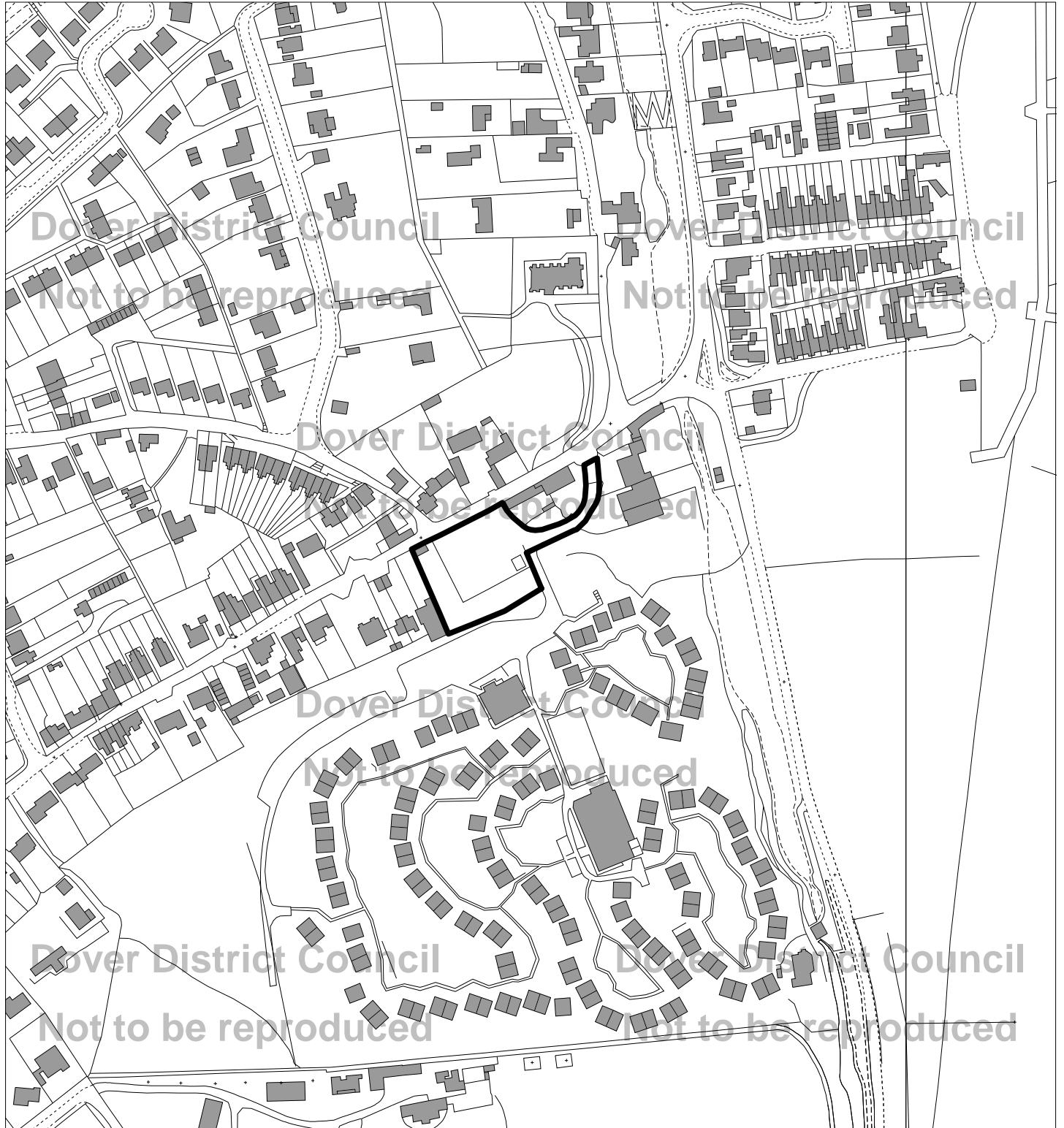


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**Application: DOV/14/00059**

**Former Carpark Site**

**Adjacent to The Manor House**

**Upper Street**

**Kingsdown**

**TR37804837**



- a) **DOV/14/00059 – Erection of four detached dwellings together with creation of vehicular access, parking and landscaping and fire escape access for use by the village hall - Former Car Park Site, Adjacent to The Manor House, Upper Street, Kingsdown**

