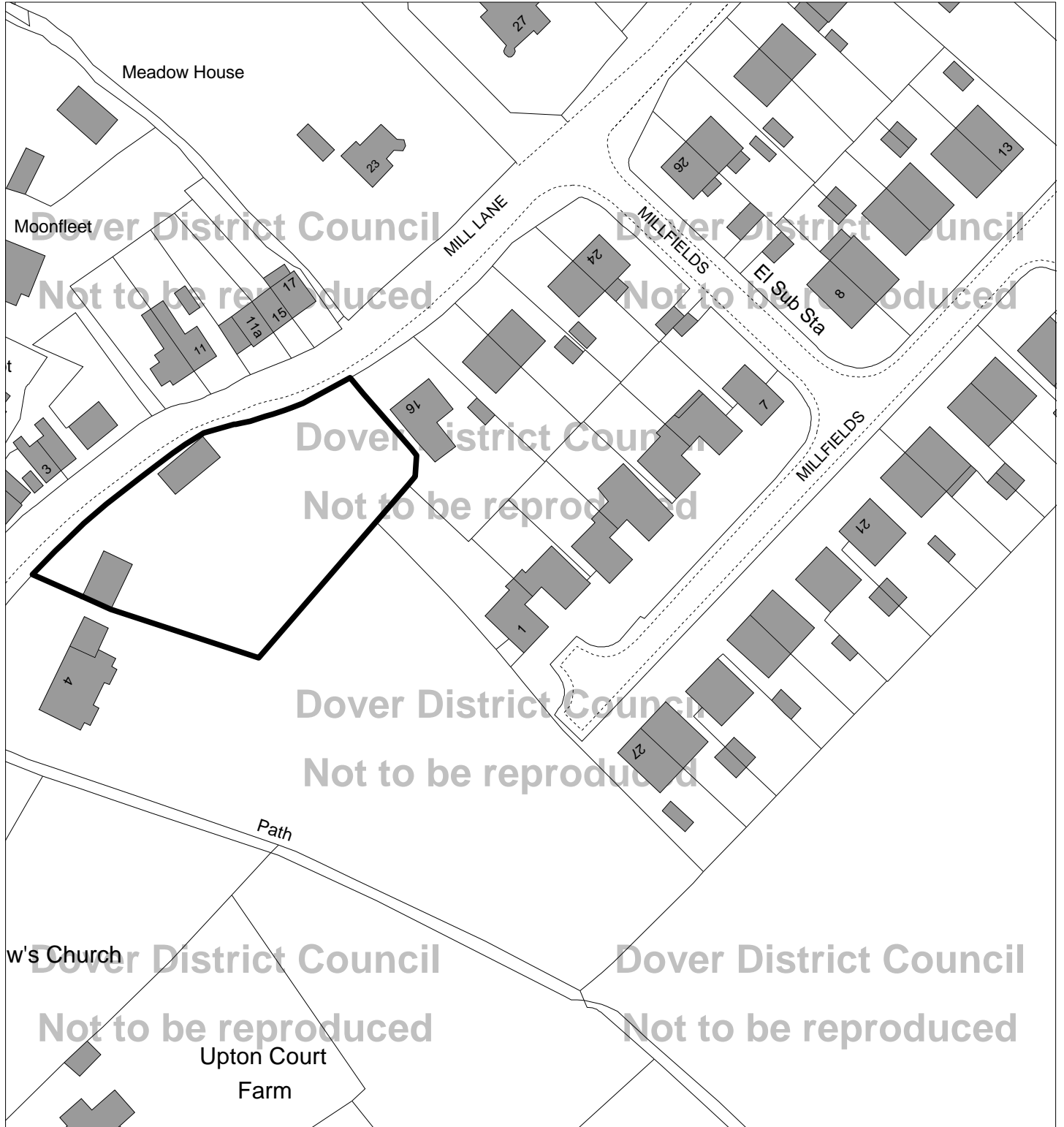


This plan has been produced for Planning Committee purposes only. No further copies may be made.



**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/15/00638**

**Land at Upton House, 4 Mill Lane**

**Shepherdswell**

**CT15 7LJ**

**TR26294785**



- a) **DOV/15/00638 – Erection of three detached dwellings, garages and creation of vehicular access (existing outbuildings to be demolished) - Land at Upton House, 4 Mill Lane, Shepherdswell**

Reason for report: The number of third party contrary views.

