed to Wingham Court, thereby necessitating the submission of a LBC.

Proposed development:

An analysis of the character of this part of the CA was provided in my assessment on the previous scheme. Layout of the development has helped to retain the openness of the area, and whilst numbers of units have not reduced from the previous application, the design, scale and massing of the buildings now proposed is considered to be more sensitive to the context. The land levels have been taken into account in respect of locating the larger units, such that they are placed well within the site where the land level drops. The secluded character of the site has in my view been appreciated and protected, with the impact of the development on the CA outside the confines of the site being limited. The detailed design of the scheme submitted has, in my view, a greater relationship to the heritage context in respect of the Wingham Conservation Area, the setting of the grade II* Wingham Court and the curtilage listed outbuildings. Weatherboard still features and was previously identified as a material that was not prevalent in the area. The submitted scheme has introduced red brick (which is prevalent) more extensively and boarding left natural rather than all black stained, and this has bedded the development in its context, making the weatherboard less visually dominant- although I would prefer to see horizontal feather-edged weatherboard (left natural) over vertical cladding.

The boundary treatment to the private garden spaces is important in respect of the open character of the site once within it: the landscape proposal report states fencing but there is no detail of height. I suggest that softer treatment may be more suitable in this setting, such as post and rail fencing and nature hedgerow species.

Conversion of Goose Barn:

Historic maps show that there was another building to same location as the proposed extension, although no evidence remains and it was clearly independent. I am content with the extension of the building, however the treatment of the full height openings to north and east elevation is poor: the hybrid window/door detail is uncomfortable and I would prefer to see full height glazing set back within the opening and pinned back doors. I would reiterate my earlier concern on the capability of the Goose Barn to be converted and expect the submission with the LBC of a structural report to demonstrate that it can be converted without significant works.

Other:

I am concerned that drawing no.1481-18 Rev B includes the annotation 'existing wall to be rebuilt'. This is the only plan on which this is noted so I am assuming an error: this is part of the historic brick boundary wall and without a SE report that details why

demolition and rebuild is the only option I cannot support this aspect of the application (NB. This would also need LBC as the wall is curtilage listed II*). The elevation of the guest accommodation does not accord with the floor plan.

Subsequent response received 13th July 2017

The revised weatherboarding looks fine

Subsequent response, received 1st August 2017

The following condition should be attached to any grant of permission:

Prior to the commencement of works the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details:

- a. 1:50 scale survey drawings for all existing timber framing to roof showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
- b. 1:10 scale section through all external walls which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes.
- c. 1:20 scale sections and elevations of all new openings in masonry walls including details of heads, jams and sill openings to be created in the structure, and also details of the relationship of windows, doors or gates to be inserted to the historic structure.
- d. Detailed drawings to a scale of 1:5 and 1:1 of typical details of all new joinery, to include mouldings and glazing bars also showing glazing. Details of finishes shall also be included.
- e. 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
- f. Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

Reason: To ensure special regard is paid to the interests of protecting the special architectural and historic character detailing of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

Subsequent response received 7th August 2017:

The structural report on the Goose Barn is fine. I do not need to add any additional conditions to those previously advised.

Historic England: The current application seeks to create a residential development within the curtilage of Wingham Court, a grade II* listed building. Falling within Wingham Court Conservation Area, it is a relatively secluded plot set back from the main High Street and is likely to have formed part of the ecclesiastical complex. The site then evolved into agricultural use. Historic England (HE) commented on the previous scheme (ref: 15/01100) and our comments are broadly similar.

Although HE do not object to the principle of development at Wingham Court, as the application affects a conservation area, there is a statutory requirement for your

authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s. 72, 1990 Act) Under paragraph 58 of NPPF, planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable place; respond to local character and history, and reflect the identity of local surroundings and materials; and be visually attractive as a result of good architecture and appropriate landscaping.

Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably (NPPF paragraph 139). In this case, this particularly means that you should seek to ensure that building material, building form and density promote or reinforce local distinctiveness (NPPF paragraph 60).

HE considers that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 58, 60 and 137 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Environment Agency: The site is in Flood Risk Zone 1, on a Principle Aquifer and in Source Protection Zone 3. The previous use of the land does not raise contamination concerns. This application has a low environmental risk and the EA therefore have no comments to make. Whilst the use of SUDS is generally welcomed, these must be designed and maintained appropriately. The applicant may require other non-planning consents.

KCC Flood and Water Management: Surface water will be disposed of via a SUDS scheme. The application has not been supported by technical information. The geology of the suite suggests that the surface layers will be poorly draining but with good permeability at depth. Although KCC would ordinarily expect this level of information to be submitted with any application for a 'major' development, in this instance, we would be satisfied with the detailed design being dealt with through a suitably worded condition. This development appears to be designed with sufficient space available to accommodate surface water management provisions, the design if which can be covered within a later submission. Two conditions are recommended.

KCC Highways and Transport: No objection. The proposed improvements to the site access, likely trip generation and levels of car parking are the same as agreed for the previous application and are acceptable. I also note that a hard paved footpath connection is provided to the existing footway network in School Lane, allowing wider pedestrian connection to the village. The following should be secured by condition: provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; provision of wheel washing facilities prior to commencement of work on site and for the duration of construction; provision of measures to prevent the discharge of surface water onto the highway; provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing; provision and permanent retention of the vehicle

turning facilities shown on the submitted plans prior to the use of the site commencing; use of a bound surface for the first 5 metres of the access from the edge of the highway; completion of the access widening shown on drawing number 14-200-106 prior to the use of the site commencing; and provision and maintenance of the visibility splays shown on drawing number 14-200-106 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

Informatives should also be attached to confirm that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained and that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Southern Water: A formal application should be made for any foul and surface water connections and a condition should be attached to any grant of permission to require full details of these of the means of foul and surface water disposal. The provision of SUDS is supported.

UK Power Networks: No objection

Southern Gas Networks: There are low/medium/intermediate pressure gas mains near the application site. There should be no mechanical excavations taking place within 0.5m of a low pressure system or above or within 3.0m of an intermediate pressure system.

DDC Environmental Health: The floorplans have been amended since the previous application and the stacking arrangements which had previously caused concern have been resolved. Conditions have been recommended covering previously unidentified contamination and the provision of a construction management plan.

KCC Development Contributions: The development would give rise to increased demand for library provision. This increased demand could be met through the provision of a contribution of £720.24 towards additional bookstock for the mobile library which visits Wingham. The development should also provide superfast fibre optic broadband.

NHS South Kent Coast CCG:

Initial response received 13th April 2017

The development will increase the local population which will have a knock-on effect in terms of health care. A financial contribution is therefore sought to help meet these extra demands placed on the local primary care health service. This improvement to the primary care infrastructure is expected to result in a need to invest in Wingham Surgery, to support improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. The development would produce a predicted occupancy of 43.4 people. The per occupant contribution required is £360. However, an inflator of 40% is also requested due to an extra burden that the proposed patient cohort would produce. As such, a contribution of £21,873.60 is requested. This contribution should be provided in full prior to 50% of the units being occupied. In the absence of such a contribution, a number of key risks to primary care in Wingham have been identified.

Subsequent response received 8th September 2017

The additional contribution was requested to reflect the general nature of residents in extra-care facilities – as a general rule, they will require significantly more appointments than most patients with a higher proportion of those appointments requiring home visits. The residents are more likely to have multiple and sometimes complex long term conditions (hence living in extra care facilities) which require longer consultations. All of these factors will increase the pressure on capacity/workforce within the local practice and need to be mitigated. It is likely that the residents will all be registered with the practice in Wingham as the closest available surgery.

The CCG would consider investment into the Wingham Surgery as paramount to mitigating the additional pressures expected from this particular development. Should the inflated figure not be accepted, the CCG would still require a contribution to aid in the creation of capacity at the surgery.

DDC Head of Strategic Housing:

Proposed development of 15 dwellings would normally require a contribution to affordable housing. Given the scale and nature of this development, it would be appropriate to seek a commuted sum for off-site provision. The application indicates that the proposed development will comprise extra care housing, presumably for older people, but it is difficult to comment on this aspect of the development due to the level of information available.

