

a) **DOV/16/00576 - Outline application for the erection of two detached dwellings, alterations to the existing access and car parking - Land adjacent and fronting Roseacre, East Langdon Road, Martin, Dover**

Reason for Report: Deferred for submission of Ecology Report and further information regarding transport sustainability.

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM11 states that development that would generate high levels of transport will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:
 - I) in accordance with allocations made in Development Plan Documents
 - II) or justified by the needs of agriculture,
 - III) or justified by a need to sustain the rural economy
 - IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

Land Allocations Local Plan

- None applicable

Dover District Council – Saved policies (2002)

- CO8 states development which would adversely affect a hedgerow will only be permitted if no practicable alternatives exist; or suitable native

replacement planting is provided; and future maintenance is secured through the imposition of conditions or legal future agreements.

National Planning Policy Framework (NPPF) 2012

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Paragraph 55 states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances...”
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and 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 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils

Other Guidance/Relevant Matters

- Kent Design Guide
- Hedgerow Regulations 1997

d) **Relevant Planning History**

PE/15/00154 - Pre-application advice sought in September 2015 which covered a number of options for the site and adjacent stable block. The advice stated that the erection of either one or a number of dwellings would be contrary to local policies and unacceptable in principle unless the need for a rural worker could be demonstrated.

89/00892 – Erection of a stable block for private use - granted

e) **Consultee Responses –**

County Archaeologist: The application site lies in an area of archaeological potential associated with past discoveries of pre-historic date. It is possible that archaeological remains or features may extend into the application site. Should planning permission be granted then a condition should secure a programme of archaeological evaluation followed by appropriate measures to ensure safeguarding and/or investigation of any remains present.

Parish Council: Raised no objection but commented on the narrowness of the road at this point. In addition commented (in Nov 2016) that should permission be granted the hedge should remain as it gives screening even though it is of limited species type.

Principal Ecologist: The land is not within a domestic curtilage and therefore the hedgerow bounding East Langdon Road may be subject to the Hedgerow Regulations 1997. (The regs cover hedgerows over 30 years old which appears to be the case here). Therefore, if the application is to be refused on the grounds of loss of the hedgerow, an informative should be included stating that the hedgerow may be subject to the Hedgerow Regulations 1997.

The Natural Environment and Rural Communities Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity is a material consideration in planning and the NPPG Natural Environment section states that “Information on biodiversity impacts and opportunities should inform all stages of development ...” and that “an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.”

In this case it would appear that the site could support reptiles and the boundaries and surrounding area with its established network of hedges and mature trees could also be significant for wildlife, including bats. Paragraph 99 of the ODPM Government Circular 06/2005 requires that it is essential that the presence or otherwise of protected species is established prior to the grant of planning permission. It would be normal in such circumstances that an application be accompanied by a preliminary ecological assessment (Phase 1 survey) in order that biodiversity may be considered otherwise the grant of a planning permission would be premature.

Additional comments on the Ecology Report: The ecological survey has corrected the original statement that part of the site was an abandoned field, identifying it as a sand school with a base of sand and chopped rubber. As such, this would not hold any biodiversity feature.

The hedgerow, although in excess of 30 years of age does not contain sufficient features to be considered 'important' within meaning of the Hedgerow Regulations 1997.

There are no biodiversity constraints to development.

The proposed development is amongst a dispersed group of dwellings separate from the settlement of Martin. While the biodiversity the hedgerow may support is not significant in planning terms, the hedgerow provides a useful element in the countryside landscape.

Third Party Responses

Nine letters of support have been received which may be summarised as follows:

- The proposed development will enhance the area
- There would be very little impact on the area
- There is a need for housing in the village
- The proposal will enable those who have grown up in the village to remain
- Would not be obtrusive or detrimental to the landscape

1. The Site and the Proposal

1.1 The site comprises a field covering 0.099 hectares on the north west side of East Langdon Road, outside the hamlet of Martin and beyond any settlement confines, and within the countryside for planning purposes. The site is bounded by hedges/trees to the road and to the north east with the property Roseacre located beyond. Fronting onto East Langdon Road is a substantial and strong established roadside hedgerow which forms part of a more expansive hedge line along East Langdon Road, which is a rural lane. The site rises to the north west, being raised approximately two metres from the road.