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

**Dover District Core Strategy (CS)**

- Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development;
- Policy DM11 advises that development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that will help to satisfy the demand. Development beyond the urban confines must be justified by other development plan policies.
- Policy DM13 sets out parking standards for dwellings and states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives;
- Policy DM16 sets out where the landscape is harmed, development will only be permitted if it is in accordance with allocations made within the Development Plan Documents and incorporates necessary mitigation or it can be sited so as to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts.
- Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that a hamlet, such as Snowdown, is not suitable for future development unless it functionally requires a rural location;
- Policy CP2 identifies the requirement for allocating land for houses and employment;
- Policy CP3 identifies the distribution of housing allocations, stating that land to be allocated to meet the housing provisions of CP2 will include land for 1,200 homes in rural areas.

- Policy CP5 requires all new residential properties to meet Code for Sustainable Homes level 4 and encourages the incorporation of energy and water efficiency measures in non-residential buildings under 1,000sqm gross floor space.
- Policy CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development.
- 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.

#### Dover District Land Allocations Local Plan 2015

- Policy LA 32 Land Allocation for Residential Development at Shepherdswell, includes Land at 4 Mill Lane and states Development proposals should reflect the character and scale of adjacent development; change to settlement confines and issues Conservation Area.

#### Material Considerations

##### *National Planning Policy Framework*

- The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Para 7 sets out there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
  - An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 continues that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and

communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

- Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development and that for decision-taking this means approving proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.
- The NPPF sets out 12 core planning principles, which includes securing high quality design and a good standard of amenity for all existing and future occupants and conserving heritage assets in a manner appropriate to their significance, so that that they can be enjoyed for their contribution to the quality of life of this and future generations.
- Paragraph 49 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.
- Paragraph 55 sets out to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 56 sets out good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- Paragraph 58 sets out Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
  - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.
- Paragraph 60 states that whilst planning decisions should not impose architectural styles or particular tastes, it is proper to seek to promote or reinforce local distinctiveness
- Paragraph 61 includes that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- Paragraph 128 requires the applicant to describe the significance of any heritage assets affected, including any contribution to their setting.
- Paragraph 131 sets out that 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.
- Paragraph 132 states 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. Substantial harm to or loss of a grade II listed building,

park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- Paragraph 133 sets out 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.
- Paragraph 134 sets out 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 138 sets out not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

#### *National Planning Policy Guidance*

- Provides guidance on matters relating to main issues associated with development

#### *Sections 66(1)(listed building) and 72(1)(conservation area) of the Planning (Listed Buildings and Conservation Areas) Act 1990*

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) states that ‘In the exercise, with respect to any building or other land in a conservation area, of any powers under 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 the area’.

*The Kent Design Guide*

Sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

d) **Relevant Planning History**

CH/6/73/0325	Outline erection of a single dwelling – Refused
DO/74/0320	Single Storey Dwelling – Refused
DC/81/0814	Outline dwelling – Withdrawn
DC/94/00763	Conversion of double garage to office accommodation – Withdrawn

e) **Consultee and Third Party Responses**

Principal Ecologist: A bat informative should be attached to any consent

Conservation Officer: In summary commented:

The combined D&A/statement of significance has identified a hierarchy in the form of buildings, with the scale decreasing away from the centre of the conservation area and has used this principle successfully in the proposed development. The low density of the new dwellings and their location a significant distance from the road, would help to mitigate any potential harm on the open character of this part of the conservation area. The proposal would result in the demolition of a blockwork garage which in itself is of no intrinsic merit and with sufficient and appropriate landscaping there is an opportunity to improve the appearance of this part of the conservation area.

Environmental Health: No contamination issues on this site but recommend a condition restricting noisy activity during the demolition and construction phases

KCC Archaeology: In summary commented that given the potential impact of the development on buried archaeological remains it would be appropriate to make provision for a programme of archaeological work.