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 village, such as Kingsdown, is a 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;
- 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 38 Land Allocation for Residential Development at Kingsdown, includes Land between the village hall and The Bothy, Upper Street, Kingsdown

*The site is allocated for residential development with an estimated capacity of 7 dwellings. Planning permission will be permitted provided that:*

- (i) the wall fronting Upper Street is retained in its entirety;*
- (ii) a tree survey is undertaken and agreed with the Council that assesses the importance and identifies which trees on the site need to be retained; and*
- (iii) there is no built development on the raised area to the south of the site*

#### 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.

### *Kingsdown Conservation Area Appraisal*

This document was prepared by Kingsdown Conservation Group in liaison with DDC. The appraisal looks at the origins of the village, reviews the existing boundary, highlights both positive and negative aspect of its character and makes recommendations for its future protection.

#### d) **Relevant Planning History**

00/01504	Erection of four semi-detached dwellings	Refused – land outside the defined built-up area confines / insufficient quality in terms of layout and design / traffic impact
01/01182	Erection of seven dwellings	Refused / Appeal Dismissed – development in this location contrary to aims of Structure and Local Plan policies / the scheme fails to meet high standards of design appropriate to the conservation area however inspector did not dismiss the appeal on transport or tree matters which were included in the refusal notice.
01/01319	Change of use from private car park to public car park	Granted

12/00847	Erection of 4 detached properties and 4 semi-detached properties together with the creation of vehicular access, parking and landscaping	Withdrawn
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e) **Consultee and Third Party Responses**

KCC Highways – Whilst this is now a non-protocol matter, confirm no objections in respect of highway matters.

DDC Conservation Officer – No objections raised

DDC Tree Officer – No objections raised

Environmental Health – There are no contaminated land issues on this site but recommend a condition to restrict noisy activity

Parish Council Responses:

*September 2014* –

no objections to the proposed houses, but would request that the path offered by the applicant to give access to the rear exit door of the village hall is included as a section 106 condition.

*August 2015* – in summary comment as follows:

The Parish Council does not have any serious objection to the proposal of four detached dwellings. However there is a concern over access for the disabled which has not been addressed in this application...

There is at present a gravel road access to the rear door of the village hall on this raised section and we consider that the planning committee should consider this as one possible option to give disabled access to the Village Hall...

We consider that there should be some social gain applied to this application for the benefit of the residents in the villages and a disabled access meets this criteria This would be in line with the social role outlined in item 7 of the NPPF. If vehicular access for the disabled is not included within this planning application it is very unlikely the Village Hall will ever have proper disabled access. Reference is made for the Planning and access for disabled people: a good practice guide March 2003 and the July 2002 Sustainable Communities: Delivering through planning, the land use planning system has a key role in creating and sustaining mixed and inclusive communities.

*December 2015* – In summary comment as follows:



The Parish Council objects to this revised planning application. It does not allow for any access for the disabled which has been raised on all our previous replies to this site.

We consider there should be some social gain for the benefit of the residents in the villages and a disabled access meets this criteria. Kingsdown has a considerable number of disabled residents together with others who have mobility difficulties. The previous applications have consistently ignored this situation and this offers a last chance to assist residents, this would then be in line with the social role outlined in item 7 of the NPPF. If vehicular access for the disabled is not included within this planning application it is very unlikely the Village Hall will ever have proper disabled access. Reference is also made to the Planning and access for disabled guide and the Sustainable Communities document.

Other points raised by the Parish Council in the December 2015 comments:

- the Design Statement has not been updated
- there are also concerns over the height of the houses and the blending within the CA
- the raised area to the rear is a gravel road access and this should be incorporated to give disabled access
- the TPO would have to be removed to give room for the emergency access only assists escaping from any fires via the rear door
- the raised area is being removed bringing it down to the same level as the car park

#### Third Party Representations –

Three consultations took place for the application. The first in September 2014 for the original scheme submitted of 6 units, the second for the reduced number of units to 4 in June 2015 and the final with further revisions to the 4 units in December 2015.

For the original application submitted for 6 units, there were 34 letters of objection, 5 letters of support and 1 letter with comments.

