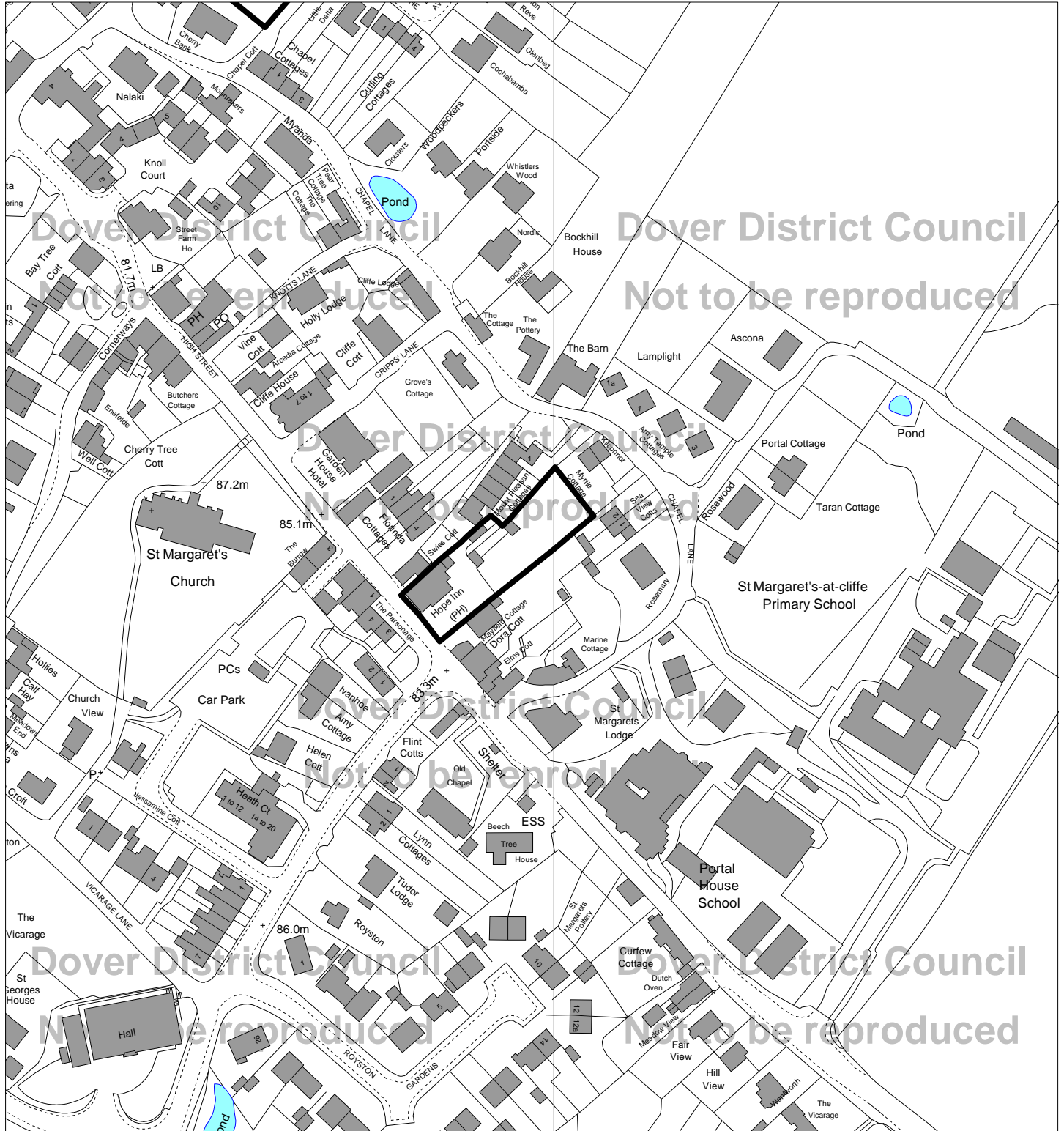


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Application: DOV/15/00120 & DOV/15/00121

**Hope Inn
High Street
St Margarets-at-Cliffe
CT15 6AT**

TR35984476



- a) **DOV/15/00120 – Change of use and conversion of existing building into two dwellings, incorporating a dormer to rear catslide, erection of one detached dwelling, terrace of three dwellings and creation of parking (existing extension and outbuildings to be demolished) – The Hope Inn, High Street, St Margaret’s-at-Cliffe**

DOV/15/00121 – Erection of a dormer to rear catslide and associated internal and external alterations to facilitate conversion into two dwellings (existing extension and outbuildings to be demolished) - The Hope Inn, High Street, St Margaret’s-at-Cliffe

Reason for report – number of contrary representations

- b) **Summary of recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1 – Settlement boundaries.