Kent Police: To date the applicants have not contacted Kent Police to discuss the application and the submission does not demonstrate that the applicants have considered Crime Prevention through Environmental Design. The applicant's attention should be drawn to the assistance available. A condition or an informative is requested to be attached to any grant of permission to encourage the applicants to discuss their proposals with Kent Police.

Wingham Parish Council: Object for the following reasons: the proposed development remains out-of-character; the access is inappropriate for so many dwellings (and is on a bend); it is unclear whether emergency vehicles would be able to enter, turn and exit the site; safety concerns regarding access between the care units and parking areas; the request for contributions from the NHS could potential cause the closure of Wingham Surgery.

Third Parties/Neighbours:

Seventeen letters of objection have been received, raising the following concerns:

- The application does not overcome the previous reasons for refusal
- The development is too dense
- The development would harm the character of Hawarden Place
- Harm to listed buildings and conservation area
- The height and mass of the buildings do not respect the immediate locality of the site
- The heritage statement is out-of-date
- The development would not add to the quality of the area
- The car parking provision is poorly related to the residential accommodation
- Insufficient car parking provision
- Harm to highway and pedestrian safety

- There is no precedent for a commercial venture in this low density
- The application may create a precedent
- The orchard area could be developed rather than other areas of the site
- Overdevelopment
- Loss of trees
- Impact on ecology (particularly Turtle Doves, which are a red listed species, and Spotted Flycatchers)
- Larger family homes would be more suitable, given the sites proximity to the school

In addition, five letters of support have been received, raising the following points:

- The development would not impinge on the Grade I listed St Mary the Virgin Church
- Additional residents would be likely to increase the number of volunteers locally
- Resurfacing of the footpaths would improve safety
- Whilst Wingham has a wealth of medieval architecture and history, there are good quality C20th buildings at the end of School Lane, so a well-designed C21st building should be acceptable
- This application is an improvement to the previous application
- Improved vehicular access
- High quality design
- There is a clear need for retirement accommodation

Finally, three neutral letters, neither objecting to nor supporting the application, have been received. These letters make the following points:

- Connections between footpaths EE172 and EE48 should be considered, to improve pedestrian safety
- The site has been badly neglected and needs some care and renovation
- It's better to build on a site like this as opposed to in the countryside
- Construction should be carried out respectfully
- The development will free up housing stock
- This application addresses previous concerns
- Due to the pedestrian access to School Lane and the location and number of car parking spaces, cars may park on School Lane, causing obstruction. It would therefore be appropriate to provide double yellow lines on School Lane or remove the pedestrian access

f) **1. The Site and the Proposal**

- 1.1 The application site is an irregular shaped piece of land of approximately 1ha which forms part of the curtilage of the Grade II* listed Wingham Court, and is within the conservation area of the village of Wingham. Immediately to the south of the site is the Scheduled Monument of Wingham Roman Villa. The site is bounded by Wingham Court and its now converted outbuildings to the north, School Lane to the east, the EE48 PROW and, beyond, Wingham Primary School to the south and Canterbury Road to the west.
- 1.2 This application proposes the erection of 15 retirement units, which fall within Use Class C2 of the Use Classes Order. These units comprise 8 semi-detached 'dwellings', 1 detached 'dwelling' and 6 apartments. In addition of the 'dwellings' a communal clubhouse facility is proposed within a building (known as the 'Goose Barn') which is to be converted. This facility will provide a manager's

office, an activities room and kitchen facilities, together with a detached guest suite. The development will also provide a communal orchard garden, clubhouse garden and 20 car parking spaces (4 of which would be disability spaces).

1.3 A previous application for the site, considered under application number DOV/15/01100 ('the 2015 application'), sought permission for a similar scheme, described as "Erection of 15 care units (Use Class C2), comprising of 9 terraced houses and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works". This application was refused by planning committee for two reasons, namely:

- 1) The proposed development, by virtue of its scale, mass, layout, design and materials and the loss of tree cover, would if permitted result in a dominant, incongruous, unsympathetic and poorly related form of development out of keeping with the prevailing form of surrounding development, and would therefore be harmful to the character and appearance of the surrounding area, the setting of listed buildings, and the character and appearance of the Wingham Conservation Area, contrary to Government guidance contained within National Planning Policy Framework paragraphs 8, 14, 60, 64, 131, 132 and 134 and the provisions of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The development as proposed would fail to maximise walking, cycling and the use of public transport, contrary to paragraphs 49 of the National Planning Policy Framework and Policy DM11 of the Dover District Core Strategy.

1.4 The 2015 application was considered by the Planning Inspectorate at appeal and was subsequently dismissed. In dismissing the appeal, the Inspector upheld the first reasons for refusal, but did not agree that the development would fail to maximise walking, cycling and the use of public transport. This decision is a material consideration of significant weight in the determination of the current application which, whilst proposing a similar amount of development, has been amended since the previous application and appeal was determined.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on the significance of heritage assets
- The impact on highways
- The impact on residential amenity
- Surface water drainage
- Contamination
- Ecology
- Development contributions

Assessment

Principle

- 2.2 The site lies within the settlement confines of Wingham, as shown by the Proposals Map. Wingham is described as a Local Centre in the Settlement Hierarchy at Policy CP1 of the Core Strategy, which are the secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. Consequently, the principle of the proposed development is in accordance with the development plan.
- 2.3 Paragraph 50 of the National Planning Policy Framework states that local planning authorities should plan for a mix of homes based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities. Notwithstanding the Councils ability to demonstrate a five year housing land supply and the 'in principle' acceptability of the development, the East Kent Strategic Housing Market Assessment shows that there is a forecast growth in the population of 60 to 84 year old age group between 2006 and 2026, and a corresponding forecast need for housing for the over 60's, with a national trend towards older people preferring to live independently with an increasing demand for specialist accommodation for older people. This application would provide housing for the over 55's, addressing a need identified by the East Kent SHMAA.
- 2.4 A significant portion of the north eastern part of the site is designated as Open Space by Core Strategy Policy DM25. The policy outlines that proposals that result in the loss of public open space will not be permitted unless the criteria within the policy are met. This area has been protected due to its potential value as publicly accessible open space and/or its current amenity value and it is noted that there is a significant deficit in the quantity of open space within the Wingham. The submitted plan demonstrates that the area defined as Open Space would not be built on, instead being utilised as a landscaped green area, described as an Orchard. The development would not, therefore, be in conflict with Policy DM25.

Character, Appearance and Heritage

- 2.5 Regard must be had for how the development would impact upon listed buildings, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity of the site, and their settings and to pay 'special attention' to preserving or enhancing the conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits, having regard for the requirements of the Act.
- 2.6 There are numerous listed buildings in the vicinity of the site, which have the potential to be affected by the development. Most notably, the site lies within the

curtilage of the Grade II* Wingham Court, which dates from the C15th and was the manor house for the Archbishop's manor of Wingham. Adjacent to Wingham Court are stables, which are separately Grade II listed. The house was associated with the Grade I listed Church of St Mary, the churchyard of which contains numerous Grade II listed headstones and a tomb chest, to the north which adjoined a collegiate site. Part of the former collegiate site is now occupied by the Grade II listed Wingham House and a separately Grade II listed wall and stable. To the west of the Church is the Grade II* listed Delbridge House. To the east of School Lane lie the Grade II* Vicarage and its Grade II listed boundary wall, the Grade I listed Old Canonry and the Grade II listed Canon House and Canon Villa. To the west, on Canterbury Road directly opposite the site entrance, is a Grade II listed mile stone. The site is also located within the Wingham Conservation Area.