Parish Council: No objection

Letters of representation:

*Representations for original scheme submitted four detached dwellings:*

16 letters of support and 13 letters of objection have been submitted. The objections submitted raised the following material considerations:

- overlooking and loss of privacy of properties to the rear of plot 4
- Overlooking and loss of privacy of properties on Mill Lane
- Impact on the local area and environment
- Concerned about the noise and machinery during construction
- The road is narrow and emergency vehicles and buses are frequently obstructed by current parking congestion, the loss of on street parking and increased number of properties will exacerbate the situation
- Loss of view
- Loss of trees and wildlife
- Four larger detached houses are not suitable in this part of the village and are out of character
- The development should be bungalows or cottage style starter homes

The letters of supported submitted raise the following material considerations:

- Positive move for the village as provides much needed family housing and will support local businesses and schools
- The units are aesthetically pleasing for the street
- The new houses will have private drives meaning that cars will no longer be allowed to park on this part of the road which will help the traffic situation in the village
- The houses are set back from the road providing adequate parking space for the residents and set away from other properties

*Representations for revised scheme submitted three detached dwellings:*

One letter of objection received outlining:

- The development is on a blind bend that is used by many cars for parking, particular at peak times and for local events and it is dangerous for pedestrians. Concern more driveways will impact the issue.
- The proposed dwellings are too large, the village needs affordable housing to redress the population imbalance.
- the development will be out of keeping with the conservation area and village life

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



- 1.1 The site is allocated in the Land Allocations Local Plan (Policy LA 32), and as part of the allocation the settlement boundary of Shepherdswell was amended for its inclusion. It is also located in the Conservation Area.
- 1.2 The site currently forms part of the garden for Upton House, 4 Mill Lane. It includes a double garage/shed linked to the existing dwelling facing Mill Lane, a separate garage along the Mill lane boundary and a glass house. The garden consists of a number of fruit trees, a walnut tree and shrubbery. There is a hedge which runs along the boundary with Mill Lane, albeit it is broken in a couple of places with some small gaps.
- 1.3 The north west and east of the site are predominantly residential. To the north west, directly across from the site, along Mill Lane is a mix of two storey cottages set close to the road frontage that are of a modest scale and form. Adjoining the site to the east on Mill Lane are single storey bungalows and to the south east, adjoining the rear of the site (behind proposed plot 4) at Millfields are single storey bungalows.
- 1.4 The northern / north west side of this part of Mill Lane has a tighter grain of development, where generally buildings are two storey – although of a modest scale whilst the south eastern side has a looser and more open, spacious character where aside from Upton House, buildings are more of single storey.
- 1.5 To the south of the site is the extended garden area land forming part of Upton House, beyond which lies open countryside, agricultural fields, and Upton Court Farm.
- 1.6 Towards the west lies the village green and St Andrews Church, a Grade II listed building, which are also designated open spaces and located in the Conservation Area.
- 1.7 Planning permission is sought for demolition of the existing out buildings and redevelopment of the site providing 3 detached dwellings.
- 1.8 The original application submitted included four large two storey detached dwellings, however due to concerns over the scale of development, the impact on the conservation area and impact on the street scene Revisions were sought reducing the number of units to three and to amend the design of the dwellings.
- 1.9 Plot 1 –  
  
Closest to Upton House is two storey dwelling with a detached garage. It would have a traditional design with stringcourse detailing and a hipped roof.  
  
It would be broadly an 'L' shape with a height of approx. 5m to eaves and 7.5 to ridge. Its width would be 9.5 m, with a max depth of approx. 10.3m.

The ground floor includes a dining room, living room and kitchen / dayroom. First floor includes four bedrooms (including one ensuite) and a family bathroom.

Materials proposed include natural slate roof, white render and white PVC windows with stone cills, and a blue/grey brick plinth.

The garage is approx. 6m long x 3.8m wide x 3.8m high and would be constructed of matching materials to the dwelling.

#### 1.10 Plot 2 –

The dwelling would be two storey, with dormer windows to the front and rear. There is a pitched roof with gable ends and a slight projection to the front elevation with a catslide roof down to the entrance.

It would have a max height of approx. 7.3m x width of 9.5 x depth from 7m to 11m.

The materials proposed include a plinth with a splayed stretcher course, multi-red stock bricks, two course decorative brickwork (dog tooth corbel) and orange/red vertical tiling and dark brown plain tiles.

The ground floor includes a dining room, living room and kitchen / dayroom. First floor includes four bedrooms (including one ensuite) and a family bathroom.