The objections raised in the original consultation September/October 2014 included:

- the proposed housing is not in keeping with the village of Kingsdown
- the dwellings should be affordable and first time buyer properties
- the proposals to accommodate the village hall have been reduced with the removal of proposed parking
- Poor access and traffic concerns particularly on Upper Street
- Concerns in relation to pedestrian access
- Concern with height of the four rear properties and the density and design completely out of character with the area
- The proposed height would mean the junction of the Rise and Upper Street would be overshadowed

- No design and access statement provided and no tree survey, and there are inaccuracies on the drawings
- Visitor parking considered inadequate
- No mention of boundary treatment in the submitted documents
- The site is an opportunity for eco or energy saving scheme
- village hall accessibility proposals are inadequate and do not allow for disabled access
- Building works will bring construction vehicles and HGV
- Concern over accessibility for emergency vehicle access for the village hall and the proposed dwellings
- the land should have a village/community centre priority
- properties are too large and close to the front wall boundary with Upper Street resulting in dominating views not in keeping with the CA
- Parking should be provided for general village use
- Impact on existing services, sewage and surface drainage
- Alternative development of 4 cottage style affordable housing allow for more space, more parking and in keeping with the CA.
- Two mature trees of visual importance on the sites western boundary
- A landscaping plan should form part of the application
- Steps to access for village hall not suitable for wheelchair users

The letters of support in September 2014 outlined the following:

- The site is allocated for an estimated capacity of 7 dwellings and as such the quantum of development proposed is appropriate
- The net density is modest
- The application shows the buildings sited on the lower part of the site and not on the higher rear part
- The dwellings will be visually contained and will not have a dominating impact providing an interesting vista
- The siting and design fits well with the form and character of the existing development
- However it may be worth some greater vertical/horizontal articulation and the dwellings should appear more organic
- The materials appropriate to the CA
- The application retains the important flint with brick wall – however it does not indicate how existing wall will be treated
- Landscaping and trees should be confirmed
- Support the application subject to access path of hall is 1.5m wide and it is fenced so it cannot be used by the new property owners

Thirteen objections were submitted for the second consultation on the revised scheme in July/August 2015 outlined the following:

- Proposals continue to be inappropriate and previous objections raised still relevant
- Site better use as a car park for the village and increasing the use of the village hall
- Although number of units have reduces still over-intensive development and not sympathetic to the area
- Heights of the garages and the units should be reduced
- The design should enhance the village and at the same time relieve parking issues

- The proposed houses are too tall and too close to the flint wall
- Re-iterate concerns in relation to traffic congestions and parking
- Drainage a concern

Seventeen objections were submitted for the third consultation on the revised scheme in December 2015 outlined the following:

- no proper wheelchair access to the village hall will not be possible
- no provision for disabled parking and lack of parking on upper street renders the village hall inaccessible to wheelchair users with the removal of the car park
- houses still too large and living space above the garage
- small windows in attic will be used for additional living accommodation
- two of the houses still dominate the wall
- if proposing such large houses should be restricted to two and set back from the wall. this would also reduce the traffic in and out of the site
- additional landscaping details required
- would support if access path to the village hall can be used by wheelchair users
- car park should be retained for the village
- location suited for those retiring and family homes not appropriate
- affordable homes should be provided
- no public meeting held
- there is no social gain to the village
- this is the only opportunity for the village hall to develop proper access for people with a disability

Two comments were submitted for the third consultation on the revised scheme in December 2015 outlined the following:

- The village hall side access way would be too steep for unassisted wheelchair use but it is within the norms for assisted wheelchair use. Ask that a condition be placed on the grant of permission that an unstopped path be constructed to enable wheelchair use and that it should have a non-slip surface and hand rails as necessary and be 1.5m wide.

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

- 1.1 The site is allocated in the Land Allocations Local Plan (Policy LA 38). It is also located in the Conservation Area.
- 1.2 The site is 0.29ha and as identified in the LALP, it is located close to the core of the village and was formerly used as a car park for a restaurant which used to be located in The Manor House to the east. The restaurant was converted to residential use and the car park site is no longer used.
- 1.3 The site is located on the southern side of Upper Street between the Village Hall and The Bothy. A substantial part of it is covered in tarmac, whilst the rest is overgrown. The land rises from north to south, and there is a raised bank at the southern part of the site containing a number of trees.

1.4 The site is overgrown with sycamore trees and other mature trees. The tops of the trees are visible from Upper Street and The Rise. There is a blanket Tree Preservation Order across the site.