- 2.7 Whilst regard must be had for the impacts of the development on all listed buildings, it is considered that the development has the greatest potential to impact upon the settings of Wingham Court and its curtilage listed former agricultural buildings, Vicarage House and Villa, the Vicarage and long views of the Church of St Mary. This conclusion aligns with the conclusion of the Inspector when he considered the 2015 application.
- 2.8 The layout of the proposed development is similar to that of the previous application, with a broadly linear form of development along the southern boundary of the site, with protruding elements to the east, protruding to the north, and to the west, protruding south, together with a separate group of buildings to the west of the site. However, compared to the refused scheme, the bulk of the development has been reduced adjacent to School Lane, with a reduction of one property in this location. Consequently, the elevation facing towards school lane is significantly reduced and, as such, the visual impact of the development from School Lane would accordingly be reduced. Whilst this property would be reprovided further to the west, it would be more visually contained, reducing the prominence of the development overall. This change to the massing of the development has significantly affected the impact of the development on the character and appearance of the area, such that the site would retain its existing rural character whilst the increased separation between the development adjacent to School Lane and the former agricultural buildings to the north would retain its character of a 'big house garden' maintaining the setting of Wingham Court and its former agricultural buildings. Whilst the general layout of the scheme is comparable to that of the previous dismissed scheme, the rigid linear character has given way to a looser, staggered pattern of development which has reduced the urban character of the development which was criticised by the Inspector. It is considered that the looser form of development responds positively to the pattern of development within the village, overcoming the previous concerns.
- 2.9 The scale of the buildings, following the redesign of the scheme, has also been amended. In particular, the gable of the eastern elevation adjacent to School Lane has been set back from the boundary and behind unit 15. The height of the building has been reduced with the tall 'oast' features removed. As such, it is not considered that the development would be unduly prominent from School Lane or the listed buildings to the west. Equally, having regard for the heights of the buildings and the location of taller buildings within the site, which have been sited at a natural low-point in the topography of the site, it is not considered that the height of the development would compromise the open character which contributes to the setting of Wingham Court, the Stable Block, the Barn, the Diary and other curtilage listed buildings or long views of the Church of St Mary.

- 2.10 The design of the development has been simplified since the previous application was considered. The 'oast' features, which were of particular concern, have been omitted and have been replaced by a more authentic vernacular style. Whilst referencing architectural forms which are found within Wingham, the applicants have presented a more contemporary interpretation of these forms. It is considered that this approach has been successful, creating a cohesive group of buildings whilst introducing original elements to provide interest and provide visual breaks in the built form. The Inspector commented that the 2015 application would add a significant amount of new buildings close to the southern boundary of the site and, by virtue of the lack of dense boundary vegetation, the development would significantly alter the character of this part of the site. Whilst the current scheme also proposes a significant amount of development along this southern boundary, the scale of development has been reduced, the built form has been broken up (both physically and through its detailed design) and additional landscaping is now proposed to create boundary hedges around private gardens. The additional landscaping to create gardens would be complemented by the retention of existing boundary hedges and retaining existing trees, the latter of which were proposed to be removed by the 2015 application. Whilst it is concluded that the development would still alter the character of the site when viewed from the footpath to the south, it is considered that the harm caused would be largely mitigated by the improved design and landscaping. The residual harm caused will be weighed in the balance later in this report.
- 2.11 The development would be finished in a mixture of materials. Principally, the development would be finished in red brickwork, with elements of natural larch weatherboard cladding and black weatherboard cladding. Roofs would be finished in a mixture of clay roof tiles and slate. The dormer windows would be finished in a lead-like material with standing seams, which would be coloured to match the roof material. This mixture of materials is considered to respond to the materials used locally and is therefore acceptable. Whilst, as noted on the previous application and in the Inspectors Decision, weatherboarding is not characteristic of the village, with relatively few examples present, the use of weatherboarding has been used sensitively, often confined to feature elements on buildings. On balance, given its limited and thoughtful use, the proposed weatherboarding is considered to be acceptable.
- 2.12 The proposed development would be set in a landscaped setting, with a range of vegetated areas between the existing buildings to the north and the proposed development. These areas would be planted with a significant number of trees and hedges. To the western boundary of the site, an existing tall beech hedge will be retained which will visually contain the development. Overall, it is considered that the landscaping scheme will soften the proposed buildings and will provide an enhancement to the setting of the development. Further commentary regarding trees and landscaping will be provided later in this report.
- 2.13 Concern had been raised that the existing wall to the School Lane boundary will be re-built. However, a boundary treatment plan has been submitted which no longer proposes the loss of this wall and its replacement. Any works to this wall would also require separate listed building consent.
- 2.14 Regard must be had for how the development would impact upon the Goose Barn, which is considered to be curtilage listed by virtue of having a relationship with the farm buildings associated with Wingham Court and dating from before

1948. The Inspector concluded that the conversion works proposed by the 2015 application (which are comparable to those now proposed) would cause harm to the significance of the curtilage listed building.

- 2.15 Initial concern was raised by officers regarding whether the building would be structurally capable of conversion. Subsequently, the applicants submitted a survey of the building which has been assessed by the Council's Principal Heritage Officer, who is satisfied that the survey demonstrates that the building is capable of conversion. Whilst it has been concluded that the building is structurally capable of conversion, the report also identifies that the building is in a poor state of repair. Without intervention, it is unlikely that the building will survive, lacking a viable use to finance the necessary repairs. This report was not available to the Inspector who, consequently, would not have been aware of the potential loss of this heritage asset without intervention. The development would provide a viable use of the building which will be likely to secure its ongoing maintenance and prevent further deterioration. This public benefit must be weighed against the harm caused to the significance of the building. A separate application for Listed Building Consent would be required for these works.
- 2.16 The application, together with its conversion, proposes the extension of the Goose Barn. Historic maps show that there had previously been a building in approximately the same location as the proposed extension, albeit that building was detached. Whilst generally supportive of the design of the conversion, the Principal Heritage Officer had raised concerns regarding the detailing of windows and doors; however, amendments have been received which amend this detailing. Whilst, having regard for the Inspector's findings, it is concluded that the development would cause some less than substantial harm to the significance of the Goose Barn, this harm has been reduced as much as practicable. Furthermore, it is considered that the development would provide for the reuse of the building, markedly increasing the likely longevity of the building. Balancing the harm caused against this public benefit, it is considered that the conversion and extension of the Goose Barn is acceptable, subject to conditions, causing limited harm to its significance which is outweighed by the public benefit of providing the building with a viable use to secure its ongoing retention and maintenance.
- 2.17 The site lies in an area of high archaeological importance. The site is adjacent to the route of the main Roman Road between Richborough and Canterbury, whilst the site of a Roman Villa, designated as a Scheduled Ancient Monument lies to the south west. The site itself lies close to Wingham Court and former agricultural buildings which were associated with it. The site is also associated with the nearby collegiate site. Due to the highly important nature of the site and the surrounding area, it is considered that, should permission be granted, it would be reasonable to attach a condition to require a programme of archaeological field evaluation, which will need to include any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, as appropriate.
- 2.18 To conclude, it is considered that, whilst the overall amount of development remains comparable to that of the previous application which was refused, the massing, design and landscaping of the scheme has changed significantly. The amount of development which would be appreciated from School Lane and from the settings of listed buildings has been reduced, whilst the open character to the south of Hawarden Place has been retained. Having regard for the

conclusion of the Inspector, less than substantial harm has been identified. However, this harm has been significantly reduced and mitigated by improved landscaping. Moreover, the development would secure public benefits which, on balance, outweigh the identified harm. Consequently, having regard for the statutory provisions of S66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is not considered that the development would cause unacceptable harm to the significance of heritage assets or the character and appearance of the area more generally.

Impact on Residential Amenity

- 2.19 The development is generally set well away from neighbouring properties. To the north, the nearest property, The Barn, is set around 21m (from the attached garage of that property) away from the closest of the proposed buildings. To the west, the closest property to the development, Glendale Cottage, is set 35m away from the nearest of the proposed buildings. To the south, Cedar Lodge, is set 28m away from the nearest of the proposed buildings. As such, no loss of residential amenity would be caused to these properties.
- 2.20 To the east, the closest property, Orchard Cottage, is located somewhat closer to the development. The application proposes the erection of a semi-detached property, Unit 15, around 12m away from the south western corner of Orchard Cottage. Orchard Cottage is a two storey building which fronts directly onto School Lane. It has windows in its front (western) elevation which serve habitable rooms, but has no windows in its south facing elevation. Unit 15 would be set at an angle from the front elevation of Orchard Cottage and thus would not be directly opposite the front elevation of the property. Having regard for the separation distance and relationship between Orchard Cottage and the development, it is not considered that any unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.21 Whilst the development would increase the use of the Hawarden Place, it is not considered that this would cause an unacceptable increase in noise and disturbance, as the areas of the access which would be used more intensively are set away from existing properties.
- 2.22 The development would provide a reasonable standard of accommodation to future occupants. Each unit would be of a reasonable size, with windows providing natural light and ventilation. The previous application had given rise to concerns regarding the stacking arrangements of the proposed flats. The arrangement of the flats has been amended since the previous application and Environmental Health are now satisfied that the stacking arrangements are acceptable.

