

# Public Document Pack



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14 February 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 22 February 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a horizontal line.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)  
B W Butcher (Vice-Chairman)  
P M Beresford  
T A Bond  
D G Cronk  
B Gardner  
D P Murphy  
M J Ovenden  
G Rapley  
P M Wallace

AGENDA

- 1 **APOLOGIES**  
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**  
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the attached Minutes of the meeting of the Committee held on 25 January 2017 (to follow).

5 **ITEMS DEFERRED** (Page 6)

To consider the attached report of the Head of Regeneration and Development.

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 7-10)

6 **APPLICATION NO DOV/17/01114 - LAND AT GORE LANE, EASTRY** (Pages 11-33)

**Outline application for up to 50 dwellings (comprising up to 35 market dwellings and up to 15 social rented dwellings), new public footpaths, associated landscaping and creation of access (appearance, landscaping, layout and scale of development to be reserved)**

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/17/01451 - 1 BULWARK ROAD, DEAL** (Pages 34-39)

**Erection of a first-floor side extension**

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/17/01230 - LAND REAR OF 117 MANOR ROAD AND ADJOINING 437 FOLKESTONE ROAD, DOVER** (Pages 40-47)

**Erection of a detached dwelling, formation of vehicle access and parking**

To consider the attached report of the Head of Regeneration and Development.

9 **APPLICATION NO DOV/17/01499 - MARLEY COTTAGE, MARLEY LANE, FINGLESHAM** (Pages 48-57)

**Outline application for the erection of a detached dwelling (with all matters reserved)**

To consider the attached report of the Head of Regeneration and Development.

10 **APPLICATION NO DOV/17/01492 - LAND ADJACENT TO 51 BALMORAL ROAD, KINGSDOWN** (Pages 58-65)

**Erection of a detached dwelling, formation of vehicular access and parking**

**and the erection of a 1.8-metre high fence fronting highway (existing wall to be demolished)**

To consider the attached report of the Head of Regeneration and Development.

11 **APPLICATION NO DOV/17/01360 - 28 PRIORY HILL, DOVER** (Pages 66-75)

**Conversion of existing dwelling into 1 x 2-bedroom and 2 x 1-bedroom flats (existing chimney to be removed)**

To consider the attached report of the Head of Regeneration and Development.

12 **APPLICATION NOS DOV/16/01365 AND DOV/16/01366 - LONG LANE FARM, LONG LANE, SHEPHERDSWELL** (Pages 76-100)

**DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) (Planning Permission)**

**DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use (Listed Building Consent)**

To consider the attached report of the Head of Regeneration and Development.

## **ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

13 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

14 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

15 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 101)

The recommendation is attached.

**MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION**

16 **APPLICATION NO DOV/16/01247 - LAND AT WHITE POST FARM, SANDWICH ROAD, ASH** (Pages 102-134)

To consider the attached report of the Head of Regeneration and Development.

### **Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk) for details.

**Large print copies of this agenda can be supplied on request.**

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 22 FEBRUARY 2018

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS**

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/17/01360**      **Conversion of existing dwelling into one x 2-bedroom and two x 1-bedroom flats (existing chimney to be removed) – 28 Priory Hill, Dover (Agenda item 11 of 25 January 2018)**

***This item is dealt with elsewhere on the agenda***

2. **DOV/16/01476**      **Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden (Agenda Item 9 of 25 January 2018)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

**MIKE EBBS**

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

**Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.**

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

### Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

### Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

## **IMPORTANT**

### **The Committee should have regard to the following preamble during its consideration of all applications on this agenda**

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
  - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
  - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
  - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
  - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

### **The Development Plan**

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010  
Dover District Land Allocations Local Plan 2015  
Dover District Local Plan 2002 (saved policies)  
Worth Neighbourhood Development Plan (2015)  
Kent Minerals and Waste Local Plan 2016



## Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

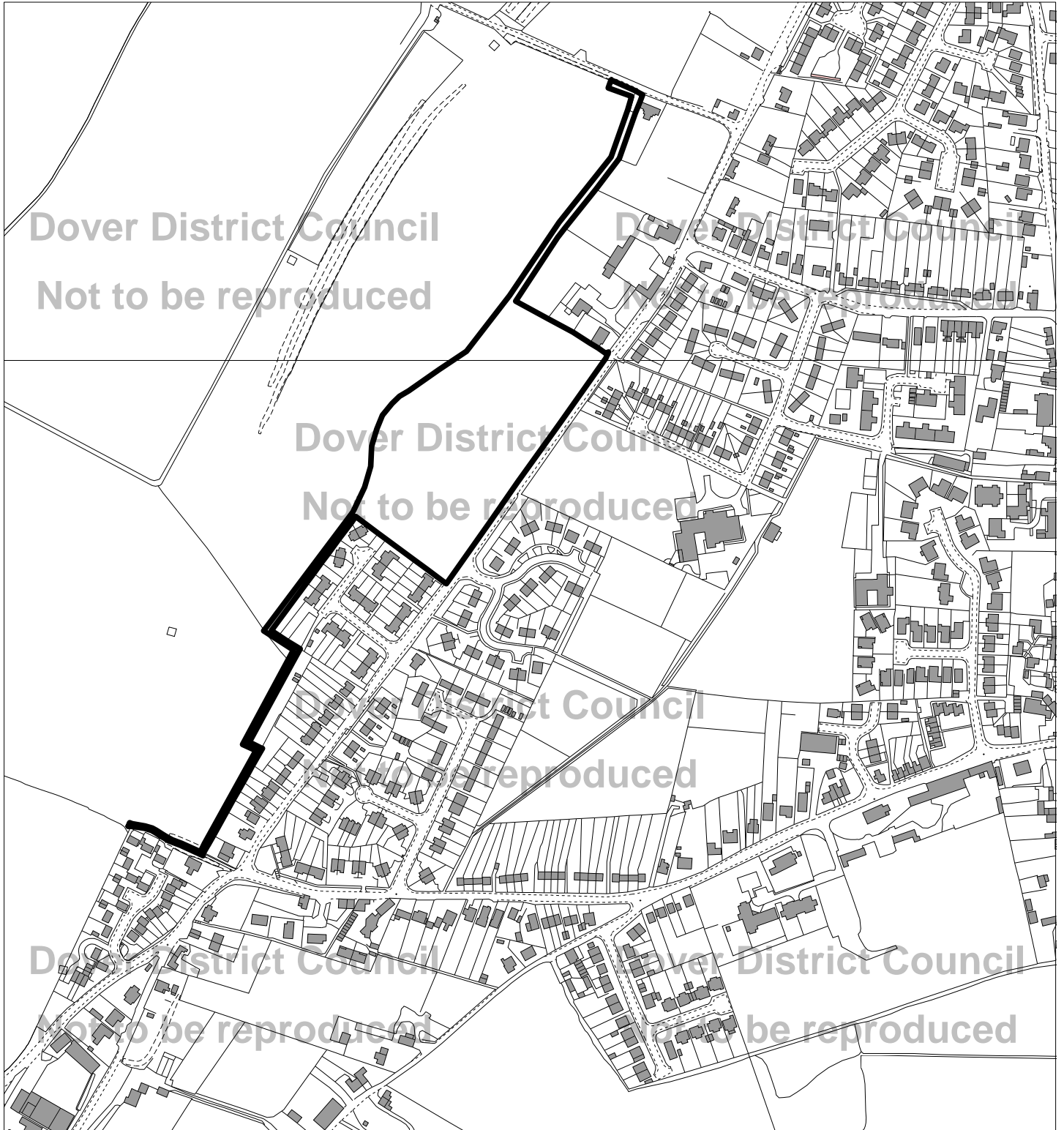
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

## PUBLIC SPEAKING AT PLANNING COMMITTEE

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1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
  - (a) Chairman introduces item.
  - (b) Planning Officer updates as appropriate.
  - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
  - (d) Planning Officer clarifies as appropriate.
  - (e) Committee debates the application.
  - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



**Not to scale**

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**Note:** This plan is provided for purposes of site identification only.

**Application: DOV/17/01114**

**Land at Gore Lane**

**Eastry**

**TR30395491**



- a) **DOV/17/01114 - Outline application for up to 50 dwellings (comprising up to 35 market dwellings and up to 15 social rented dwellings), new public footpaths, associated landscaping and creation of access (appearance, landscaping, layout and scale of development to be reserved) - Land at Gore Lane, Eastry**

Reason for report: Number of contrary views (110)

- b) **Summary of Recommendation**

Grant Planning Permission subject to conditions and S106 Agreement.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- 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.
- DM1 – Settlement Boundaries. Development not permitted outside urban boundaries unless alternative policies allow.
- DM5 – For applications of 15 dwellings or more, the Council will seek provision of 30% of the total homes to be affordable
- 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.
- 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.
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
  - i) In accordance with allocations made in Development Plan Documents, or
  - ii) Justified by the needs of agriculture; or
  - iii) Justified by a need to sustain the rural economy or a rural community;
  - iv) It cannot be accommodated elsewhere; and
  - v) 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 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

#### Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

#### 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.
- LA27 – The site is allocated for residential development with an estimated capacity of 55 dwellings. Planning permission will be granted subject to specific criteria.

#### 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 14 states there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: secure high quality design and a good standard of amenity for all existing and future residents; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; conserve heritage assets 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 four of the NPPF seeks to promote sustainable transport.

- 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Paragraphs 128, 132 -140 – Conserving Heritage Assets

Other Legislation/Documents

- S38(6) of the Planning and Compulsory Purchase Act 2004 - all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise
- Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 & 66

Affordable Housing Supplementary Planning Document

- Sets out the scale and need for affordable housing, including measures on how to secure this.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

None

e) **Consultee and Third Party Responses**

**DDC Principal Ecologist:**

Landscape: 'the site is raised above Gore Lane and this could make the proposed development overbearing, although the setting back of the line of houses will reduce this to an extent. Views from the wider countryside are constricted. Overall, the location is reasonable.'

There is an anomaly in that there are proposed landscaped strips at the back of the site that would not connect to any extant features and simply run out of the red line area. More information is required in terms of function of such strips and their relationship with the proposed development area.

Biodiversity: the margins of the site may support reptiles. A survey and mitigation strategy would be required at reserved matters, but it is considered that the numbers of reptiles involved are likely to be too low to require survey work at this stage.

Other Green Infrastructure: the landscape strips to the back of the site have been commented upon. In respect of footways, it is noted that the one on the north side of the entrance does not lead anywhere. However, in terms of continuity of walking paths it should and there is a path that emerges onto Gore Lane from Cook's Lea

opposite the northern boundary that could provide connectivity if the design were altered.