Policy DM5 – Provision of affordable housing.

Policy DM13 – Parking provision.

Policy DM24 – Retention of rural shops and pubs.

Policy DM27 – Providing open space.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

Policy DM27 – Providing open space.

National Planning Policy Framework (NPPF)(2012)

17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...

- 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...
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling...

128. In determining applications, local planning authorities should require an applicant to 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' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...

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 that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

Other considerations

St Margaret's-at-Cliffe conservation area

Planning (Listed Buildings and Conservation Areas) Act 1990

“72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Grade II listed building

Planning (Listed Buildings and Conservation Areas) Act 1990

“16(2) In considering whether to grant listed building consent for any works the local planning authority or 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 which it possesses.”

“66(1) 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 which it possesses.”

d) **Relevant planning history**

None relevant.

e) **Consultee and third party responses**

St Margaret's Parish Council

- Pleased that development is low density.
- Considers properties to the rear not to be sympathetic in style.
- Concern about access for emergency services through underpass.
- Considers internal layout of Hope Inn to be odd.
- Prefer for existing boundary hedges to be retained.
- Consideration needs to be given to difference in land levels and existence of Lime Pit.

KCC Highways

Recognises concern regarding traffic generation but considers this to be no worse than existing permitted use of the site. Visibility is below standards but proposals are unlikely to increase the use of the existing access.

Southern Water

- Proposed informative relating to connection to public sewerage system.
- Need to consider adequacy of soakaways for surface water drainage.

Public representations – objections x 10, support x 2, neutral x 1

Issues raised

- Infill, small site, unsuitable.
- Loss of privacy, overlooking.
- Overbearing.
- Too many buildings proposed for land available.
- Concern regarding emergency vehicle access to the rear of the site.
- Loss of light to Mount Pleasant Cottages.
- Concern regarding increased car movements.
- Dwellings at rear of site should be single storey.
- Concern regarding junction opposite (Reach Road/Sea Street/High Street).
- Privacy concerns – Kilconnor, Myrtle Cottage, Sea View Cottages.
- Too many dwellings in the area.
- Concern regarding structural soundness of retaining wall (where land level is significantly different).
- Views into and through the site will be lost.
- Residential development not required in terms of need for the village.
- Concern regarding increase of hard standing on site – run off.

f) **1. The site and the proposal**

1.1. The site

The site is a broadly rectangular plot of land in St Margarets at Cliffe. It is situated on a south west/north east axis on the northern side of High Street/Sea Street, within the St Margarets at Cliffe conservation area.

1.2. The site comprises in its south west corner, the Hope Inn, a grade II listed Shepherd Neame public house, which has been closed since 2014. Also at the front is a tarmac area, which was used as the car park.

1.3. The listing describes the Hope Inn as follows:

“Public House. Mid C18, extended late C19. Flint and red brick, rendered to main elevation, with plain tiled roof, and extended with painted brick and tile hanging. Original range 2 storeys on plinth with parapet to half-hipped roof with central stack. Regular fenestration of 3 sash windows on first floor and 1 sash and 1 plate glass window on ground floor with central door of 6 raised and fielded panels in raised semi-circular surround. Exposed flint and red brick on right return. C19 rear wing with 3 wooden casements on each floor and half glazed door in weather boarded gabled porch.”

1.4. The dimensions of the Hope Inn are:

Width – 11.5 metres.

Depth – 21.2 metres.

Ridge height (front) – 8.1 metres.