Impact on the Local Highway Network

- 2.23 The proposal would utilise the existing access from the site onto Canterbury Road, albeit the geometry of the access would be upgraded. This access is located on the outside of a bend in the road.
- 2.24 The application has been supported by a plan demonstrating that the required forward visibility can be achieved from this access in either direction, due to the favourable curvature of the road. The plan also demonstrates that, should a vehicle need to wait on the highway to turn right into the site, it would be visible to oncoming traffic for a distance of at least 49m, allowing the oncoming

vehicles to slow safely. KCC have confirmed that they have no objections to the proposed access.

- 2.25 The development would provide twenty car parking spaces, which would equate to one space per property together with five visitor spaces. Parking requirements for C2 uses are contained within KCC's Supplementary Planning Guidance Note 4, which advises that one space per resident member of staff and 1 space per 2 other staff, together with one space per 6 bedrooms be provided. Overall, this would require the development to provide around 11 car parking spaces. However, given the nature of the development, which has similarities to C3 dwellings, and the location of the site, it is considered that an overall provision of 20 spaces is more appropriate in this instance. In addition to the formal car parking spaces, the layout also provides opportunities for informal car parking adjacent to units 1 to 4 and adjacent to the guest accommodation. Tracking plans have also been shown on the submitted plans which demonstrate that an 8m long fixed axle vehicle could turn within the site. Concern has been raised by third parties that the location of car parking may be unsafe, requiring residents and visitors to walk across the access, Hawarden Place. Whilst concern in this respect is understandable, it is noted that the vehicle speeds along Hawarden Place are slow, due to its geometry, whilst the application proposes a raised table. As such, it is not considered that pedestrian safety would be compromised. It is therefore considered that the access through the site and car parking provision are acceptable.
- 2.26 A refuse collection area has been identified on the drawings, adjacent to the junction of Hawarden Place and Canterbury Road. These details correspond with those proposed by the previous application and, subject to the details of this area being secured by condition, is considered to be acceptable.
- 2.27 The second reason for the refusal of the 2015 application related to the developments failure to maximise walking, cycling and the use of public transport, contrary to paragraphs 49 of the National Planning Policy Framework and Policy DM11 of the Dover District Core Strategy. In particular, this reason related to the inadequate provision of pedestrian and cycle links to the village. The Inspector concluded that the lack of a footpath link could be rectified through the inclusion of a suitably worded condition and, as such, it would be unreasonable to refuse permission on this basis. However, this application has addressed the concern through the provision of a pedestrian/cycle access to School Lane, which would be reached via a paved pathway. This would allow direct access to the existing footpath network of the village and access to relatively lightly trafficked road, more suitable for cycling. In turn, this would provide quick, safe and convenient access to local bus stops, which provide reasonably regular services to neighbouring towns and villages and on to Canterbury. The applicant has proposed the provision of 10 cycle storage spaces, which can be secured by condition, whilst each resident would also have a covered storage area which could be used for informal cycle storage. It is therefore considered that the development would provide acceptable access to bus, walking and cycling routes and would make adequate provision for the storage of bikes. Consequently, the application has addressed the second reason for refusal.
- 2.28 Third parties have requested that a footway link be provided between the EE172 and EE48 Public Rights of Way. This improvement would not be directly necessitated by the development and, as such, it would not be reasonable to request that the developer carried out this improvement.

Flooding and Surface Water Drainage

- 2.29 The site lies within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. Whilst flooding from these sources is not, therefore, of concern, regard must be had for whether the development would cause, or be liable to, localised surface water flooding.
- 2.30 The application proposes to discharge surface water run-off to ground, through the use of a SuDS. The use of SuDS is welcomed by Southern Water, the Environment Agency and KCC's Flood and Water Management team, provided they are constructed and maintained appropriately. KCC have commented that, whilst permeability of the ground at surface level is poor, the ground has good permeability at depth. This, combined with the amount of open space to be retained, satisfies KCC that surface water can be managed within the application site, subject to detailed design. It is therefore recommended that a condition be attached to any grant of permission requiring full details of the proposed SuDS, together with details of their maintenance.

Contamination

- 2.31 The application site lies over a Principle Aquifer and in Groundwater Source Protection Zone 3. As such, the site is particularly susceptible to contamination of groundwater. However, given the historic use of the site, it is unlikely to be contaminated, whilst the Environment Agency consider the application to be low risk. Notwithstanding this, given the sensitivity of the site and groundwater, and adopting a precautionary approach, it is considered that a condition should be attached to any grant of permission regarding the reporting and remediation of any previously unidentified contamination, if discovered.

Ecology

- 2.32 Paragraph 110 of the NPPF outlines that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity.
- 2.33 The application has been supported by a Phase 1 Habitat Survey, which identifies that the site has a potential to support reptiles and bats, whilst recommendations are also made regarding the safeguarding of other species during the development and potential ecological enhancement. Due to the sites potential to provide habitat for reptiles and bats, additional surveys were recommended. Such reports have also been submitted to support the application.
- 2.34 The reptile survey identified one grass snake on the site, which is indicative of a small population. The report recommends that small scale translocation is undertaken at the site, to ensure that no animals are injured or killed. Reptile exclusion fencing should be installed along the southern boundary of the site to prevent animals re-entering the development area during the course of construction, after which the fencing can be removed. Compensatory reptile habitat creation should follow. The bat survey confirmed a moderate to high level of foraging and commuting bat activity at the site, comprising at least five species of bat. Consequently, a bat mitigation strategy has been proposed which will retain, protect and enhance suitable bat roosting, foraging and commuting. This comprises retaining trees and hedges where possible, replacing trees and hedges with native species and providing a bat sensitive lighting scheme, in accordance with advice from the Bat Conservation Trust.

- 2.35 Concern has been raised by third parties that the site is used by numerous bird species, including priority species under S.41 of the Natural Environment and Rural Communities Act 2006. Under S40 of that Act, the Local Planning Authority has a duty of regard in respect of the conservation and enhancement of priority species. The submitted ecological report acknowledges that birds must be protected during development and their habitat enhanced and, accordingly, it is considered that the protection of birds and their habitat must be secured by condition.
- 2.36 Subject to securing measures to avoid harm, provide adequate mitigation and provide enhance of habitats, it is considered that ecology will not be constraint to development, whilst net gains in biodiversity can be achieved.

Contributions

- 2.37 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the Planning Advisory Service guidance 'Planning for Older People's Housing' states that "Currently developers of C2 care housing are exempt from affordable housing contributions, and local authorities have discretion as to how they will apply CIL". The Council do not have a CIL charging schedule and have no other policies which require affordable housing provision in relation to C2 development. As such, there is no policy basis for requiring affordable housing.
- 2.38 Kent County Council have advised that the development would increase the numbers of users of library facilities. In order to mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand generated by the people residing in the development. A developer contribution of £48.02 per household has been requested (a total of £720.24). This is considered to meet the tests set out within the CIL Regulations in that it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has not objected to this request which, if permission is granted, could be secured by a legal agreement (Section 106). It is noted that the Inspector, in dismissing the appeal, commented that KCC had not demonstrated that the requested library contribution would be spent locally, such that it would benefits occupants of the development, would be necessary to make the development acceptable or would be related to the development. As such, it was concluded that the requested contribution would not be CIL compliant and could not, therefore, be sought. KCC have now confirmed that the contribution would be spent on providing addition library book stock to the mobile library which provides services to Wingham. This service is provided at a distance of approximately 500m from the application site. As such, having regard for the proposed pedestrian access which links to the footpath network of the village, the mobile library would be accessible to future occupants of the development, overcoming the concerns of the Inspector. It is therefore considered that this request is CIL compliant.
- 2.39 Since the previous application was considered, the NHS South Coast CCG has submitted a representation requesting that a contribution be made towards local healthcare. As above, the development would increase the local population, which will place additional pressure on primary care infrastructure, in particular on Wingham Surgery. The CCG has requested that a contribution be made by

the development to enable investment in the surgery to support the additional patients which will be generated. The contribution requested is based upon a contribution of £360 per occupant multiplied by the predicted number of occupants of the development (£15,624). The CCG's request then adds onto this figure an 'inflator' of 40% "due to an extra burden that the proposed patient cohort would produce". As such a final figure of £21,873.60 is requested. Whilst the lower figure of £15,624 is considered to be justified and substantiated by evidence, no evidence has been submitted which justifies the increase of 40%. Although it would appear to stand to reason that an older population, as proposed, may be more likely to use primary healthcare facilities, the information provided to justify the increase is vague and generalised. It is also noted that the application is submitted on the basis that all occupants will be required to sign up to a minimum care package, with options for more comprehensive care packages available as required. The applicant has proposed to secure these terms (together with limiting occupation to the over 55's) by way of legal agreement. The provision of ingrained private healthcare provision would be likely to reduce the dependence upon NHS services and, consequently, the additional pressure on Wingham Surgery associated with the 'inflator'. As such, it is considered that the lower figure of £15,624, without the 40% inflator, is proportionate. This contribution should be secured by legal agreement.

