

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

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

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

Land Allocations Local Plan

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

#### National Planning Policy Framework (NPPF)

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

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

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

#### The Kent Design Guide (KDG)

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

#### Dover Heritage Strategy

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

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

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

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

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

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

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

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

e) **Consultee and Third Party Responses**

DDC Principal Heritage Officer:

*Initial response, received 26<sup>th</sup> May 2017*

Listed status of Goose Barn:

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

Proposed development:

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

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

Conversion of Goose Barn:

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

Other:

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

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

*Subsequent response received 13th July 2017*

The revised weatherboarding looks fine

*Subsequent response, received 1st August 2017*

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

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

a. 1:50 scale survey drawings for all existing timber framing to roof showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.

b. 1:10 scale section through all external walls which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes.

c. 1:20 scale sections and elevations of all new openings in masonry walls including details of heads, jams and sill openings to be created in the structure, and also details of the relationship of windows, doors or gates to be inserted to the historic structure.

d. Detailed drawings to a scale of 1:5 and 1:1 of typical details of all new joinery, to include mouldings and glazing bars also showing glazing. Details of finishes shall also be included.

e. 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.

f. Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

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

*Subsequent response received 7th August 2017:*

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

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

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

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

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

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

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

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

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

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

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

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

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

UK Power Networks: No objection

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

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

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

NHS South Kent Coast CCG:

*Initial response received 13<sup>th</sup> April 2017*

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

*Subsequent response received 8<sup>th</sup> September 2017*

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

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

DDC Head of Strategic Housing:

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

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

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

Third Parties/Neighbours:

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

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



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

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

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

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

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

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

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

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

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

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

## 2. **Main Issues**

2.1 The main issues are:

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

### **Assessment**

#### Principle

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

#### Character, Appearance and Heritage

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

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

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

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

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

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

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

#### Impact on Residential Amenity

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

#### Impact on the Local Highway Network

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

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

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



### Flooding and Surface Water Drainage

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

### Contamination

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

### Ecology

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

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

### Contributions

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

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

### Trees

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

### Conclusion

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

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

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**Recommendation**

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

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

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

Case Officer

Luke Blaskett