Eaves height (front) – 5.9 metres

- 1.5. Approximately half way into the site from the road frontage at the south west end, is an overgrown lawn area, which was the pub garden. On the western boundary at this point is a disused skittle alley.
- 1.6. The boundary to the site is comprised of a number of elements. On the north west boundary, the southern (front) half is a 1.8 metre timber panel fence. The northern (rear) half is an overgrown mature hedge, approximately 2 metres tall. At the north eastern (rear) boundary of the site is a mature hedge 2 to 2.5 metres tall. On the south eastern boundary, the northern half is a mature hedge approximately 2 metres tall. The southern half of this boundary is comprised of a wall, which is in part the external wall of an outbuilding to Mayfield Cottage.
- 1.7. **Neighbours.** The site has a number of immediate and close neighbours. The organic and close nature of the way that the area has developed means that the neighbouring site boundaries are irregular. A row of terraced dwellings, beginning with Mayfield Cottage abuts the site to the south east. The garden to Elms Cottage runs alongside the rear garden.
- 1.8. The land level of Elms Cottage garden is significantly lower than that of the site. A former pit for mining lime is suggested to have been present at this location. The difference in land level is up to 3 metres at its greatest point. The site sits above a brick and block retaining wall enclosing the rear garden to Elms Cottage, which is reinforced with buttresses and is up to 2.5 metres tall.
- 1.9. South east of the rear garden to Elms Cottage are the gardens to Queensland Cottage and Marine Cottage.
- 1.10. Adjacent to the north west boundary at the front is Swiss Cottage. This is at the same land level as the site. Bordering to the rear are Mount Pleasant Cottages, a relatively recent refurbishment of a terrace of six dwellings. The land level of Mount Pleasant Cottages is lower than the site but not significantly so.
- 1.11. North east of the site is Myrtle Cottage and Kilconnor, a semi-detached block of cottages. Myrtle Cottage is the closer of the two dwellings. The land level of Myrtle Cottage is 2 metres lower than that of the site.
- 1.12. Immediately east of the site rear boundary (at an oblique angle to the site) is another semi-detached block of cottages, Sea View Cottages. The eaves height of these cottages is below the height of the application site boundary hedge at this location.
- 1.13. The dimensions of the site are:
 - Width (road frontage, including existing pub) – 20.8 metres.
 - Width (rear) – 20.6 metres.
 - Depth – 66.6 metres.
- 1.14. Proposed development
The proposed development comprises the change of use, division and conversion of the existing pub building to create two 2 storey dwellings

(units 1 and 2), the erection of a detached dwelling beyond the rear line of the existing pub (unit 3) and the erection of a terrace of three 2 storey dwellings at the rear of the site (units 4, 5 and 6). An existing extension to the rear of the pub would be demolished.

- 1.15. **Pub conversion.** The detailed works and alterations to convert the pub are dealt with under DOV/15/00121, the listed building application. These works involve internal alterations, including the addition and removal of internal walls. A dormer window is proposed to be added to the rear catslide roof to give headroom above the stairwell to unit 1.
- 1.16. The two dwellings proposed under the conversion proposals would contain three bedrooms (unit 1) and two bedrooms (unit 2).
- 1.17. **Detached dwelling.** The detached dwelling (unit 3) is located adjacent to the south eastern boundary of the site, 24 metres from the access point/road frontage. The dwelling would be L shaped with two gable ends and a wing projecting across the site, also with a gable end. It is comprised of a storey and a half arrangement with rooms in the roof and dormer windows. The wing of the dwelling is in effect first floor only, with pedestrian and vehicular access to the rear of the site taken through an undercroft access. A parking space is also located at the ground floor level.
- 1.18. The internal layout of the detached dwelling comprises an entrance hall, kitchen and dining room on the ground floor and the living room, two bedrooms and a bathroom on the first floor. The bathroom and bedrooms are located in the first floor projecting wing.
- 1.19. Amenity space is provided in front of the detached dwelling, bounded by what is indicated as a brick wall.
- 1.20. The dimensions of the detached dwelling are:
 - Width – 13 metres.
 - Depth – 7.1 metres.
 - Depth (wing) – 4.8 metres.
 - Ridge height – 6.2 metres.
 - Eaves height – 3.6 metres.
 - Eaves height (wing) – 3.8 metres.
- 1.21. **Rear terrace.** The rear terrace is a block of three dwellings with a storey and a half arrangement comprising dormer rooms in the roof. Each end of the terrace comprises a hipped roof.
- 1.22. The end dwellings each have two bedrooms, whereas the middle dwelling has three bedrooms. Gardens are provided north east of the proposed terrace row with sheds and bin storage indicated.
- 1.23. Dimensions of the terrace are as follows:
 - Width – 16.1 metres.
 - Depth – 10 metres.
 - Ridge height – 6.8 metres.
 - Eaves height – 2.8 metres.