Trees

- 2.40 The first reason for the refusal of the 2015 application cited, amongst other things, the harm which would be caused to the character and appearance of the surrounding area, the setting of listed buildings, and the character and appearance of the Wingham Conservation Area by virtue of the loss of tree cover. All of the trees within the site are protected by virtue of being within a Conservation Area.
- 2.41 The previous application was, in part, refused due to the loss of trees, particularly those along the School Lane boundary. The previous application would have resulted in the loss of seven trees adjacent to the School Lane boundary, all of which are Category C (low quality) sycamores. The current application proposes to retain these trees. The application also proposes the establishment of an orchard garden which would be set to the north of units 14 and 15 and would be visible from School Lane. As such, it is considered that the overall character of the site would remain sylvan whilst views of the proposed development from the east would be filtered by tree cover. Subject to full details of the landscaping scheme being submitted by condition, it is considered that the concern regarding the loss of trees has been overcome, whilst the retention of trees also helps to mitigate the visual impact of the development when viewed from School Lane and from the south.

Conclusion

- 2.42 The principle of the development accords with the development plan. Whilst the amount of development is broadly the same as the previous application, which was refused and subsequently dismissed at appeal, the design of the buildings, and the landscaping around them, has been significantly amended which has reduced the visual impact of the development and its impact on the setting of listed buildings. Whilst the development would cause some harm to visual amenity when viewed from the footpath to the south of the site and would reduce the amount of undeveloped space to the south of Wingham Court and its neighbouring listed buildings, which contributes to their settings, it is

considered that these impacts have been substantially reduced and mitigated through improved landscaping. Furthermore, it is concluded that the residual harm is outweighed by the public benefits of the scheme, which include securing a long-term viable use for a curtilage listed building, the provision of specialist housing for which there is a recognised need, together with the economic benefits of providing employment during construction and in the long term. The development has been redesigned to present a more cohesive development which, whilst contemporary, has regard for the character of Wingham. The development would provide opportunities for the use of a range of modes of transport, including walking, cycling, public transport and private car, in a manner which would not be detrimental to the highway network. The development would also provide contributions towards improving the capacity of library and healthcare provision within Wingham to meet the needs which would be generated by the development. Whilst this is a balanced case, it is considered that the previous reasons for refusal, and the concerns of the Planning Inspectorate have been overcome and, as such, the application is recommended for approval.

g)

Recommendation

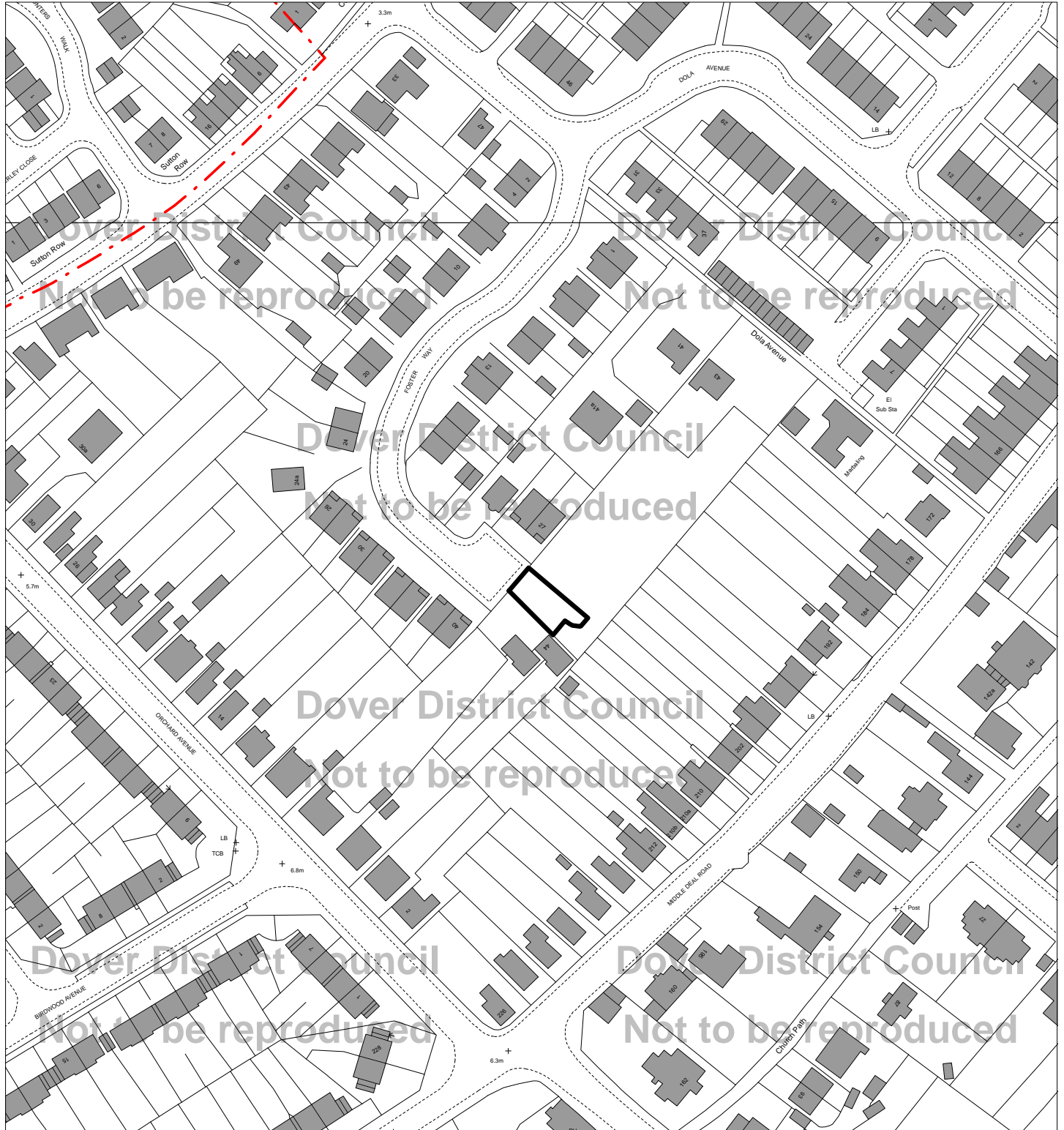
- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and to secure the specified use of the development and subject to conditions to include:

(1) approved plans; (2) full details of landscaping, including protection of retained trees; (3) provision and retention of car parking including details of drainage; (4) provision and retention of cycle parking; (5) full details of surface water drainage scheme, including long term maintenance; (6) details of foul drainage; (7) visibility splays to be provided and retained; (8) full details of measures to protect and enhance ecology and safeguard protected species; (9) full details of all external lighting; (10) full details of works to convert the Goose Barn; (11) samples to materials; (12) archaeological field evaluation; (13) details of boundary treatments; (14) no meter boxes, vents, flues; (15) construction management plan; (16) details of existing and proposed ground levels, including sections and details of thresholds; (17) details of refuse and recycling; and (18) completion of the access widening shown on drawing number 14-200-106.

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2017

Note: This plan is provided for purposes of site identification only.