**Thanet Coast Mitigation Strategy:** the applicants should be invited to contribute to the strategy pro rate in order to mitigate any potential likely significant effect on the Thanet Coast and Sandwich Bay Ramsar and SPA site.

**DDC Environmental Health:** No records of contaminative use, no objections. Request a robust construction management plan that should identify air quality impacts (fugitive dust levels) and suitable mitigation to control noise during the construction phase.

**DDC Principal Infrastructure Delivery Officer:** 'The proposed provision of new and improved pedestrian rights of ways and the agreed methods of maintenance (i.e. adoption by KCC and through management company) will sustainably improve access to open space and wider footpath network for both existing residents of Eastry along Gore Lane and the new residents of this development. DDCs adopted play area strategy, 'Review of Play Area Provision 201202026', states that improving access can be an acceptable alternative for direct provision or off-site contributions.

**DDC Housing:** The application is in respect of a proposed development of 50 dwellings and proposes that 15 dwellings should be affordable which equates to 30% of the total. This is in compliance with Council planning policies. The proposed mix of affordable dwelling types is acceptable. The application proposes that the tenure of the 15 affordable dwellings should be social rented housing. The Council would normally require that some dwellings should be provided as shared ownership housing usually in accordance with the ratio of 70% social rented and 30% shared ownership. However, where the number of affordable dwellings is relatively small this may not always be achievable and any final decision on the affordable housing tenure mix would need to be informed by discussions with the affordable housing delivery partner. I am not aware that a delivery partner for the affordable housing has been determined yet.

**Highways England:** offer no objection. 'This is on the basis that having reviewed the Transport Statement, and undertaken our own analysis of trip distribution, we consider that minimal trips would be generated on the SRN. Consequently, the impact of the proposed development on the SRN would be de minimus and would not materially affect the safety, reliability and/or operation of the SRN'.

**KCC Highways:** Confirm the access details are now acceptable. Whilst there are existing pedestrian connections to the village centre, school etc on the east side of Gore Lane (via Centenary Gardens and PRow EE252A connecting to Cooks Lea), there is no footway on the site side of Gore Lane. The proposals therefore include a footway along the entire frontage providing connections to the existing footway outside 30 Gore Lane to the south, and to both existing pedestrian routes via Centenary Gardens and PRow EE252A (via new pedestrian crossing points in Gore Lane) thus providing pedestrian access to the local services, amenities and bus stops.

With the mitigation measures provided, the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds.

**Stagecoach:** Point out that the information regarding local bus services in the Transport Statement is now out of date. Eastry is now served by bus no.81 which provides an hourly service to Deal (and onwards to Dover) and Sandwich, from where most buses continue to Route 43 to Canterbury. There is no longer a direct bus to Ramsgate (need to change in Sandwich), nor a service to Dover from Eythorne.

'There are existing bus stops at either end of the proposed development, and all parts of the development are within 400 metres of either pair. However, the Sandwich-bound stop at the north east end of the proposed development does not meet current access standards, and customers have to be picked up or put down in a private driveway.' Stagecoach ask that this is replaced by the development providing a new bus stop in the north east corner of the site.

**KCC PRoW:** Welcome the proposal of the provision of a formalised public footpath.

**KCC Flood and Water Management (SUDS):** No objections to the proposed drainage in principle, however emphasize that additional ground investigation will be required to support the use of infiltration. A number of detailed conditions are proposed.

**Southern Water:** 'The results of the initial desk top study indicates that Southern Water currently cannot accommodate the needs of this development without the development providing additional local infrastructure. The development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in an around the existing area, contrary to paragraph 109 of the NPPF'.

Subject to the following condition then the matter can be addressed - *'Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.'*

A Foul Drainage Strategy accompanies the application, however Southern Water will not consider the detail ahead of the planning permission being granted (the strategy follows SW's own advice within the infrastructure assessment).

Southern Water can provide a water supply to the site and a formal application would be required to connect to this. A condition is also required for a scheme to be submitted for surface water disposal.

With regard to SUDS they emphasize that details will need to demonstrate long term maintenance, identify responsibilities and a timetable for implementation.

**Kent Police:** Contributions are sought towards appropriate emergency infrastructure, including policing infrastructure. Kent Police state that the local plan should include provision for this and provide extensive representation on the matter.

**Kent Police Crime Prevention Design Officer:** Extensive Design comments and advise the applicant to contact the Design Officer, adhere to the seven attributes contained within Crime Prevention Through Environmental Design (CPTED) and are directed to the Kent Police Guidance document for applicants. A condition is suggested in the event of planning permission being granted and they reiterate the need for a contribution.

**Kent Fire & Rescue:** Access roadway to be provided at 3.7m width to allow an applicant within 45m of all points within the dwelling; alternatively a domestic sprinkler system will increase this distance to 90m. Turning facilities should be provided in any route more than 20m long.

**Natural England:** 'Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic



solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect. We have not considered the potential for impacts to protected species to occur from this application and would recommend you refer to our standing advice when considering this application.'