- 1.24. **Car parking.** Communal car parking is proposed primarily to the rear of the detached dwelling, with visitor spaces proposed adjacent to the undercroft access point (where the existing pub car parking is located). In all 14 spaces are proposed, two per dwelling and two visitor spaces. The spaces for unit two in the pub conversion are proposed to be provided in tandem. The surface of the car park has not been indicated.
- 1.25. **Bin collection.** A communal bin collection point is proposed adjacent to the undercroft of the detached dwelling. Bin storage for each dwelling would be located in their respective curtilages.
- 1.26. **Boundary treatments.** The existing hedge on the north west, north east and south east boundary is proposed to be retained. In addition a close board fence up to 2.4 metres tall, is indicated inside of the existing hedge enclosure to reinforce it on the north east and south east boundaries. Internally, the boundaries between plots is indicated as either 1.8 metre tall close board fencing or 0.9 metre tall picket fencing. The amenity space to the detached dwelling is indicated as being bound by a brick wall.
- 1.27. Plans will be on display.

2. Main issues

- 2.1. The main issues to consider are:
- Principle and loss of public house
 - Heritage considerations and design
 - Impact on residential amenity
 - Highways and access
 - Surface water drainage

3. Assessment

3.1. Principle and loss of public house

3.2. The proposed development is within the St Margarets at Cliffe settlement boundary, so in that respect is in accordance with policy DM1 of the Core Strategy.

3.3. Policy DM24 regarding the retention of rural shops and pubs, does allow for the loss of pubs in the following circumstances.

“Planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub (as appropriate) have failed.”

3.4. Policy DM24 is applied in two parts. Part one, the development would be permitted if its loss would not harm the economic and social viability of the community that it serves, and part two, if it would harm the economic or social viability, the development would be permitted if it has been adequately demonstrated through marketing that the

original use is no longer viable.

- 3.5. **Economic viability.** The applicant's agent sets out that five tenants attempted to run the pub in the six years prior to its closure in September 2014. The longest period that a tenant remained at the pub in this time was for two years from 2009 until 2011.
- 3.6. The viability information provided with the application indicates a declining barrellage over the period 2006 until 2013. Figures indicating a surplus of £25.5k have been submitted, from which either (or both) rent or loan interest would have to be paid. The conclusion drawn from this is that the return on the investment would be unacceptable.
- 3.7. In May 2014 Shepherd Neame instructed Porters to market the property at a guide price of £400,000. This marketing involved putting the details on the Porters website, the Publican Morning Advertiser website and the Daltons Weekly website. The details were further circulated to the Porters mailing list, containing approximately 450 contacts.
- 3.8. There was some interest in maintaining the premises as a pub, but this did not result in a sale. In October 2014, the current owners exchanged contracts.
- 3.9. The applicants instructed Porters in November 2014 to continue marketing the whole property, and the pub alone, for £425,000 and £250,000 respectively, although this marketing has since ceased.
- 3.10. One public representation was submitted to the consultation that suggested a valid offer to maintain the pub as such had been submitted but not sufficiently considered. This representation was followed up with the applicants and with their marketing agents, who confirmed that the offer was considered to be of too low a value and as such it was not considered acceptable.
- 3.11. **Asset of community value.** An application was made on 30 October 2014 to list the Hope Inn as an Asset of Community Value. This was subsequently refused on 22 December 2014 for the following reason:

“On the basis of the nomination as submitted there is insufficient evidence provided to demonstrate that this property's actual and current use further the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88(1) and 88(2) of the Localism Act 2011.”
- 3.12. Subsequent to the closure of the Hope Inn, there remain three open public houses in the immediate area, The Red Lion, The Smugglers Inn and The Coastguard (at St Margarets Bay).
- 3.13. It is reasonable to say that The Hope Inn previously provided a community facility to the village and this was considered of high value to local people. This is despite it not having been officially listed as an asset. However, it is not evident that its loss has resulted in a community without any facilities or has severely diminished the facilities available given there are three other pubs available in the village.