1.5 A brick and flint wall forms the frontage of the site to the north. It is approximately 3m high. It screens the view of the car park, with the exception of one opening in the wall. The site levels rise up to the south. A holiday village/campsite is located to the south and residential properties to the east. The village hall lies to the west and beyond this, residential properties. Access to the site is from the road off Upper Street to the north east, which curves up to the rear of the site. A number of residential units and Kingsdown Holiday Homes also use this road.

1.6 Planning permission is sought for four detached dwellings with garages. The original application submitted included 2 detached properties to the front and four terrace houses to the rear of the site, 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 four and amending the design of the dwellings.

1.7 Plot 1 –

This is a six bedroom detached dwelling with two full storeys and accommodation in the roof space. It would have a pitched roof with gable ends and includes a garage with accommodation in the roof space. Revisions were sought to the dwelling to reduce the sale of the adjoining garage to ensure it remained subordinate to the dwelling house.

It would be broadly an L shape with a maximum height of 8.5m, the main bulk of the dwelling is 10.5m wide x 7m and the side extension which projects forward into the L shape is approximately 13m x 6m and has a height of 6.5m. It is 250sqm.

The ground floor includes living room, dining room, kitchen, study and the garage. The first floor includes four bedrooms including 3 ensembles and a separate family bathroom and the second floor includes two bedrooms with a further bathroom.

The materials proposed include plain tiles, reproduction cast iron gutters and down pipes, white painted joinery windows, white render walls, with red brick facings to plinth and the facias painted joinery.

1.8 Plot 2 –

Is a 5-bedroom two storey detached dwelling. It includes a pitched roof to the front elevation, with a double valley pitch to the side. The garage and south east side extension is of lower height. The garage includes accommodation in the roof space. The front elevation includes a Juliette balcony.

It would be broadly 'L' shape. The height of the two storey element is approximately 8m and the width of the main bulk of the two storey is

approximately 12m. The side extension of the house would be approximately 13m long x 6m wide. It is 6.5m in height. It is 250sqm.

The materials include plain tiles, reproduction cast iron gutters and down pipes, white painted joinery windows and red brick walls with white render projection to the front elevation.

The ground floor includes living room, dining room, kitchen, study and garage. The first floor includes five bedrooms including 3 ensembles and one family bathroom.

1.9 Plot 3 –

Four-bed two storey detached dwelling, with garage. It is approximately 14m wide x 12.5m long it is in a 'L' shape. It is approximately 7.5m high, reducing to 4.5m high at the garage. It is 210sqm.

The ground floor includes living/dining room, kitchen, utility, study and the garage. The first floor includes four bedrooms including two ensembles and a family bathroom.

The plot was revised to remove the accommodation above the garage and reduce the height of the garage.

The proposed materials include plain roof tiles, reproduction cast iron gutters, tile hanging walls with render and red brick facings to lower section.

1.10 Plot 4 –

Four-bedroom two storey detached dwelling and is 210sqm. It is approx. 7.5m high, lowering to approx. 4.5m at the garage. It is approximately 17m wide and extends at a 'L' shape to 12.5m.

The ground floor includes dining room, study, living room, kitchen, family room and garage. The first floor includes four bedrooms with two ensembles and a separate family bathroom. The accommodation over the garage has been removed and the height of the garage reduced.

1.11 Each property has two independently accessible parking spaces with a private drive. A highways plan is provided showing turning space for cars and also turning space at the access for refuse vehicle.

1.12 The plans also include a side access for the Village Hall.

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;

- Impact on Neighbours;
- Accessibility and Highways;
- Other matters; and
- Conclusion

### 3. **Assessment**

#### Principle of development

- 3.1 As the site is allocated in the Land Allocations Local Plan Policy LA 38, the principle of residential development on site is considered acceptable. The site is allocated for residential development with an estimated capacity of 7 dwellings. The policy sets out that planning permission will be permitted provided that (i) the wall fronting Upper Street is retained in its entirety; (ii) a tree survey is undertaken and agreed with the Council that assesses the importance and identifies which trees on the site need to be retained; and (iii) there is no built development on the raised area to the south of the site. These aspects are discussed further below.
- 3.2 In addition paragraph 3.380 sets out that the site offers potential for limited residential development subject to a scheme that '*preserves and enhances the special character of the area*'. It continues that the design should reflect the informal character of the area and reflect the established pattern of the existing development. It states that development would be restricted to the lower portion of the site, and the elevated areas should be garden land only.
- 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; and highways. These matters are considered below.