**KCC (Economic Development):** have assessed the proposal in terms of provision and delivery of County Council Community Services and seeks the following:

	Per 'Applicable' Flat	Per 'Applicable' House	Project
Primary Education	£831.00	£3,324.00	Towards Phase 1 expansion of Sandwich Infants school
Secondary Education	£589.95	£2,359.80	Towards Phase 2 expansion of Sir Roger Manwood Secondary School
	Per Dwelling		
Community Learning	£25.64		Towards IT & Information upgrade & Learning Upgrade at Sandwich Technology AEC
Libraries	£48.02		Towards Sandwich Library large print
Social Care	£77.63		Towards Age Concern Care Centre in Sandwich

An informative recommends High Speed Fibre Optic Broadband

**KCC Archaeology:** 'Eastry is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road and due to the settlement's significance in the early medieval period. The palace or 'villa regalis' relating to Egbert, King of Kent c.690 AD is thought, though not proven, to lie in the vicinity of St Mary's Church and Eastry Court Farm. Four separate cemeteries dating from the early medieval period are also recorded in and around the periphery of the present village.

The site in question lies on the western edge of the modern-day village and finds of Roman-British, early medieval and medieval date have been found within fields to the north. Given the archaeological importance of Eastry it is possible that the proposed development works may affect archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological work.'

**NHS Canterbury and Coastal CCG:**

Propose a joint approach to increasing capacity across the Sandwich and Ash practices which would involve using S106 funding to refurbish a Council owned building which would then allow patient notes to be stored outside of the actual

practice buildings. This would then free up building space that S106 could be used to refurbish and equip new clinical rooms thus creating capacity for the new residents of developments.

A similar response has been received from the NHS on application 17/00876. It is suggested that if the contributions were pooled that the two developments could provide sufficient capital to proceed.

It is stated that it is critical that new developments contribute to the health infrastructure of the area as local practices are unable to take further patients without investment.

**Eastry Parish Council:** objects to this application. Although the members accept in principle that some development will take place on this site as it has been included in the site allocations document the current scheme has raised several concerns with the Council and local residents.

Firstly the proposed new footpath at the back of the site, it is felt by local residents that this will lead to anti-social behaviour, there is already a problem with motor bikes and quad bikes using farm land in the area as well as the byway (EE109) that this new path would join. This would lead to a loss of amenity for those householders that the proposed path runs behind as well as for residents of any new development.

Secondly the highways implications of this development, Gore Lane is a narrow lane that is already used by large numbers of Lorries and is now the only bus route through the village. When busses or Lorries meet oncoming traffic there are very few passing places and when a bus meets a lorry there are even fewer. This stretch of road has footpaths and the proposal for a path through the proposed estate will not make that much difference.

If the Council are of a mind to pass this application the Parish Council would like to see conditions added to ensure the road is widened, and footways added on both sides from the bus stop outside 30 Albion Road down to Cresseners and from the back of 9 Centenary Gardens to the steps opposite Cresseners. This could be achieved if the proposed site was pushed back, fewer houses built and the hedge that has little value was removed and replanted further back with a more varied mix of plants that would shield the site from the road and new path.

**Public Representations:** 110 letters of objection have been received. A summary of the issues raised is as follows:

- Too much traffic on Gore Lane
- A dangerous corner between Gore Lane and Mill Road
- No footpath on Gore Lane
- GP under pressure – too small
- Schools are full
- Loss of view, loss of green space, loss of agricultural land and wildlife
- Eastry needs traffic calming, it is a village not a town
- Development would be better located elsewhere
- Insufficient infrastructure
- 30mph speed limit is ignored, the development would be life threatening, roads can't cope already
- Need passing places on Gore Lane
- No more than 10 dwellings
- Concerns over footpath leading onto Selson Lane - no existing footpath as stated
- Proposed path on farmside won't lead anywhere

- water supply pipe crosses the site
- hospital site should be developed first (permission given for 100 dwellings)
- construction traffic will cause disruption
- trees at rear of Albion Road will obscure views
- footpath at rear of Albion Road will encourage motorbikes – already a problem
- scale of development too large
- build on Connaught Barracks
- development would erase remains of East Kent Railway
- children play in these spaces
- development crosses the village boundary

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

The Site

- 1.1 The application site is located on the western side of Gore Lane in the settlement of Eastry. The site is currently in agricultural use and although outside the confines, it comprises one of the Districts Housing Allocations on a site area of 1.90ha. There is an additional 0.34 ha strip of land to the north-west of the site which is beyond the allocated site area. Overall, the application site comprises a 2.24 hectare fairly rectangular parcel of land. The majority of the site falls within Flood Zone 1.
- 1.2 To the north and south (Albion Road) of the site is residential development, mixed in character; Gore Farm located 60m north of the site boundary contains Listed Buildings (Grade II) that have been the subject of conversion to residential. To the east, on the opposite side of Gore Lane, is residential development broken up with school playing fields (Eastry C of E Primary School) and areas of green space beyond fenced boundaries. To the north-western boundary is open countryside with arable production present.
- 1.3 The eastern boundary with Gore Lane is aligned along its length with a grass verge and mature hedgerows of native species. The site is on raised ground approximately 1m above Gore Lane. The site slopes from south to north from a high point of 27.5mAOD to a level of 23.0m AOD, at a gradient of approximately 1 in 45. There are extensive views from within the site looking westerly across undulating countryside.
- 1.4 There are existing bus stops at either end of the application site. Bus route 81 serves Eastry and provides an hourly service to Deal – Dover and Sandwich.
- 1.5 The nearest railway station is 4km north-east of the site at Sandwich. Local train services are from Sandwich to Deal, Dover and Ramsgate. A high speed service from Sandwich to London is also available.
- 1.6 On the opposite side of Gore Lane at the northern end of the site there is a PRoW (EE252A) which connects with walking routes to the Local Centre and the Primary School; the footpath is accessed via a few steps due to level differences.
- 1.7 Eastry Local Centre is located within 800m to the east of the application site. The village offers a wide range of community facilities and amenities, including shops, a primary school, a doctor's surgery, a church, a bakery, butcher and a public house, all walking distance of the application site.