Application: DOV 17 01022

Land adjacent to 44 Foster Way

Deal

CT14 9QP

TR 6685 2394



- a) **DOV/17/01022 – Erection of a detached dwelling with associated parking and creation of vehicular access - Land adjacent to 44 Foster Way, Deal**

Reason for report: Called to Planning Committee by Cllr Gardner

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Requires that the location and scale of development complies with the Settlement Hierarchy. Deal is identified as a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; to reduce pollution; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/00327 – Erection of 9 chalet bungalows, associated parking and vehicular access – Granted

DOV/16/00998 – Erection of two detached dwellings and creation of parking – Refused and Dismissed at Appeal

DOV/16/01038 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused and Allowed at Appeal

DOV/17/00194 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused

DOV/17/00514 - Variation of condition 2 of planning permission DOV/15/00327 to allow changes to approved plans (application under section 73) – Granted

DOV/17/00832 – Erection of detached dwelling – Granted

e) **Consultee and Third Party Responses**

KCC Highways and Transportation – The development does not meet the criteria to warrant the involvement of the Highways Authority.

Southern Water – A formal application should be made to connect to the public foul sewer system. The Councils building control officers should consider the adequacy of soakaways to dispose of surface water.

Deal Parish Council – Object. The application is over development of the site which may cause a tunnelling effect, overbearing to neighbouring property and the additional dwelling will cause limited parking in Foster Way. Deal Town Council fully support the Inspectors Report in the Appeal Decision.

Neighbours – Thirty two letters of objection have been received, raising the following concerns:

- Regard should be had for the previous refusals and dismissed appeal
- Overdevelopment
- The proposal would result in a density which is too high
- Harm to the character and appearance of the area
- The development would be out-of-keeping with the properties in Foster Way
- Loss of openness
- Loss of a green/landscaped space
- The development would cause overlooking to neighbours and a loss of privacy
- Sense of enclosure to neighbours
- The sense of enclosure which led to the appeal being dismissed was a result of the proposed dwelling, not the boundary wall

- The boundary wall is not owned by the applicant and therefore it cannot be reduced in height
- Insufficient car parking provision
- Vehicular access from Foster Way is unacceptable
- The location of the access onto Belvedere Gardens is unsafe
- The site should be properly maintained by the developer

In addition, two letters of support have been received, raising the following comments:

- The existing site could become a dumping ground
- The development would make an outlook that would match existing properties
- The development would not put a strain on the cul-de-sac, the road or incoming services
- The development would improve outlook, compared to a 6ft wall
- The development will add to Foster Way
- There will be enough parking space

f) 1. **The Site and the Proposal**

- 1.1 The site lies within a wholly residential area of Deal. The area has a mixed character with linear and perimeter block development to the south east and winding cul-de-sacs to the north west. The scale and form of development is equally varied, with a mixture of detached, semi-detached and terraced properties of one, one and a half or two storeys in height, although distinctive styles of dwellings are typically found grouped together.
- 1.2 The site itself lies at the end of a row of nine dwellings which have recently received part retrospective planning permission and are nearing completion (some of these dwellings appear to have been occupied). The access road is now known as Belvedere Gardens.
- 1.3 Planning permission was recently granted for the erection of a further dwelling to the north east of Belvedere Gardens, adjacent to Dola Avenue. This dwelling is similar to one of the two dwellings which was previously dismissed at appeal under application DOV/16/00998, whilst the current application represents the second of the two plots previously considered.
- 1.4 The site was previously intended, under the original application (DOV/15/00327, as amended) and subsequent Section 73 application to provide residential garden. However, the development has not been completed and the site remains vacant. More recently, trenches have been dug and concrete slabs (which have the appearance of foundations) have been poured on site.
- 1.5 This application seeks permission for the erection of one detached one and a half storey chalet bungalow which would be located towards the Foster Way (south west) end of the site. The dwelling would be provided with one car parking space which would be accessed directly from Foster Way. It is important to note that the dwelling which is the subject of the current application is similar to one of the two dwellings which was refused and subsequently dismissed at appeal, under application number DOV/16/00998. The Inspectors decision and the changes which have been made will be important considerations in the assessment of this application.
- 1.6 An amended drawing (EB/1001/PD/103 G) has been received which amend the design of the dormers to the north west roof slope; removes a ground floor window to the north east elevation and removes the boundary walls to the north

west and south west boundaries. The application has been assessed on the basis of the amended drawing.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the local highway network
- The impact on living conditions

Assessment

Principle

2.2 The site lies within the settlement confines of Deal, as defined by the Proposals Map. Within this area, having regard for Policy DM1, the principle of the proposed development is acceptable subject to other material considerations.

2.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. As such, the Council's housing policies are up-to-date and carry full weight. It is a statutory requirement to determine the application in accordance with the development plan unless material considerations indicate otherwise, as required by the Section 38(6) of The Planning and Compulsory Purchase Act 2004.

Character and Appearance

2.4 The previous application for the site was refused, in part, due to the harm it would cause to the character and appearance of the area. The reason for refusal read:

“The proposed development, by virtue of the location, layout, scale and design of the dwellings, together with their relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to paragraphs 17, 58, 59, 60, 61 and 64 of the National Planning Policy Framework”.

2.5 This decision was subsequently dismissed at appeal. In respect of the proposed dwelling on the current application site, the Inspector commented at paragraphs 6, 7 and 8 of her Appeal Decision:

“No 24 would occupy a plot at the end of a run of new semi-detached chalet this run of buildings and would have very limited effect on the street scene from Dola Avenue, being separated by some distance. I am again advised that the plot was proposed to form a garden area under the permitted scheme, which would give a pleasant, spacious character to this end of the development. However, given that the siting, scale and design of No 24 would reflect that of the adjacent new buildings, I consider that the character and appearance of the wider development, of itself, would not be significantly altered by the introduction of this additional unit.

Notwithstanding, this end of the development, and particularly the plot which would accommodate No 24, is clearly visible from Foster Way. From there, the plot offers separation between the individual style of the new development and existing houses in Foster Way, particularly Nos 44 and 42. This gap provides a sense of openness between the two streets and is currently dominated by a tall tree. No 24 would significantly erode this openness, partially obscuring the tree from Foster Way, which would result in a cramped appearance to this end of the development when viewed from Foster Way. Furthermore, No 24 would present a rear elevation to Foster Way, bounded by a wall enclosing the dwelling from the road, which would be generally out of keeping with the front elevations interacting with the road in this vicinity. For these reasons, No 24 would appear out of keeping with the general form and pattern of development of the surrounding area.

In light of the above, I conclude that the proposed development would significantly harm the character and appearance of the area. This would be contrary to the aims of the National Planning Policy Framework (the Framework), in particular Paragraphs 17, 58, 60 and 64 which among other things seek high quality design that responds to local character, promotes local distinctiveness and takes opportunities to improve the character and quality of an area. Paragraphs 59 and 61 are of no significant relevance to this appeal in that they respectively relate to design codes and policies and to connectivity between people and places”.

- 2.6 In summary, the Inspector concluded that the development would cause no harm to the visual amenity of Belvedere Gardens or Dola Avenue. However, the Inspector considered that: the dwelling on the current application site would be clearly visible from Foster Way; the gap created by the site provides an important sense of openness; the loss of this gap would cause a cramped appearance to the development when viewed from Foster Way; and the design of the development would be out-of-keeping with the properties in Foster Way. This application will need to overcome these concerns (and not create any additional harm).
- 2.7 The size and general form of the building is similar to the previously dismissed scheme. The building has been located around half a metre further from the side elevation of No.22 Belvedere Gardens and consequently closer to the boundary with No.44 Foster Way; however, this modest repositioning would not be particularly noticeable (or of significance) in views of the site from Foster Way. The development would, therefore, still result in the loss of openness at the end of Foster Way, creating a cramped appearance. The location, layout and scale of the development is therefore unacceptable.
- 2.8 The design of the dwelling has changed. Whilst the overall appearance of the building would remain consistent with the overall appearance of the dwellings in Belvedere Gardens, the development would be rotated such that it would address Foster Way, although its front door would remain to the side elevation. From Foster Way, the north west elevation would be visible. This would contain two windows at ground floor level and two flat roofed dormer windows within the roof slope. Whilst this amends the previous design of this elevation, it is not considered that the changes are significant. The Inspector criticised the lack of an active frontage to Foster Way, the wall enclosing the site and the lack of consistency with the design of properties in Foster Way. The proposal has removed the boundary wall which, visually, is positive. However, the proportions and materials would remain wholly at odds with the distinctive and cohesive design of properties in Foster Way. The detailed design is therefore unacceptable.