The garage would be approx. 6m long x 3.8m wide x 3.8m high and constructed of matching materials to the dwelling.

#### 1.11 Plot 3 –

It is a single storey bungalow with a hipped roof. It would have a maximum height of approx. 5.3m to the ridge and 2.4m to the eaves. It is approximately. 14.8m wide and 8.5m deep. The ground floor includes three bedrooms (including one ensuite), a family bathroom, lounge and kitchen/dining area.

There is a slight projection to the front elevation with a gable front finished in orange/red vertical tiling. The remaining details include red stock brick plinth, a multi-yellow stock brick and terracotta red pantiles.

1.12 The proposed dwellings would front Mill Lane and would be set back from the road, with individual accesses and off- street parking. The development of the site involves the removal of a number of the existing small fruit trees. The proposal includes retention of the existing hedge along the frontage as far as is possible, however it would be lost in parts to create the accesses and visibility splays. Additional trees are proposed in front of the dwellings to provide additional screening.

1.13 *Plans will be displayed*

## 2. **Main Issues**

- 2.1 The main areas of assessment are:
- The principle of residential development;
  - Impact on the Conservation Area and the character of the area;
  - Loss of Trees
  - Impact on Neighbours;
  - Accessibility and Highways;
  - Archaeology;
  - Other matters; and
  - Conclusion

### 3. **Assessment**

#### Principle of development

- 3.1 As the site is allocated in the Land Allocations Local Plan Policy LA 32, the principle of residential development on site is considered acceptable. However the policy sets out in terms of design guidelines that any development proposals for the site should reflect the character and scale of adjacent development. The supporting text (paragraph 3.444) sets out that any proposed development on this site would need to take account of its Conservation Area setting.
- 3.2 Policy CP1 identifies Shepherdswell as a local centre, 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. Para 3.38 and its associated table states that to reinforce rural area, development should reflect the existing character of the area while taking opportunities to improve design standards.
- 3.3 As such whilst the principle is acceptable, the proposed development should be acceptable in all other respects including the impact on the character of the area and the conservation area; residential amenity; trees; ecology; and highways. These matters are considered below.

#### Impact on the Conservation Area and the character of the area

- 3.4 The site is included in the Conservation Area, which also includes St Andrew's Church, Upton Court Farm Cottage and The Bell Inn which are all Grade II listed buildings. The Conservation Area surrounding these buildings is very open in nature and it is considered the existing site forms part of this open setting.
- 3.5 Furthermore the Land Allocations Policy states that the proposals for the site should reflect the character and scale of adjacent development. As set out above, the typology of the surrounding area comprises a tighter grain of development to the north west of the site with modest two storey dwellings which are sited close to the road. To the east are bungalows set back from the road with deeper front gardens. The existing dwelling on the site (Upton House to the west) is a large house, however it is unusually set within a large garden area, which is not a prevailing characteristic of dwellings in the vicinity. Development proposals for the application site would therefore be expected to reflect and respect these characteristics as they form part

of the spatial characteristics of the area and would inform suitable design solutions.

- 3.6 Policy LA32 and its supporting text is clear that the development of the site should reflect the character and scale of adjacent development and that any proposed development on this site would need to take account of its Conservation setting.
- 3.7 The revised proposals sought to address concerns raised by reducing the number of units and also reducing the scale of the buildings. In particular the revisions have increased the amount of space between and surrounding the dwellings. The development is now more reflective of the grain of the development and typology of the buildings on the southern side of Mill Lane and to the east, which is particularly characterised by the units typically being set back from the road frontage with space between the units.
- 3.8 The new dwellings are all of a different form, varying in architectural styles and would use a mixture of materials the influence for which has been drawn from the surrounding properties. The dwellings would reflect the change in scale from west to east reducing from two storey dwellings to a bungalow.
- 3.9 The siting of the proposed garages has also been revised to ensure they would be back from the road and not be a dominating feature in the street scene.
- 3.10 Section 72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990, requires local authorities to pay 'special attention' to the desirability of preserving or enhancing the character of appearance of conservation areas.
- 3.11 Under the NPPF conservation areas are classed as designated heritage assets, and 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 asset's conservation'.
- 3.12 The NPPF paragraph 129 includes that the local planning authorities should identify and assess the particular significance of any heritage asset and 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.
- 3.13 Where proposals would lead to any 'harm' then a judgement needs to be made, under paragraphs 133 and 134, as to whether this would be classed as 'substantial' or 'less than substantial' harm. Where harm would amount to 'less than substantial harm' then this harm should be weighed against the wider public benefits of the scheme.
- 3.14 With this application, it is recognised that the development would result in a loss of some existing open space in the conservation area. However, this was inevitable due to the allocation of the site for residential. The key to achieving an acceptable impact on this