The Proposal

- 1.8 Outline planning permission is sought for the erection of up to 50 dwellings together with a new access road off Gore Lane, associated parking, landscaping and a new PRow and footpath. All matters are Reserved with the exception of the main access to the site for which detailed approval is sought.
- 1.9 The following documents have been submitted in support of the application:
- Planning Statement
  - Design & Access Statement
  - Statement of Community Involvement
  - Surface Water Drainage Strategy incl Flood Risk Assessment
  - Foul Water Drainage Strategy
  - Utilities Statement
  - Transport Assessment
  - Indicative Landscape Masterplan
  - Preliminary Ecology Survey
  - Reptile Survey
- 1.10 Detailed drawings have been provided with regard to the proposed new access and swept path analysis for refuse vehicles, buses and car passing places.
- 1.11 An indicative layout has been submitted to demonstrate how a development of the scale proposed could be accommodated together with the necessary internal road network and landscaping buffers. The proposal would deliver a development of approximately 22 dwellings per hectare and provide 30% affordable housing.
- 1.12 The key elements of the illustrative layout are as follows:
- Frontage development (set back) along Gore Lane
  - Tree lined avenues within the site
  - Provision of a footpath along the Gore Lane frontage
  - Landscaped buffer along the western edge
  - New Byway across the rear of the site to PRow specification
  - Landscaped areas along Gore Lane frontage
  - Retention of existing hedgerows and landscaping
  - Views through the site from Gore Lane to open countryside at rear of site
  - Single central access from Gore Lane
- 1.13 It is envisaged that the houses will be no higher than two storeys. There is a mixed scale of development in the immediate area.
- 1.14 The proposed new footpath would extend across the rear of the site and in a northerly and southerly direction. To the north it would link up to Selson Lane and to the south it would run behind Albion Road and dwellings which front Gore Lane until it meets the junction of Mill Lane near Heronden View and links to the existing Byway (EE109). (The status of the proposed new stretch of path will be confirmed verbally at planning committee; however it will not be a Byway open to all traffic.) Due to the elevated position of the land there will need to be the provision of a ramped entry from Byway EE109 and at Selson Lane to the new stretch of footpath.

## 2. **Main Issues**

- 2.1 The main issues for consideration of this application are as follows:

- The principle of the development
- The impact on the character and appearance of the area including the Listed Buildings to the north of the application site
- The landscape impact of the development
- The impact on the highway network
- Ecological interests
- The impact on residential amenity
- Flood Risk & drainage
- Contributions

The application has been subject to pre-application advice and public consultation by the applicants as set out in the Statement of Community Involvement.

### **3. Assessment**

#### Principle

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the development plan comprises the Dover District Core Strategy 2010 and the Dover District Land Allocation Local Plan 2015. The application site falls outside the Local Centre boundary of Eastry, within the open countryside. Policy DM1 of the Core Strategy does not permit development on land outside the rural settlement confines unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 3.2 Eastry is recognised as a sustainable location. Under Policy CP1, Eastry is designated within the Core Strategy as a Local Centre where its function is as a 'secondary focus for development in the rural areas and where new development should be of a scale that would reinforce its role as a provider of services to its homes and adjacent communities.'
- 3.3 The majority of the application site is identified in the Dover District Land Allocations Local Plan 2015 as suitable for residential development; Policy LA27 allocates the site for an estimated 55 dwellings. Therefore subject to a number of site specific criteria as set out below, development of the site as allocated would be entirely acceptable in principle.

## Policy Criteria

- i) The spatial character of the street scene is respected and reflected in frontage development;
- ii) There is provision of a footway fronting the site along Gore Lane;
- iii) The transition of built form with the rural landscape beyond is suitably addressed in the design and layout;
- iv) The western boundary is created through landscaping;
- v) Existing boundary hedgerows and vegetation are retained and enhanced;
- vi) The main vehicular access/accesses is from Gore Lane;
- vii) The development should provide a connection to the sewerage and water supply infrastructure at the nearest point of adequate capacity; and
- viii) A mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives.

- 3.4 Paragraph 49 of the NPPF states that ‘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’.
- 3.5 Following publication of the Authority Monitoring Report 2016/2017 (December 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has 5.65 year supply of housing land. This view was recently upheld by a Planning Inspector in the appeal on Land North of Sandwich Road, Ash.
- 3.6 However, relevant policies in the development plan can be out-of-date for reasons other than lack of a 5 year housing land supply and thereby trigger the ‘tilted balance’ in paragraph 14 of the NPPF. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases policies in the plan are out of date. Individual policies may not be but it does mean that the ‘tilted balance’ is engaged.
- 3.7 Paragraph 12 of the NPPF is clear in its guidance that the Framework does not change the statutory status of the development plan as the starting point for decision making. Where relevant policies are out of date, planning permission should be granted unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole’.
- 3.8 The application site is one which has been included in the calculations of the 5 year housing land supply. Considerable weight should therefore be given in the assessment of this application to the fact that this site comprises one of the Council’s housing land allocations and therefore deemed acceptable for the proposed use subject to the site specific criteria.
- 3.9 The submitted application site area is 0.34 hectares greater than the area allocated. The area extends beyond the site allocation by projecting in a westerly direction

along the rear boundary – the rationale behind this is to allow for the provision of a new public footpath to link to the existing PRoW which is further south of the site at Mill Lane. The additional area allows for greater connectivity between the countryside and both existing and proposed dwellings. It also helps relieve to some extent the density effects of the site and allows for a more penetrable and open characteristic to be achieved within any approved layout. The acceptability of this additional area of land will be considered later in the report.