- 3.14. The loss of the pub is regrettable, but it is not considered that its loss would harm the economic and social viability of the community it serves, as there is a range of similar facilities nearby in the village. Marketing took place for at least seven to eight months, which is a reasonable period considering the premises is standing empty.
- 3.15. Policy DM24 requires first that the economic and social viability of the community is considered. There is certainly no evidence that this would be adversely affected by the loss of this particular pub.
- 3.16. It is evident that there has been little, if any reasonable interest in operating the pub as such as an ongoing concern. An alternative use is therefore necessary to ensure the site and, indeed the building itself, does not deteriorate.
- 3.17. The evidence submitted by the applicants is considered to be acceptable and to adequately address the necessary considerations and it is for these reasons that the development is considered acceptable in principle.
- 3.18. Heritage considerations and design
- 3.19. Proposed listed building works
The pub conversion would see the kitchen, public bar and the first floor living space divided into two separate dwellings, dwellings 1 and 2. A number of internal partition walls are proposed in the bar area to create equivalent kitchen, dining, living room and hall areas. Additionally dwelling 1 would contain a family room and bedroom on the ground floor. On the first floor, the blocking up of a passageway would enable two bedrooms to be provided for each dwelling. A staircase in the entrance hall would be made for dwelling 2. Dwelling 1 would also have an attic and a cellar.
- 3.20. External alterations would see conservation style roof lights added to the roof above the kitchen dining area of dwelling 1. A dormer extension to the rear catslide would be added to ensure sufficient headroom above the hall staircase. An existing timber clad toilet block extension at the rear (north east) of the pub, would also be demolished. The ground floor windows in the High Street facing elevation (front) of the Hope Inn are proposed to be replaced with 2/2 vertical sliding sash windows to match the existing originals.
- 3.21. Special regard for the listed building
Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard' is had 'to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses'.
- 3.22. **The building.** The applicants agreed to amend the original plans following the request of the council's heritage officer. They were proposed in order to reflect as best as possible existing bedroom sizes and the external appearance of the building. The dormer extension to the rear catslide is a change from the original proposal – which was to provide a gable end.

- 3.23. The heritage officer was satisfied with the proposed amendments.
- 3.24. The applicant's heritage consultant notes that there are only nine listed buildings in the village, contending that this adds more significance to the Hope Inn than may have otherwise been the case for a building of its age, which has been altered in the past. In any case it is considered important to secure its future by giving it an active use.
- 3.25. **The setting.** The full application proposes development within the setting of the listed building, the most immediate being the detached dwelling (dwelling 3), which is proposed at a right angle to the north west/south east boundaries.. Having reviewed historic Ordnance Survey maps, which indicate the existence of an outbuilding of some form in a similar position to the proposed dwelling 3, the council's heritage officer considered this aspect of the proposal acceptable because it would reintroduce a perception of the historic layout. In order for the proposed dwelling to evoke the sense of an outbuilding, amendments have been achieved which reduce its scale and utilise timber weatherboarding which would make it subservient in form and appearance.
- 3.26. A condition can be attached which would require that the rear and side boundaries of the gardens to the listed building and the detached dwelling will be constructed from brick.
- 3.27. In the rear (north eastern) half of the site, dwellings 4, 5 and 6, are proposed in a terrace row. Between the undercroft of dwelling 3 and the terrace row is a parking court, providing two spaces for each dwelling, i.e. twelve spaces. Subject to satisfactory landscaping details being submitted, bonded gravel for the parking court is proposed. It is considered that the terrace row to the north east and the detached dwelling to the south west would provide a sympathetic enclosure to the site that would re-create a courtyard and out building character, which would respect the setting of the listed building.
- 3.28. Special attention to the conservation area
Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention' is paid 'to the desirability of preserving or enhancing the special character or appearance' of the conservation area.
- 3.29. The existing nature of the St Margaret's at Cliffe conservation area is in part a remnant of a distinct development pattern in evidence from the Victorian period and earlier. The development was bounded by the High Street and Chapel Lane, with properties lying between those two roads, in part served by Cripps Lane and Knotts Lane.
- 3.30. The late 19th century map shows what appears to be an organic form of development bounded by these roads and lanes, with some intervening backland developments and open spaces.
- 3.31. The applicant's heritage statement considers that the development proposed responds to and builds on the local historic character by adding 'development in depth' in what it considers to be an 'unusually deep site' from the High Street. The statement recognises that the

proposed terrace row at the north eastern end of the site has no immediate context, but contends that its context is new, formed by proposed dwelling 3 and the enclosed courtyard.