1.2 The area including the application site is rural in character and appearance. The existing access to the site serves the stables to the south which were granted under reference 89/00892. The majority of the site appears to be used for the

keeping of horses and has the appearance of a ménage. There is sporadic development on the north east side of East Langdon Road and a pair of semi-detached cottages (The Holt) beyond the site and on the opposite side of the road, beyond Roseacre, to the north east.

- 1.3 The proposal is in outline, with all matters reserved, for the erection of two detached single storey dwellings. It is stated that improvements will be made to the existing access, but the nature of these improvements are unclear as all matters are reserved.

2. Main Issues

- 2.1 The main issues in the consideration of this application are:

- The principle of new dwelling in this location.
- Design and Appearance, rural amenity and street scene.
- The impact on residential amenity.
- Transport/travel.
- Sustainability overview.

3. Assessment

3.1 Principle of Development

- 3.2 Policy CP1 of the Core Strategy identifies the location and scale of development for each settlement in terms of hierarchy. Both Martin and Martin Mill are small hamlets with no settlement confines and for the purposes of planning the site is considered to be within the countryside.

- 3.3 The Council's Authority Monitoring Report, which was reported to Cabinet on 1st March 2017, includes an up to date housing land supply calculation. The Council can now demonstrate a 5 year housing land supply. The relevant Local Plan policies for housing should be considered up to date and appropriate weight can be given to Policy DM1 for decision making purposes.

- 3.4 Policy DM1 of the core strategy identifies that development on land outside rural settlement confines will not be permitted unless specifically justified by, amongst other things, other development plan policies or it functionally require such a location. The proposed dwellings would be located outside the confines, and there is no functional requirement for them to be in such a location. It is not justified by other development plan policies nor by any other material consideration. Accordingly the proposals are contrary to Core Strategy and NPPF policy.

3.5 Design/Appearance, Rural Environment and Street Scene

Design and Appearance

- 3.6 The NPPF identifies that isolated houses in the countryside should be avoided unless there are special circumstances such as the exceptional quality or

innovative nature of the design (para 55). Good design is a key aspect of making places better for people (para 56). Great weight is given to outstanding or innovative design (para 63). Decisions should not attempt to impose architectural style or stifle innovation (para 60).

- 3.7 The application has not provided any details relating to the layout and design of the proposed dwellings and accordingly the proposal can not be considered to comply with NPPF paragraphs 55, 56, 60 and 63.
- 3.8 The site is in a relatively remote location – and does not form part of a regular pattern of development. The site is exposed and as such new dwellings in this location would not meet the exception criteria identified in the NPPF.

Rural Environment and Street Scene

- 3.9 One of the core planning principles of the NPPF is to protect the intrinsic and character and beauty of the countryside. Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:

I) in accordance with allocations made in Development Plan Documents.
II) or justified by the needs of agriculture,
III) or justified by a need to sustain the rural economy
IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- 3.10 The surrounding area is characterised by a mix of dwelling types, typical of such a rural location, with only sporadic loose knit residential development, open fields to the east and west and has a unspoilt rural character and appearance. The site currently has the appearance of an exercise area for horses (ménage) associated with the stables to the south. No details have been submitted relating to its current use, or whether the proposed development would necessitate a replacement facility to be provided.
- 3.11 The development would be visible from a public footpath some 140 metres away to the north west. This is some significant distance, of course, but there is a limited amount of intervening landscaping, and so the development would be at least noticeable. Landscaping may eventually screen the site from the north west to some extent, however this is not considered to entirely alleviate landscape harm.
- 3.12 The development proposals would be likely to result in loss of hedgerow which would be required to achieve suitable visibility onto the road. Clearly the loss of

such hedgerow would compound the harm to the quality and appearance of the rural street scene and countryside. An Ecology Report has been submitted which concludes that there are no biodiversity constraints to development.

- 3.13 The development proposals are not considered to have satisfied Core Strategy Policies DM15, DM16 nor NPPF countryside protection policy and there is not justification for an exception to be made here. The development would be unacceptable in terms of their effect and impact on the countryside setting and street scene.