sensitive location is expected to be achieved through careful and sympathetic design of any scheme. In this case the revised scheme has resulted in a sympathetic design solution which incorporates a decent amount of space and enables gaps to be achieved between buildings and the retention and provision of some leaf cover and green areas. In addition it identifies a hierarchy in the form of buildings, with the scale decreasing away from the centre of the conservation area. The development proposals now represent a reduced form and scale of development which would not impinge unduly on the existing space.

- 3.15 As identified by the Conservation Officer, the site lacks mature trees which elsewhere in the village add to the character of the conservation area. The provision of additional trees as part of the proposals, through sufficient and appropriate landscaping would be an opportunity to improve the appearance of this part of the conservation area. This would also be helped by the demolition of a blockwork garage building which in itself is of no intrinsic merit.
- 3.16 Overall in view of the sensitive and sympathetic nature of the revised scheme it is considered that the effects and impact of the development on the setting and character Conservation Area and nearby Listed Buildings are neutral. As identified by Planning Practice Guidance on how proposals can avoid or minimise harm, the revised proposals show a clearer understanding of the significance of the heritage asset and its setting to avoid harm. The proposed development would sustain the existing significance of the conservation area. This also accords with section 72 of the Act which requires special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

#### Loss of Trees/Hedgerows

- 3.17 There are a number of small fruit trees on site that would be removed as part of the development. In addition the site seeks to retain the front boundary hedgerow as much as possible. Parts of the hedgerow would be lost through the insertion of the accesses, however replacement hedging is proposed to each property and also to fill in other gaps along the frontage. New trees are also proposed to site behind the hedgerow.
- 3.18 It is considered, given the reduction in the scale of the proposed dwellings, the resultant increase in space and the proposed new trees and hedging along the frontage, overtime the development will replenish the leafy nature of the site within the Conservation Area.
- 3.19 The reduction in scale and number of units allows for an increase in the open space around each dwelling which addresses previous concerns regarding future pressure to remove retained trees due to overshadowing given the small plot sizes and gardens.
- 3.20 A condition is sought for the protection of the retained trees during construction and also additional information on proposed planting and maintenance of the landscaping.

#### Residential Amenity

- 3.21 It is recognised that a number of concerns have been raised in relation to potential overlooking and loss of privacy to surrounding properties. The revisions to the scheme also sought to ensure concerns were addressed.
- 3.22 In relation to the impact on properties on Mill Lane there is a distance of between 20m to 24m from the front elevation of the proposed dwellings to the front elevation of the existing Mill Lane Properties directly across from the site. The development proposes new trees along the front boundary fronting Mill Lane. As such it is considered given the distance and the additional screening there would be no adverse impact on the Mill Lane properties across from the site.
- 3.23 The revised scheme also addresses concerns for potential overlooking and loss of privacy to the bungalow at no 16 Mill Lane and to the rear of the site at 1 Millfields. The revised development replaced a two storey dwelling with a bungalow, which is considered more respectful in terms of residential amenity and will ensure no unacceptable loss of privacy in terms of overlooking into the neighbouring existing dwellings.
- 3.24 Upton House will lose part of its garden, however there is a large garden area remaining surrounding the site and as such the development will still retain sufficient quality of residential amenity.
- 3.25 For the proposed dwellings, each dwelling is provided with its own private amenity space and the reduction in units allows for more space between the proposed dwellings to ensure acceptable levels of privacy.
- 3.26 It is proposed that a condition should be imposed removing permitted development rights for additional windows and openings on the side elevations and the roof planes of the units to ensure privacy is maintained. Environmental Health has also recommended a condition to control any demolition and construction hours of work to ensure noisy activity is controlled.
- 3.27 Overall it is considered, following the revised proposals the development would provide a good standard of amenity for all existing and future occupants of land and buildings. Therefore, the development would be in keeping with the character of the area, in accordance with to Policy LA 32 and also the core principles of paragraph 17 in the NPPF to provide a good standard of amenity.