- 3.32. The assessment of the prevailing character in this part of the conservation area is considered broadly accurate and while the proposed rear terrace row of dwellings has no immediate context, it is considered that its scale, form and siting has evolved in a manner which responds to its heritage location.
- 3.33. Heritage assets conclusion
- 3.34. In terms of the listed building, changes are proposed that would alter some of its historic fabric. However, changes are also proposed that would reveal internally its historic fabric and return some of its original rooms to their original proportions. The setting of the building would change, however, as set out above it is considered that the proposed development evokes a courtyard characteristic that would be a benefit in historic terms.
- 3.35. In terms of the conservation area, the proposed development reflects the tight-knit grain and character that has evolved organically over a number of years, originating from before the Victorian period. The detached dwelling (3) is proposed to be sited in a similar location to a previous outbuilding and its appearance has been designed in a way to suggest that character. The rear terrace and courtyard are recognised as setting a new context in terms of character and layout. It is, however, considered that this layout has been conceived sympathetically.
- 3.36. Alterations to the listed building itself are relatively minor in nature. The amended proposals will ensure that the historic fabric and appearance of the building is not harmed. There is some understandable concern over the wider development proposals and the effect on the existing setting of the building. However, as set out above there are benefits to the proposals, which will involve a return to the historic layout of the site and the certainty of preservation and protection of this heritage asset. The setting of the building and the conservation area would be changed to some extent with the provision of the terraced row of dwellings to the far rear of the site. However, those changes are considered to be relatively low-key in nature and suitably sympathetic in this location to ensure the setting and appearance of the building and the special appearance and character of the conservation area are not lost or harmed. The public benefits of the development also has to be considered, and would mean an active use would be secured for the listed building and the site would be developed in a way which ensures it has a long term future. Accordingly the development proposals are considered not to be harmful, thereby having a neutral effect, whilst bringing added benefits, in accordance with the requirements of the Act and aims and objectives of the NPPF.
- 3.37. Design of the new builds
The design of the new build dwellings has been amended through the planning process so that they better fit into the site in terms of scale and form, respecting the surrounding character and appearance of the

conservation area and street scene.

- 3.38. **Detached dwelling.** The design of the detached dwelling originally incorporated a ridge line that was taller than that of the listed building. This was reduced to make the dwelling subservient, particularly given that it is open to views from the street. The original design also incorporated flint features, reflecting the Sea Street terrace, however, it was considered that dark stained weatherboarding would be a more appropriate solution for a building intended to be subservient, evoking the character of an outbuilding, rather than a primary building in its own right. The applicants worked to evolve this design and it is now considered appropriate in this context. Public comments were made regarding the accessibility of the rear terrace for emergency services, the design is acceptable in this respect, a fire hose can reach 40 metres, which is the distance from the entrance of the undercroft to the rear (north east end) of the rear gardens in the terrace row.
- 3.39. **Design of the rear terrace row.** The scheme has been amended so the first floor is now located within the roof, using dormer windows. This has benefits for residential amenity, which is discussed below, but it also serves to reduce the impact of the dwellings on the wider conservation area. In combination with lowering the existing ground level at this location by 500mm, the eaves height of the rear terrace would now be marginally above the height of the boundary fence/hedge, with a hipped roof above that.
- 3.40. There are flat roofs placed between pitched roofs at the rear of the terrace. This design solution has been incorporated in order to maintain the angle of pitch. This feature would not be visible from the wider area. The rear of the terrace, while visible from Chapel Lane, will be screened in large part by the existing hedge and the proposed close board fence. Views of the terrace will be most prominent when travelling south east on Chapel Lane past the entrance of Mount Pleasant Cottages.
- 3.41. Overall, the design, scale, features and proportions of the terraced row are satisfactory – giving the appearance of cottages or almshouses, which would be subordinate to the listed building and adjacent conservation area.
- 3.42. Impact on residential amenity
- 3.43. **Myrtle Cottage and Kilconnor.** The relationship of the site and the proposed development with Myrtle Cottage and Kilconnor means that it is the first floor windows in the rear elevation of the rear terrace row that could potentially provide views overlooking the private amenity space of both of these properties. Interlooking concerns have been addressed by virtue of the existing facing elevation of Myrtle Cottage not comprising any windows.
- 3.44. The applicants have proposed to keep the existing hedge on the rear boundary of the site, which is between 2.5 and 3 metres tall, on top of the 2 metre tall retaining wall, which encloses the rear garden to Myrtle Cottage. The garden at Kilconnor is further away and would not be affected. The applicants have also proposed to erect a 2.4 metre tall fence on this boundary.