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

- 3.4 As identified by the LALP this is a very sensitive site, with most of the site falling within the Kingsdown Conservation Area, with just the southern part falling outside the Conservation Area boundary.
- 3.5 The Kingsdown Conservation Area Appraisal (KCAA) sets out that the conservation area defines the historic core of Kingsdown Village. It has three distinct character areas: the upper part, with mostly high density two storey cottages, with small front gardens; the middle section, which is more diffuse, with generally larger buildings set in more spacious grounds, with some substantial brick and front boundary walls and the lower (seaside) part with high density two storey terraced housing and the beach.
- 3.6 The site is considered to fall within the 'middle area' where large buildings predominate, with substantial spaces and mature landscaping between buildings which add to its special character and rural charm.
- 3.7 The original submitted application comprised two detached dwellings on the northern part of the site; a terrace of four houses to the

southern part with an access road and turning facility and parking for visitors. Whilst it retained the wall and kept development off the southern part of the site it was considered the layout and design did not integrate well with the existing development. The entrance was dominated by parking spaces and it was considered a reduction in units would give an opportunity to have a more informal layout that would be less dominated by the requirements of the car. In particular the terrace of four units was very regimented in appearance and did not respond to their informal context.

- 3.8 The revised proposals sought to address concerns raised by reducing the number of units and also revising the design to reflect the informal character of the area. The proposals continue to retain the existing wall fronting Upper Street which is a key characteristic of the conservation area.
- 3.9 The proposed development extends approximately 3m into the elevated land to the rear of the site, however the proposals include cutting into the elevated land to ensure the dwellings are not situated on raised land. It is considered this largely addresses the policy objectives to avoid any built environment to the raised area as any development that was elevated would be likely to impact on the conservation area and also to ensure the protection of the trees. The drawings show the policy objective would be met as the development will not be raised and it continues to protect the retain trees. The majority of the raised area would remain without any built development and a condition is proposed to remove permitted development rights for any permanent and temporary outbuildings or extensions in the curtilage of the dwellings.
- 3.10 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 reference the architectural detailing from the historic buildings surrounding the site, with rendered elevations and slate finished roofs along with plan tile roofs and brick tile and rendered elevations opposite the site.
- 3.11 The proposed dwellings would also vary in height with the rear plots slightly higher and then lowering for the plots fronting Upper Street. Given the changes in levels of the site and Upper Street sloping down from west to east, the heights of the proposed dwellings will sit below the ridge heights of Village Halle stepping down to the Bothy and The Gate House. Additional revisions were sought to reduce the height of the dwellings and the garages. In particular for plots 3 and 4 fronting Upper Street the garage height has been reduced significantly by removing the accommodation over the garage. This reduces the impact of plots 3 and 4 on the streetscene and ensures a sufficient gap is maintained between the plots reflecting the characteristics of the area. Plots 3 and 4 are set back from the front boundary and will be largely screened by the existing flint wall, albeit views of the first floor will be visible.
- 3.12 There are a number of trees on site, one sycamore in the north-west corner, one sycamore to the west beside the village hall and two to the southern part of the site. There is a further strip of trees located along

the boundary with the Holiday Park. The proposed development includes the removal of three trees however replacement planting is proposed that will increase the greenery on site and break up the built development.

- 3.13 The Tree Officer raised no concerns with the submitted tree report, subject to conditions securing the details of the replacement planting. Overall, the dwellings are set in relatively large plots with garden areas. The proposals include additional trees to be planted to provide a greener feel to the site and help break up the built development. Full details of soft and hard landscaping including a schedule of planting would be secured by condition.
- 3.14 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 or appearance of conservation areas.
- 3.15 In addition to the Conservation Area, there is also a Grade II listed building north east of the site. It is an early C18 house. 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.'
- 3.16 Under the NPPF conservation areas and listed buildings 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'.
- 3.17 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.
- 3.18 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.
- 3.19 The development would result in a loss of the unused car park which is currently in in disrepair and has overgrown vegetation. It is identified in the KCAA as an unkempt, vacant site and as a specific area that is a negative feature in the conservation area and an opportunity for enhancement. Whilst it is noted a number of comments raised would prefer the site to be a public car park, the use for residential development is 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 more informal arrangement in terms of design and layout whilst still respecting the character and appearance of the area.