- 2.9 As such, the development has not overcome the previous reason for refusal or the concerns of the Planning Inspector, causing significant harm to the character and appearance of the area.

Impact on Residential Amenity

- 2.10 Application DOV/16/00998 was refused, in part due to the impact of the proposed chalet bungalow on No.44 Foster Way. The reason for refusal cited that the development would “cause an unacceptable sense of enclosure to that property, resulting in an unacceptable loss of amenity, contrary to paragraphs 17, 58, 59 and 61 of the National Planning Policy Framework”. Moreover, in dismissing the appeal, at paragraphs 11 and 12 of the appeal decision, the Inspector considered that:

“No 24 would be positioned fairly close to the common boundary with No 44. No 44 is set back from Foster Way and is significantly set back from its immediate neighbour 42 Foster Way (No 42). The new chalet bungalow would be positioned closer to the road in Foster Way than No 42, and substantially closer than No 44. The result of this would be a tunnelling effect to No 44, which would result in an unacceptable sense of enclosure affecting the outlook from the front elevation of that house, where there are principal windows to habitable rooms. However, given that No 24 would be orientated roughly to the north of No 44, no significant loss of light would occur. I also note that No 44 has a long garden at the rear but this does not alter my concerns regarding the effect of the proposed development at the front of the property.

For these reasons, I conclude that the proposed development would significantly harm the living conditions of the occupiers of nearby dwellings, with particular regard to outlook. This would be contrary to the aims of the Framework, in particular Paragraph 17 which among other things seeks to ensure a good standard of amenity for all existing and future occupiers of land and buildings, and Paragraph 58 which among other things seeks to ensure comfortable places to live, work and visit”.

- 2.11 The size of the building has not changed since the previous application and appeal were considered. However, the building has been located around 0.5m closer to the south western boundary of the site (its common boundary with No.44 Foster Way). As such the building would be located around 3.2m away from No.44, whilst the previous application proposed a dwelling around 3.7m away from No.44. The design of the building has also changed, although its general form is the same. The south western elevation (which faces towards No.44 has been amended to now include the entrance door and a small window at ground floor level and a window serving a landing at first floor level (the previous scheme proposed just a ground floor window). The size, shape and location of dormers in the north western and south eastern roof slopes have also changed. The final change to the scheme which has the potential to impact upon the developments relationship with No.44 is the proposed changes to the boundary treatments, with both the south western and north western boundary treatments being removed. Overall, the development would continue to cause a ‘tunnelling’ effect on No.44, which would be sandwiched between No.42 and the full depth of the gable elevation of the proposed dwelling. It is not considered that the removal of the wall would mitigate this harm, particularly as the side elevation of the proposed dwelling would be even closer to No.44 than the dismissed scheme. The development would therefore cause an unacceptable sense of

enclosure and corresponding loss of outlook to No.44 Foster Way, contrary to paragraphs 17 and 58 of the NPPF.

- 2.12 In agreement with the Inspectors previous findings, it is not considered that any unacceptable loss of light would occur.
- 2.13 The current application proposes a first floor window in the south western elevation of the dwelling. Such a window was not proposed in the previous, dismissed scheme. This window, which would serve a stairwell and landing, would face towards the front garden/parking area of No.44 and the side elevation of No.42. The window would provide clear views of the front garden/parking area; however, this area is readily visible from Foster Way such that no loss of privacy would result. Some angled views from the window would be possible towards the windows to the front elevation of No.44. Whilst some views would be possible and there would be a perception of overlooking, it is considered that due to the angle of views and the limited use of the area to which the window serves, overlooking would be very limited. It would be proportionate to include a condition on any grant of permission to require the window to be obscure glazed and non-opening.
- 2.14 The side elevation of No.42 does not contain any windows and, as such, it is not considered that this property would suffer from overlooking.
- 2.15 Notwithstanding the concerns raised above, third parties have contended that the wall to the south west boundary of the site is not within the ownership of the applicant and, as such, cannot be reduced in height or removed. It is concluded that the unacceptable harm caused to No.44 does not result from the retention of the wall, but with the additional harm caused by the proposed dwelling itself. As such, the determination of the application does not turn on the ownership of the wall. Were the reduction in the height or removal of the wall to be consequential, it is noted that the application is made on the basis that the wall is reduced and the applicant has signed Certificate A. As such a pre-commencement condition could to be attached, were it to be necessary.
- 2.16 It is not considered that the living conditions of any other dwellings would be unacceptably impacted by the development.

Living Conditions of Future Occupiers

- 2.17 The dwelling proposed would be of a reasonable size, would be naturally lit and ventilated and would have access to a private external amenity area. An area is shown on the submitted drawings for the convenient and discrete storage of refuse. Consequently, it is considered that the living conditions of future occupiers would be acceptable.

Impact on the Highway

- 2.18 The application proposes the provision of one car parking space, which would be accessed directly from the turning head at the end of Foster Way.
- 2.19 The application proposes one car parking space. The dwelling is shown to provide two bedrooms at first floor level, whilst a study at ground floor level could provide a third bedroom. Within a suburban location such as this 2-bed dwellings will be expected to provide 1 allocated car parking space whilst 3-bed dwellings will be expected to provide 1.5 allocated car parking spaces. In either case, an additional 0.2 spaces should be provided for visitors. As such, the development would give rise to a need for between 1.2 and 1.7 car parking spaces.

Consequently, the development would be deficient in car parking, albeit by a fraction of a space. It is acknowledged, as set out by third parties, that car parking in Foster Way is constrained, particularly in the evenings and at weekends. Whilst the development would be likely to increase pressure for visitor parking in Foster Way, it is not considered that this additional pressure would amount to a severe cumulative impact, which is the relevant test within the NPPF. Third parties have also commented that the proposed access would remove parking spaces on Foster Way. The access would join Foster Way at its turning head, which is already largely surrounded by vehicular accesses and dropped kerbs. Any parking in the turning head would be likely to limit the ability of cars to turn and prevent access to driveways. As such, it is not considered that the turning head provides safe and convenient parking. The introduction of one additional access would not, therefore, be harmful.

- 2.20 It is proposed to remove the existing boundary wall adjacent to Foster Way. This would allow pedestrians using the footpath to be seen by drivers exiting the driveway, as KCC typically require visibility splays to have no obstructions over 0.6m in height. Subject to the removal of the wall being secured by condition, adequate pedestrian visibility would be achieved.
- 2.21 The submitted drawings show the provision of vertical cycle storage, consistent with the storage which has been provided for the approved dwellings in Belvedere Gardens. This provision is considered to be acceptable, subject to a condition ensuring that the storage is provided at the time of occupation.

Other Material Considerations

- 2.22 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification for granting planning permission.
- 2.23 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". As previously confirmed, the Council can demonstrate a five year housing land supply.
- 2.24 Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental.
- 2.25 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population and, accordingly, spending power.
- 2.26 The development would provide an additional dwelling which would, to a minor degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing, albeit the site does not fall within the definition of a windfall site. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply of 6.02 years. The development would be located in a sustainable location, which allows for the use of range of modes of transport and access to facilities and services. However, the application would not secure a high quality built environment, causing a significant adverse impact on the character of the area.

- 2.27 The development would fail to protect and enhance the built environment. The development would also result in the development of a non-previously developed site.
- 2.28 Overall, balancing each of the three dimensions, it is considered that, whilst the development would provide some modest benefits, it is not considered that these benefits, either alone or in combination, are of sufficient to outweigh the substantial harm which has been identified. It is therefore concluded that the development is not sustainable.
- 2.29 It is not considered that there are any other material considerations which outweigh the harm identified.