#### Impact on Character and Appearance of the Area

- 3.10 The application is in outline with all matters reserved save for access. As such the drawings in terms of layout that have been submitted are illustrative in form and are designed to show how a development of up to 50 dwellings could be accommodated on the site.
- 3.11 Paragraphs 56 and 17 of the NPPF attach great importance to the built environment and require design to take account of the different roles and character of different areas. Paragraph 56 states that good design is a key aspect of sustainable development, which should contribute positively to making places better for people. Paragraph 61 raises the importance of addressing the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.12 The Design and Access Statement sets out the vision for the proposed development as follows:
1. To integrate the development successfully into the existing landscape framework
  2. To provide a mix of high quality 2,3,4 and 5 bed homes
  3. To provide two new footpaths at the front and rear of the proposed development giving safe walking routes and providing improved connectivity to local residents

The number of units and density is considered appropriate for the location (22 units per hectare) and the proposed retention of existing boundary planting where possible is in accordance with the site specific criteria in the development plan.

The key concepts of the scheme that are set out in the D&A Statement are as follows:

- Frontage development along Gore Lane
  - Provision of a footpath along Gore Lane
  - Transition from built form and compatibility with existing pattern of development
  - Landscaped buffer along the western boundary
  - Landscaped areas along the Gore Lane frontage
  - Retention of existing hedgerows and landscaping
  - Single central access from Gore Lane
  - Permeability and natural surveillance
  - Layout informed by Secured By Design
- 3.13 The Design and Access Statement considers the existing typology and patterns of development in the surrounding area and the materials used. It also considers the street scene in the locality which comprises a mix of frontage development to the south, looser grain development to the north (Gore Court) and opposite the site both rear and front gardens with playing fields. The illustrative layout has incorporated all these elements by providing frontage development which is set back by a landscape buffer giving a more spacious feel at the road edge. In contrast to the pre-application proposal which showed a frontage up against Gore Lane, the illustrative plan has a less dominating impact on Gore Lane.

3.14 Indicative designs of the houses would take reference from local examples of architecture. A fairly traditional design is proposed which would include:

- Pitched gabled roofs and catslides
- Chimneys with decorated corbelling
- Small traditional dormer windows
- Traditional fenestration
- Mixed palette of traditional materials such as: weatherboarding, tile hanging, multi-red brick – white painted timber joinery

Whilst design is not a matter for consideration at this time, it is helpful to have a flavour of the proposed character of the development. Precise details will be considered through the reserved matters.

- 3.15 The site specific policy considers the site has capacity for 55 dwellings, however, this would be difficult to achieve without severely compromising the character and appearance of the overall area. Even with the shown 50 dwellings, the proposal could appear cramped were it not for the proposed additional strip of land at the rear of the site to provide the footpath and integrated landscaping which would help relieve any future layout, if sensitively and carefully designed. The additional land at the rear of the site allows for a looser grain of development that would provide views through the development from both west and east.
- 3.16 The illustrative layout shows a landscape buffer and a lower density at the northern end of the development. By limiting the amount of development at this end of the site, the impact on the Gore Court buildings to the north are kept to a minimum.
- 3.17 Overall the inclusion of the additional strip of land would help the resultant scheme integrate better into the spatial context of the existing village and lessen its impact on the wider landscape, including spaces and gaps, enabling views and vistas throughout the development. Accordingly, it is considered the site, as indicated could accommodate the number of dwellings proposed without causing harm to the quality of the environment.

#### Landscape and Visual Impact

- 3.18 Landscaping is a reserved matter for future consideration. Notwithstanding this, the illustrative site layout shows the retention of existing landscaped boundaries, save for where the access route would enter the site. There are no trees within the site and the hedgerows and scrub land border the arable land. A Landscape Masterplan has also been submitted which sets out the landscape objectives for the site.
- 3.19 The site is a greenfield site and the proposed development would clearly have an impact visually on the locality. There is an existing native hedgerow (hawthorn and dogwood) along the site frontage and part southern boundary. There is a strip of scrub land along the southern boundary; the remainder of the site is cultivated arable land with a strip of unmanaged grass around the site edges.
- 3.20 The masterplan provides more information on the proposed interface between the open countryside, which borders the western boundary of the site, and the proposed development. It is proposed to erect a timber post and horizontal rail fence along with a mixed native hedgerow as a boundary between the agricultural land and the proposed footpath. The footway, finished in bonded gravel or the like, would 'meander' through meadow grass on either side before linking at both the northern and southern edges to existing routes EE109 and Selson Road. The illustrative



layout could also be designed at the detailed stage for dwellings at the rear of the site to have views overlooking the landscaped area and open fields beyond.