3.14 Transport/Travel

- 3.15 To achieve the appropriate vehicular access vision splays the sight lines required within a derestricted area would be 45 metres each way. This cannot be achieved on land within the applicant's control, which extends just 35 metres to the south. Accordingly there are highway concerns. Furthermore, it is likely that in order to achieve the splays that removal/lowering of the existing hedgerow would be required. This would be likely to expose the developed site and hedge removal combined with the proposed development would itself create a streetscene at odds with the rural location and natural unspoilt, characteristic of the streetscene.
- 3.16 The Dover District Settlement Review and Hierarchy describes both Martin and Martin Mill as having no community facilities and just one Public House each. Bus services to each settlement are limited and "although Martin Mill is one of the few rural settlements served by rail, the lack of general facilities would make this settlement unsuitable for further development". Due to the limited level of facilities it is expected that the occupants of the proposed dwellings would have to primarily rely on private motor vehicles for basic day to day needs which is contrary to the NPPF.
- 3.17 Policy DM11 of the Dover District Council Core Strategy states, "Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan Policies". As discussed above, although Martin Mill has a railway station, this is located 800 metres (0.5 miles) away along rural lanes with no pedestrian footways: It is therefore considered that there would be reliance on the private motor vehicle.
- 3.18 Additional Information was requested by Planning Committee in July 2016 regarding information on transport sustainability. The short report submitted by the applicant states that:
- The site is within easy access of Martin Mill railway station
 - A regular bus service passes the site
 - The site is a five minute drive from the Duke of Yorks roundabout (A2)
 - It is within easy access of East Langdon Primary School, the village hall/post office, playing fields and the Lantern Inn at Martin, where a local shop is to be provided.

- 3.19 In order to address the points made in the applicant's report regarding transport sustainability an assessment has been made of the local road network, public rights of way, and footways.
- 3.20 The following comments are made in response to the additional information provided by the applicant:
- There are no footways along East Langdon Road, nor any PROWs to enable safe pedestrian connectivity to Martin Mill Railway Station.
 - The No. 93 is a hail and ride bus service operating Monday to Saturday, which passes the site. There are three services in the morning and two in the afternoon to Dover, with two returning in the morning and two returning in the afternoon from Dover. To Deal there are two services in the morning and one service in the afternoon, with three services returning. However, if you took the latest service arriving in Deal at 1342 there is no return service that day.
 - The proximity of the A2 by private motor vehicle is not considered to promote the use of safe sustainable transport options
 - There are no pedestrian footways along the roadside to East Langdon which uses narrow, unlit, country lanes.
- 3.21 Overall, the proposed development would be unlikely to result in additional vehicle movements and activity on the main and other rural roads, and would fail to maximise walking, cycling and the use of public transport, contrary to the objectives of the Development Plan.

4. Other Matters

- 4.1 The site is located within an Archaeological Site, KCC Archaeology advise that it is possible that archaeological remains or features may extend into the application site. Should planning permission be granted then a condition should secure a programme of archaeological evaluation followed by appropriate measures to ensure safeguarding and/or investigation of any remains present.

5. Conclusion

- 5.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 55 of the NPPF states "Local Planning Authorities should avoid new isolated homes unless there are special circumstances". The proposed development is outside any defined settlement confines and contrary to policies CP1 and DM1 of the Core Strategy. The applicant has not submitted robust justification to explain why the development plan and the NPPF should be overturned in this instance. The proposed sporadic form of development would result in a visually intrusive feature and cause material harm to the character and appearance of the street scene and the surrounding rural character and appearance of the area.
- 5.2 Given that the Council can now demonstrate a 5 year housing land supply the relevant Local Plan policies for housing should be considered up to date and weight can be given to Policy DM1 for decision making purposes. Accordingly the

development is unacceptable and it is recommended that planning permission be refused for the reasons set out in the report.

Recommendation

I Permission be REFUSED for the following reasons:

- (i) The development, if permitted, would result in an unjustified form of sporadic development, beyond settlement confines and remote from any urban or village centre, and would be harmful to the rural character and appearance of the area and street scene, contrary to the aims and objectives of policy CO8 of the Dover District Local Plan (2002) and Policies CP1, DM1, DM15 and DM16 of the Dover District Core Strategy and the sustainability aims and objectives of the NPPF, in particular paragraphs 14, 17, 55 and 109.
- (ii) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine that the proposed access can achieve acceptable highway visibility standards, in a manner that ensures the safe operation/use of the proposed access on to East Langdon Road. The development, due to its location and the works required to achieve satisfactory visibility standards would fail to maximise walking, cycling and the use of public transport contrary to the sustainability objectives and the aims in particular of the NPPF at paragraphs 17 and 56, Core Strategy policies DM11 and DM15, and the Kent Design Guide: Supplementary Guidance - Visibility (Interim Guidance Note 2)

Case Officer

Elizabeth Welch