- 3.45. The location of these cottages to the north east of the site means that overshadowing may be likely to occur to some degree during the course of the day. Overshadowing into rooms is unlikely to occur because the facing elevation of Myrtle Cottage has no windows and the elevations that do contain windows do not face the development. However, due to the relative elevation of the application site and the mature hedge which delineates the rear boundary of the site, any shadow cast is unlikely to be noticeably different from that which already occurs.
- 3.46. Accordingly, the potential effect on the residential amenity of the occupants at Myrtle Cottage and Kilconnor is considered to be acceptable.
- 3.47. **Sea View Cottages**, in a semi-detached block of cottages, are located immediately east of the rear of the site. 2 Sea View Cottages contains a first floor window, which is in close proximity to the site. The consideration in this instance is whether there would be any interlocking achievable from the proposed first floor window at the rear of the easternmost dwelling of the rear terrace. The applicants have provided a plan which shows the relationship between the two windows to be at an oblique angle beyond 30 degrees. It is considered that this angle, in combination with a proposed 2.4 metre fence and the existing hedge, which the applicants intend to retain, will ensure the privacy of the occupants at 2 Sea View Cottages. Number 1 is far enough away not to be affected.
- 3.48. The location of these cottages directly east of the terrace at the rear of the site means that any shadowing of the cottage would not occur until later in the day when the sun is in the west of the sky. This would normally be exacerbated by the difference in land levels, however, where the boundary of the site is closest to Sea View Cottages the existing hedge means that the shadow cast on the existing properties would be unlikely to alter.
- 3.49. **Elms Cottage, Queensland Cottage and Marine Cottage**. There is potential for the overlooking of the private amenity space at the rear of these cottages and for the privacy of their occupants to be detrimentally affected. The applicants have amended the design of the rear terrace so that the end unit closest to the garden would not have two first floor windows, but one. This means that the first floor window in that unit has been brought away from the boundary. The applicants decreased the height of that proposed window by proposing to lower the ground level by 500mm thus enabling the entire rear terrace to be lowered into the site. There would also be a 2.4 metre tall fence on the dividing boundary, as well as the retention of the existing hedge. The applicants have provided a visual representation of the effects from the rear garden of Elms Cottage, which shows that views from the first floor windows of the terrace would no longer be achievable.
- 3.50. The detached dwelling that is proposed also has the potential for providing views over different parts of the gardens. However, its layout and siting is considered to address these issues. The first floor window to its rear is above a stairwell, so is unlikely to be used for viewing purposes and the first floor window to the front is located far

enough south adjacent to the south east boundary that any views achieved of the rear gardens would be at a very oblique angle and would not be wide ranging.

- 3.51. As such, this concern is considered to have been satisfactorily addressed, to the extent that the occupants of Elms Cottage and Marine Cottage now support the proposal.
- 3.52. **Mayfield Cottage.** The location of this cottage is such that there could be an interlooking and overlooking concern. The concern arises from the proposed location of the detached dwelling and its living room windows, which are at first floor on its front elevation.
- 3.53. The interlooking concern is considered to be overcome due to the nearest proposed first floor window being approximately 20 metres from the first floor window of Mayfield Cottage and the siting of the outbuilding, which forms the side boundary of Mayfield Cottage partially blocking this view. The nearest ground floor window is at approximately the same distance as the first floor window, but the view between it and the proposed living room window would be wholly blocked by the outbuilding. The remaining windows in Mayfield Cottage that could potentially be affected are at a distance of more than 21 metres and as such, are considered to be far enough away to not be affected. Angles of view in any case would be oblique.
- 3.54. In terms of the courtyard and potential overlooking concerns, the majority of the courtyard is obscured from view by the siting of the outbuilding. Any views that may be achievable are likely to be at an oblique angle and not readily available to a person looking out of the proposed living room window.
- 3.55. **Mount Pleasant Cottages.** Mount Pleasant Cottages are located west/north west of the proposed rear terrace. The applicants have indicated that from the base of the existing cottage rear extensions, a 45 degree angle would not intersect any part of the proposed rear terrace. This is sufficient for summer months when the sun is higher in the sky. Combined with the proposed end hips to the rear terrace, it is considered that Mount Pleasant Cottages are unlikely to be affected to a significant degree. The likely time that any shadow would be cast would be in the mornings of the winter months, but this effect would recede by midday.
- 3.56. Residents at 1, 3, 5 and 6 Mount Pleasant Cottages removed their objection to the development, following amendments to the scheme.
- 3.57. Highways and access
- 3.58. KCC highways have indicated that they are content with the development proposal. Given the existing use of the site, the proposed development is unlikely to increase the number of vehicles using the site access. The parking spaces proposed are above the minimum standard. The highways officer requires a number of conditions to be placed on any permission, which are considered appropriate.
- 3.59. Surface water drainage