#### Accessibility and Highways

- 3.28 A number of concerns have been raised in relation to the impact the properties will have on parking and highway safety.
- 3.29 In accordance with policy DM13, there is sufficient space within the plots of each unit to provide 2 independently accessible parking spaces, in addition to the garages.
- 3.30 It is recognised the proposed development may result in a loss of on-street parking. A number of objections relate to the issue of parking

especially during peak times at school drop off and pick up times. The development will result in some displacement of parking however it is not considered that this would result in a detrimental impact on highways that would justify a reason for refusal. As above it has been identified that the proposed dwellings would need to ensure they provide sufficient off street parking to ensure it is acceptable in highway terms.

3.31 A new separate access is proposed for each dwelling. Visibility splays would be required of 43metres x 2.4metres x 43 metres, with no obstructions over 1.05 metres. Whilst this is not an application that KCC Highways would normally comment, given the concerns raised the matters were discussed with KCC Highways who advised that these requirements could be met and would need to be secured by a condition.

3.32 As such the development would be acceptable in highway terms.

#### Archaeology

3.33 KCC Heritage Conservation commented that the area around Shepherdswell is rich in archaeology. The application lies in an area of archaeological interest arising from the evidence of ancient landscapes identified as cropmarks on aerial photographs to the north and east of the village. To the north east of the village and site, rectangular and circular enclosures and a trackway have been identified while a complex further to the north includes a Roman cremation, an early medieval barrow, an early medieval cremation and an undated cemetery. The application also lies just to the north of the medieval village focus of Shepherdswell.

3.34 Therefore given the potential impact of the development on buried archaeological remains it would be appropriate to make provision for a programme of archaeological work in any forthcoming consent. A condition is recommended for a programme of archaeological works should the application be granted.

#### Other Matters

3.35 Core Strategy Policy CP5 seeks all new residential developments to meet Code for Sustainable Homes. However this part of the policy is no longer being applied as the Government have withdrawn Code for Sustainable Homes. As such, this application is no longer required to achieve Level 4 Code for Sustainable Homes.

3.36 In terms of ecology, the Council's Principal Ecologist recommends a bat informative is attached to any consent.

3.37 One objection raised concern that the properties should be affordable. The development does not fall within the threshold of Policy DM5 for the provision of affordable housing.

#### Conclusion

- 3.38 The Land Allocations Local Plan 2015 amended the settlement boundary to include the site as a residential allocation. As such the principle of residential development is acceptable. Following revisions to the scheme, reducing the number of units and increasing the open space on site it is considered the development would be in accordance with policy LA32 which seeks that the development of the site should reflect the character and scale of the adjacent development, and also should be in keeping with the Conservation Area and nearby listed building settings. The revised proposals ensure the development would be sympathetic design to ensure a neutral impact, conserving the significance of the conservation area and listed buildings. As such the development is considered to meet the aims and objectives identified in LALP 2015 policy LA32 and the NPPF.
- 3.39 The revisions ensure less of a threat on retained trees for future felling and the additional proposed trees and replacement hedging, along with the retention of the existing hedgerow as much as possible seek to reinforce and retain the leafy nature along the road frontage. It is considered the revised proposals would also ensure no adverse impact on residential amenity to existing neighbouring properties.
- 3.40 In terms of highway, there is sufficient space for parking shown and the development can meet the required visibility splays.

g) **Recommendation**

I Permission be Granted subject to conditions to include:

(i) timescale for commencement of development (ii) list of approved plans, (iii) samples of materials to be used, (iv) details of hard and soft landscaping, including planting schedule and programme, (v) provision and retention of parking and accesses, (vi) provision and retention of cycle parking (vii) provision and retention of pedestrian visibility splays (viii) provision and retention of vehicle access visibility splays (ix) details of surface water drainage (x) driveway to constructed of bound material (xi) no further windows in side elevations or roof slopes (xii) Restriction in hours construction (xiii) construction management plan (ixx) Protection of retained trees during construction (xx) archaeological watching brief

II Powers to 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  
Kate Kerrigan