Conclusion

- 2.30 Whilst the principle of the proposed development is acceptable, it is not considered that the development has overcome the concerns which led to the refusal of application DOV/16/00998 and the subsequent dismissal of the appeal in relation to the same, insofar as they relate to the development of the current application site. In particular, the development would cause unacceptable harm to the character and appearance of the area and harm to the residential amenity of No.44 Foster Way.
- 3.31 For these reasons, it is recommended that planning permission be refused.

g)

Recommendation

- I Planning Permission BE REFUSED for the following reasons:-
- (1) The proposed development, by virtue of the location, layout, scale and design of the dwellings, together with their relationship with adjoining properties, would create a cramped and congested form of development, out of character with the pattern of development within the area. Consequently, the development would fail to integrate into, and cause harm to, the character and quality of the area, contrary to paragraphs 17, 58, 59, 60, 61 and 64 of the National Planning Policy Framework.
- (2) The proposed dwelling, by virtue of its location, scale and relationship with No.44 Foster Way, would cause an unacceptable sense of enclosure to, and corresponding loss of outlook from, that property, resulting in an unacceptable loss of amenity, contrary to paragraphs 17, 58, 59 and 61 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Regeneration and Development to settle any reasons for refusal, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

PLANNING APPEALS

1. There were 12 appeals determined between July and Sept 2017. Four appeals were against a decision by the Planning Committee and the remainder against delegated decisions.

A breakdown is in point 3 below.

2. Members have been issued with the full decisions. This report introduces a table at **Appendix A**, broken down between those that were dismissed or upheld and identifying the main issues that the Inspectorate considered. This is to identify whether there are any patterns in the Inspectorate's decision making and to further inform our own approach. For information this also includes when the decision was taken and identifies the Case Officer and Planning Inspector.

3. The current annual target is that a maximum of 15% of appeals are upheld. The overall performance is 60%.

A breakdown of the data is on the following page.

3.1 Appeal data for decisions made by Planning Committee

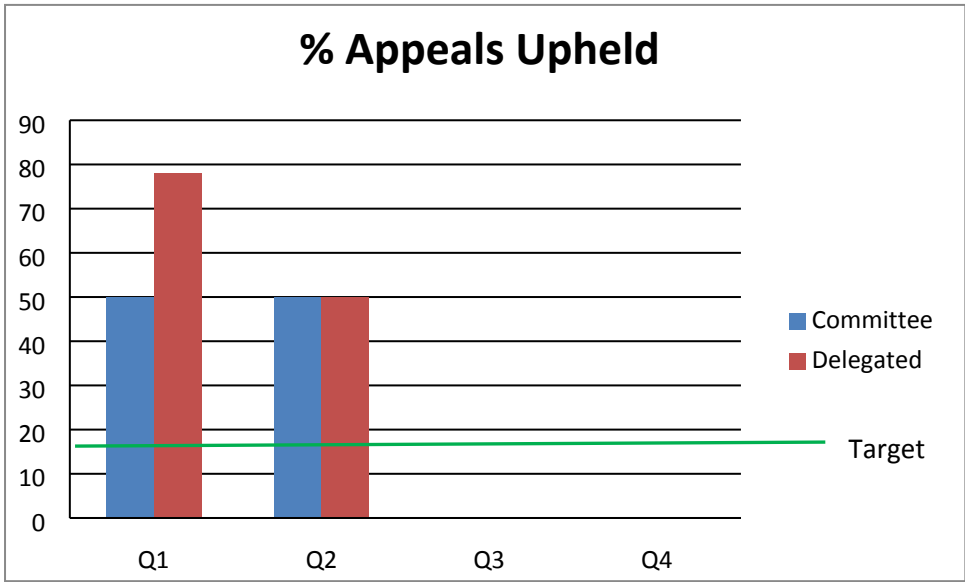
Quarter	Committee Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1	4	2	2	50
2	4	2	2	50
3				
4				

3.2 Appeal data for delegated decisions

Quarter	Delegated Appeals	Appeal Dismissed	Appeal Upheld	% Upheld
1	9	2	7	78
2	8	4	4	50
3				
4				

3.3 Appeal data for all decisions

Year to date	All appeals	Appeals Dismissed	Appeals Upheld	% Upheld
Q1	13	4	9	69.23
Q2	12	6	6	50.00
Q3				
Q4				
Total	25	10	15	60



3.4 Appeal data for Government P.I
 Appeals upheld as a % of all decisions taken over previous 24 months

Oct15 2015 - Sep30 2017	Major Applications Decided	Appeals Upheld	% Upheld
	100	1	1.00
	Non-Major Apps Decided		
	1707	33	1.93

4. Learning Points

The breakdown of the appeal decisions identifies no discernible pattern that signifies specific areas where our decision-makers are out of step with the current approach of the Planning Inspectorate. The majority of appeals are in relation to a development's impact on neighbours and/or the character and appearance of the area. However, where this has been the case, there is a fairly balanced outcome of those that have been upheld and those dismissed.

Measures are in place to ensure that those applications to be refused are considered in light of recent appeal decisions in an attempt to reduce the number of upheld appeals.

Dave Robinson

Attachments - Appendix A - Breakdown of all appeal cases 2017/18

Appendix A

Quarter 1

2017

Main Issues

Major(Y/N) or other	Address	Original Dec Date	Dele/ Com	Dismissed /Allowed	Against officer Rec	Case Officer	Inspector	Policy	Impact on Neighbours	Character and appearance of area	Impact on Listed building	Design	Other
N	Stoneheap Road	25/04/2016	C	D	N	KEV	Reed						
Y	London Rd	27/10/2016	C	D	Y	CM	Jack			Y			
N	Dola Avenue	18/08/2016	D	D		LB	Jack		Y	Y			
N	Victoria Road	29/11/2016	D	D		AW	Steen			Y			
N	Queensdown Rd	07/12/2016	C	A	N	VH	Parker			Y			
N	Beach Mews	30/03/2017	C	A		VH	Parker		Y	Y			
N	Dover Road	25/05/2016	D	A		FR	Reed			Y	Y		
Enforcement	Coombe Valley	04/07/2016	D	A		JM	Brown						
N	East Cliff	01/12/2016	D	A		AW	Victory		Y				
N	Castle St	06/01/2017	D	A		AW	Papworth				Y		
Listed Build	Castle St	06/01/2017	D	A		GS	Papworth				Y		
N	The Street	27/01/2017	D	A		VH	Parker		Y	Y			
N	Cypress Drive	27/01/2017	D	A		BK	Leigh						

Quarter 2

2017

Major(Y/N) or other	Address	Original Dec Date	Dele / Com	Dismissed/ Allowed	Against officer Rec	Case Officer	Inspector	Policy	Impact on Neighbours	Character and appearance of area	Impact on Listed building	Design	Other
Y	Hawarden Place	28/09/2016	C	D	N	CM	Stone			Y			
N	Bevan Close	25/05/2017	C	D	N	KEV	Holden		Y				
N	St Margaret's Road	14/10/2016	D	D		LB	Holdsworth			Y	Y		
N	Cederlea	07/03/2017	D	D		AW	Holdsworth			Y			
N	Temple Way	14/03/2017	D	D		KEV	Holdsworth			Y	Y		
N	Elms Vale Rd	30/03/2017	D	D		VH	Parker		Y	Y			

N	The Leas	11/05/2016	C	A	N	LB	Papworth	Y				Y	
N	Dola Avenue	17/02/2017	C	A	Y	LB	Jack		Y	Y			
Listed Build	White House Farm	08/02/2017	D	A		GS	Papworth				Y		
N	White House Farm	08/02/2017	D	A		BK	Papworth				Y		
N	Westcourt Lane	10/03/2017	D	A		DBR	Davies		Y	Y			
N	East St Farm	28/02/2017	D	A		CH	Papworth						Prior approval

Quarter 2

2017

Y	Hawarden Place	28/09/2016	C	D	N	CM	Stone			Y			
N	Bevan Close	25/05/2017	C	D	N	KEV	Holden		Y				
N	St Margaret's Road	14/10/2016	D	D		LB	Holdsworth			Y	Y		
N	Cederlea	07/03/2017	D	D		AW	Holdsworth			Y			
N	Temple Way	14/03/2017	D	D		KEV	Holdsworth			Y	Y		
N	Elms Vale Rd	30/03/2017	D	D		VH	Parker		Y	Y			

N	The Leas	11/05/2016	C	A	N	LB	Papworth	Y				Y	
N	Dola Avenue	17/02/2017	C	A	Y	LB	Jack		Y	Y			
Listed Build	White House Farm	08/02/2017	D	A		GS	Papworth				Y		
N	White House Farm	08/02/2017	D	A		BK	Papworth				Y		
N	Westcourt Lane	10/03/2017	D	A		DBR	Davies		Y	Y			
N	East St Farm	28/02/2017	D	A		CH	Papworth						Prior approval