- 3.21 Existing hedgerows are shown to be retained on the north and south boundaries of the site. Within the site the emphasis is on providing dwellings within a landscape setting. The site entrance leads to a tree lined avenue (small leaf lime trees indicated as an example); the dwellings fronting Gore Lane are set back behind a belt of open space with meadow grass and individual trees which provide an open, less dense feel to the development. A new footpath is provided across the front of the site – this will be fully detailed at the reserved matters stage to demonstrate connectivity.
- 3.22 From the front of the site, there will be views through to the green corridor at the rear; there will also be views within the site of green spaces at junction points.
- 3.23 The 22 dwellings per hectare is relatively low and not significantly higher than surrounding densities such as Albion Road. The land beyond the identified allocation area yet within the red line is to provide the footpath and landscape buffers. The additional land which is proposed to be incorporated into the development is presently used by walkers on an informal basis – the KCC PRoW team are in strong support of the provision of this proposal to formalise this new footpath. A Creation Agreement will need to be entered into to secure the provision of the new footpath which will be linked to the existing byway to the south of the site where it joins Mill Lane (EE109). In considering the acceptability of the application site extending beyond the allocation, it is noted that were a separate application submitted for the provision of the footpath link it would be likely be considered acceptable around the perimeter of the site. It is also considered a public benefit to have the provision of this link and preferable that it is incorporated within the current proposal as this enables greater permeability and access from the site than may otherwise have been the case.
- 3.24 The views of the Council's Infrastructure Delivery Officer have also been sought in relation to the provision of the proposed footpath at the rear of the site. It is considered that the benefit of this, the overall enhancement to pedestrian connectivity in the area and access to open space will address the requirements of Policy DM27. Concerns have been expressed by residents that the provision of the footpath will give rise to anti-social behaviour. In response to resident's concerns it is suggested that the footpath is provided as either solely a footpath or as a restricted byway not for use by mechanically propelled vehicles. As stated earlier, the committee will be updated of the proposed nature of the path at the meeting. At the detailed design stage, the dwellings could be orientated not just to take advantage of the landscape views, but also to provide natural surveillance to the footpath.
- 3.25 In terms of wider views of the site, the site is surrounded on three sides by development. The site is raised above Gore Lane and at present is prominent by its undeveloped nature. When approaching the site from the north and south there will still be a fairly undeveloped green space as the initial view, if the development is permitted. It will be from the junction of Centenary Gardens where the impact will be more apparent in the street scene. Long range views from the west/north-west across the fields are more restricted due to the topography of the land. Where visible the site from this aspect would be seen in the context of the development either side of the site and the backdrop of dwellings opposite. However, as mentioned previously the landscape led scheme will soften the impact of the built form.

- 3.26 The illustrative information that has been presented demonstrates that the development could be accommodated on the site whilst respecting the landscape character and appearance of the area.

#### Heritage Assessment

- 3.27 In relation to development that could affect the setting of listed buildings and assets of a listed building, section 16 and section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990 places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission. Paragraph 128 of the NPPF requires the applicant to 'describe the significance of any heritage assets affected, including any contribution made by their setting.' The application includes a Heritage Assessment in this regard. Paragraphs 132 to 140 of the NPPF consider whether the harm is considered to be substantial or less than substantial.
- 3.28 The site itself is a greenfield site and contains no statutory constraints with respect to heritage assets i.e no listed buildings, no scheduled monuments and does not fall within a conservation area. As mentioned earlier in this report, there are buildings and structures within Gore Court to the north of the site that are listed. The relevant buildings consist of the Grade II Gore Court, a Grade II listed barn and associated stables and a wall south of Gore Court.
- 3.29 Gore Court dates back to the early 18th century, with alterations in the mid 19 century, and was listed in 1963. It is a two storey dwelling consisting of red brick, render, tile hanging and a plain tiled roof. The barn was listed later in 1987 and is of timber frame and clad with weather board. The stables and wall were also listed in 1987 being of red brick, weatherboard and corrugated iron hipped roof. The setting of these listed buildings is fairly contained as a group.
- 3.30 The application site does have a degree of separation brought about by the property 'Cresseners' which is located between the proposed development area and Gore Court. Planning permission was granted to erect a new dwelling within the rear garden of 'Cresseners' – this has been constructed and will help in visually separating the site from the Listed Buildings. When approaching Gore Court from the north then the proposed development would be in the back drop and not readily visible, the main view of Gore Court is from the front of the site with restricted views from the proposed development site. The proposed new PRow would pass the western field boundary with Gore Court and its associated buildings, however this is a positive benefit and the nature of a PRow with associated surfacing and landscaping is not considered likely to cause an unacceptable level harm to the setting of the listed buildings.
- 3.31 Paragraph 134 of the NPPF states that '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'. Further advice is given in paragraph 135 requiring a balanced judgement to be taken over the scale or harm against the significance of the heritage asset.
- 3.34 In this instance, it is considered that there are significant public benefits arising from an additional 50 dwellings together with 30% affordable housing, a new PRow and the resulting economic benefits that new residents would bring to the services and amenities in Eastry. These benefits would outweigh the less than substantial harm to the setting of the grade II Gore Court.
- 3.35 It is possible that the proposed development may reveal archaeological remains. Archaeological remains have been found within the fields further north of the site

dating back to the early medieval times. For this reason, any grant of planning permission would need to include a condition requiring a programme of archaeological work to be submitted and approved by the local planning authority.