- 3.60. Concern has been raised over surface water drainage. This can be dealt with by a condition seeking details.
- 3.61. Affordable housing contributions
- 3.62. Adopted policy DM5 of the Core Strategy is applicable to this development proposal. As the development proposed is for a net increase of five dwellings (the existing public house counting as one dwelling), the developer can choose to make a financial contribution, an on-site provision, or a combination of the two.
- 3.63. The applicant is proposing a financial contribution for affordable housing, as per the calculation contained within the Affordable Housing SPD addendum, adopted in 2011.
- 3.64. The financial contribution proposed is £54,000, representing 5% of a gross development value of £1,080,000.
- 3.65. The predicted sales values were assessed against local sales values information and considered to be broadly accurate. The £54,000 proposed contribution is therefore considered acceptable and in accordance with policy requirements.
- 3.66. The applicant has submitted a unilateral undertaking confirming the affordable housing contribution.
- 3.67. Open space contributions
- 3.68. Policy DM27 requires that open space provisions, either physical or financial, are made for developments incorporating five or more dwellings, unless sufficient local provision already exists.
- 3.69. Discussion with the council's infrastructure officer confirmed that for a development of six units, the only likely open space contribution that would be sought, would be for children's equipped play space. However, further investigation confirmed that the St Margaret's at Cliffe play space had recently been upgraded. In light of this, it was considered that the existing local provision was sufficient and that no contributions for this could be sought.
- 3.70. Conclusion
- 3.71. The development is considered to be acceptable. In terms of principle, it is within the St Margaret's at Cliffe settlement boundary and there is enough evidence submitted with the application, combined with the remaining good provision of public houses in the village, to show that the loss of this public house in particular, although regrettable, will not adversely affect the social or economic viability of the community.
- 3.72. The Hope Inn itself is a listed building and the site is located within the St Margaret's at Cliffe conservation area. The applicants have considered the heritage aspects of the proposal and have sought to convert the public house in a way that respects its historic fabric. The associated listed building consent is recommended for approval. The design of the new build elements has evolved in a manner which

sought to be sympathetic to the character and appearance of the conservation area, while maintaining residential amenity.

- 3.73. Given the close proximity of the development to its neighbours on all sides, the consideration of maintaining residential amenity has been a particularly important factor. The applicants have worked to reduce the impact of the proposed dwellings in terms of overlooking, interlooking and potential overshadowing. Some public representations have changed during the process to support the proposal, having initially objected to it and this is a reflection of the work that the applicants have put in.
- 3.74. No open space contribution has been requested by the council, but the development proposal has been subject to an affordable housing contribution, calculated at £54,000. This requirement came relatively late in the application process, as the result of a legal case. It should be recognised that the applicants have accepted the need to make this contribution and this is a benefit of the scheme.
- 3.75. It is considered that the development would provide needed housing within St Margaret's at Cliffe and reuse a prominent site and buildings that otherwise could become derelict.
- 3.76. As has been said above, the loss of a pub is to be regretted. However, sufficient marketing evidence has been submitted to show there is no market interest in running the business as an ongoing concern. It should also be noted that the application to register the Hope Inn as an Asset of Community Value was refused.
- 3.77. The reuse of the heritage asset for an alternative use and provision of additional dwellings, is considered to bring benefits to the wider village, in that it would ensure the preservation of the building (albeit being used differently) and provide additional housing for the village. This scheme has the added benefit of providing contributions towards affordable housing.
- 3.78. In conclusion, the proposal is considered to deliver sustainable development, meeting government aims in respect of securing economic, social and environmental objectives.
- 3.79. All third party comments have been taken into consideration in reaching this recommendation.

g) **Recommendation**

Subject to the satisfactory resolution and signing of a unilateral undertaking to pay the affordable housing contribution to the Council,

- I. Planning permission be GRANTED, subject to conditions including:
(1) Plans (2) Time limit (3) Materials (4) Joinery (5) Rainwater goods (6) Boundary treatments including internal boundaries (7) Hard landscaping (8) Soft landscaping (9) Tree/hedge retention/protection (10) Car parking spaces (11) Bound surface five metres from access onto highway (12) Discharge of water on to the highway (13) Cycle storage (14) Bin storage (15) Construction management plan (16) Surface water drainage details (17) Remove permitted development

rights (19) Meter boxes and flue details (20) Details of mortar and pointing (21) Window reveals (22) Rooflight details.

- II. Listed building consent be GRANTED, subject to conditions including:
(1) Plans (2) Materials and colour finishes (3) Joinery (4) Rainwater goods (5) Timing for demolition (6) Protection of features (7) Scale drawings of brickwork, masonry etc. for repair (8) Metre boxes and flue details (9) Details of mortar, bonding and pointing (10) Window reveals (11) Rooflight details.
- III. That 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 the Planning Committee.

Case officer

Darren Bridgett