- 3.20 Overall in view of the revised scheme it is considered that the development would preserve and enhance the setting and character Conservation Area and would ensure no harmful impact to setting of the nearby listed building. 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 assets and its setting to avoid substantial or less than substantial harm. The proposed development would preserve and enhance 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. It also ensures special regard has been given to the desirability of preserving the listed building and its setting in accordance with Section 66(1) of the Act.

#### Residential Amenity

- 3.21 Plots 3 and 4 are closest to existing residential properties fronting Upper Street. The existing wall provides significant screening, however two windows on plot 4 and one window on plot 3 would be visible from the road. The plots are set back approximately 2.5m from the wall and there is a further distance of approximately 11m to the properties across the other side of the road.
- 3.22 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.
- 3.23 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. A condition would also require a construction management plan to be submitted.
- 3.24 It is recognised concerns were raised regarding the potential for the proposed dwellings to extend further into the roof space. It is proposed a condition would be attached removing permitted development rights to insert any additional windows in the elevations or roof planes.
- 3.25 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 and safeguard the amenities of the adjoining residents. Therefore, the development would be in keeping with the character of the area, in accordance with the core principles of paragraph 17 in the NPPF to provide a good standard of amenity.

### Accessibility and Highways

- 3.26 A number of concerns have been raised in relation to the impact the properties will have on parking and highway safety.
- 3.27 Following KCC Highway comments a number of revisions were undertaken to the scheme to ensure it included refuse vehicle swept path that could enter and leave the site in forward gear. It also ensured there were 2 independently accessible parking spaces for each dwelling in accordance with Core Strategy policy DM13.
- 3.28 As the access road will remain private, a condition will be secured for details of refuse storage and collection.
- 3.29 KCC Highways commented that they had no objection in principle to the use of the existing access to serve the residential development on the site, bearing in mind the current lawful use of the site as a car park. Following the inclusions of the revisions to the scheme, Highways confirmed no objection.

### Other Matters

- 3.30 It is recognised the Parish Council and a number of third party representations have raised objections that the proposed development does not include provision for a disabled access to the Village hall. Whilst paragraph 7 of the NPPF is referred to as part of the justification that it would be a social gain, there is no planning policy which justifies such provision as part of the application. The LALP Policy 38 for the site makes no reference to a requirement to provide a disabled access to the Village Hall. No representations were made during the consultation on the LALP requesting such to be included as part of the policy allocating the site. Whilst the policy does not require the provision of a disabled access, provision has been made as part of the submitted application to provide an access way to the side of the Village hall to the side door. This would be a positive benefit as part of the application. It is also understood the applicant would be willing to provide an internal stair lift however this would be outside the remit of this planning application to control. As the side access way is included as part of the application it would be appropriate to include a condition requiring additional detail on the side access and to secure the provision of the side access to the Village Hall prior to first occupation of the dwellings.
- 3.31 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.
- 3.32 A number of objections raised concern that the properties should be affordable, however the development does not fall within the threshold of Policy DM5 for the provision of affordable housing.

## Conclusion

- 3.33 The Land Allocations Local Plan 2015 includes the site as a residential allocation and as such the principle of residential development is acceptable. Following revisions to the scheme, reducing the number of units and revising the design, the proposal integrates better with existing development and is more in keeping with the Conservation Area. The revised proposals ensure the development would be sympathetic to ensure a neutral impact, conserving the significance of the conservation area and listed buildings.
- 3.34 The proposed scheme retains the wall fronting Upper Street and a tree survey has been provided for the site. Whilst three sycamore trees will be lost replacement planting is proposed that will introduce more greenery to the site. It is considered the revised proposals would also ensure no adverse impact on residential amenity to existing neighbouring properties. As such the development is considered to meet the aims and objectives identified in CS policy LA38 and the NPPF.
- 3.35 In terms of highways, no objections have been raised by KCC Highways and the development provides sufficient parking in accordance with policy DM13.

## 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 (including details of size) and programme, (v) provision and retention of parking and access, (vi) provision and retention of cycle parking (vii) details of surface water drainage (viii) driveway to be constructed of bound material (ix) no further windows in side elevations or roof slopes (x) removal of permitted development rights for permanent or temporary additional buildings within the curtilage of the dwellings (xi) Restriction in hours construction (xii) construction management plan (xiii) Protection of retained trees during construction (xiv) details of refuse (xv) Village hall access to be provided prior to occupation (xvi) details of the eaves (xvii) details of window joinery
- 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