3.36 In light of the above analysis it is considered that the proposed development would not give rise to an unacceptable impact on heritage assets.

#### Highways Impact

3.37 A detailed Transport Assessment accompanied the planning application and has been considered by Kent Highways. Concerns have been raised by the residents with regard to the impact on the existing road network. Photographs have been submitted to demonstrate some of the problems experienced in the vicinity of the application site.

3.38 The transport assessment dated August 2017 was undertaken by RMB Consultants. Pre-application advice was sought from KCC Highways in relation to the proposed development. The report considers the transport effects of the existing site and that of the proposed development and covers the following topics:

- National and local transport policy
- Existing transport conditions
- Future traffic flows (excluding the proposed development)
- Consideration of a travel plan
- Assessment of parking and internal layout within the proposed development
- Impact of the proposed development on the transport network
- Impact of the development on the safety of existing transport network users and development site users

3.39 A traffic survey was undertaken using an automated traffic counter along Gore Lane in January 2017 for 7 consecutive days. The results showed that during peak time there were 106 2-way movements between 08.00 - 9.00 and 104 movements between 15.00 -16.00. On a 7 day average there were 947 2-way vehicle movements a day.

3.40 TRICS (Trip Rate Information Computer Systems) has been used to estimate the traffic generated by the proposed development. The data indicates that the development is likely to generate between 27-29 peak hour movements; these are likely to be split relatively evenly to the south and north of the site access and then split again on routes further afield to Dover, Sandwich and Canterbury. Overall it is anticipated that there would be an additional 235 daily movements. This would equate to 23% - 28% daily increase from the existing situation; or just over two vehicle trips per minute during peak hours.

3.41 The methodology that is used to calculate existing and proposed vehicle numbers is the industry standard and is accepted by KCC Highways.

3.42 Turning to the detail of the highway proposals, following a holding objection from Kent Highways amended drawings were received with regard to the access arrangements. One main central access is proposed to serve the development with a footpath flanking either side into the site.

3.43 It is acknowledged that this is an outline application, however from the illustrative layout that has been submitted it is clear that the car parking within the site is in accordance with policy DM13 and the Kent Design Guide Review: Interim Guidance Note 3 on Residential Parking November 2008.

- 3.44 The section of Gore Lane which is at the front of the site does not currently have any passing bays to allow two-way traffic; the submitted scheme shows four passing places along the site frontage. The proposed bays are located as follows:
- Opposite the access to Centenary Gardens
  - Opposite the proposed site access
  - Between the site access and the northern boundary of the site
  - At the northern boundary of the site
- 3.45 The proposed passing bays would be 12metres in length and would widen the road to 4.8m which is sufficient for a bus and a car to pass. Detailed drawings show the new site access together with visibility splays.
- 3.46 There is currently no footpath along the application site frontage and this is one of the criteria in the policy allocation for this site. The proposals show a new footway along the entire frontage providing connections to both the north and south of the site. New pedestrian crossing points are proposed in Gore Lane to connect to existing pedestrian routes via Centenary Gardens and the PRow EE252A.
- 3.47 Comments were received from Stagecoach suggesting that the existing bus stop 30m north of the site, which is substandard, be moved to be positioned outside indicative plots 38 and 39. However, there is also an existing bus stop located at the southern corner of the site which is proposed to be accessed off a new internal footpath along the top of the banked site frontage, it is therefore more likely that residents would use this paved route to the bus rather than exit at the northern end and walk some 30m in the road to await a bus at the northern stop. I have sought the views of the highway officer who confirms that the southern bus stop is closer to the development site and it is not considered that the improvement suggested would be necessary to make the development acceptable in highway terms.
- 3.48 The KCC PRow department has been consulted on the application. The application proposes a number of enhancements to the pedestrian connectivity and of particular benefit is the new section of PRow at the rear of the site. As such there is support from this consultee.
- 3.49 Since the undertaking of the Transport Assessment the local bus service routes have been altered. There is no longer a direct service to Ramsgate nor a service to Dover via Eythorne.
- 3.50 Safe walking opportunities will be provided, which will link and connect the new development to the existing village. Passing places provided would enhance highway safety. Overall the highways improvements, including passing bays and the new footway are seen as benefits for the existing, as well as, the new community.

### Ecology

- 3.51 Under the Natural Environment and Rural Communities Act (2006), "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". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 3.52 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

- 3.53 A preliminary ecological appraisal accompanies the application documents.
- 3.54 There are no ponds within the application site; the closest pond is 2.15km to the north east within a private residence. It is considered that due to the quality and management of the habitat on site and the distance to the nearest pond, it is unlikely that great crested newts would be present on site.
- 3.55 Records show that the closest recorded reptile to the site is Slow-worm located 0.41km to the east of the site. Grass snake is recorded 0.51 km away. The likelihood of these two reptiles being present within the site is recorded as being high. However, due to the land being largely cultivated arable, it would be the unmanaged grassland around the perimeter of the site that would offer a potential reptile habitat. The appraisal recommended a reptile survey be undertaken; this was duly undertaken and submitted with the application documents. The survey found slow worms and grass snakes confirmed the presence around the perimeter of the site in the unmanaged grassland. The ecological appraisal recommends that mitigation is provided for the possible displacement of some of the habitat for these species that will occur with the development. In this instance, it is the hedgerow fronting Gore Lane that has been identified as very poor which will be removed; however this is off set against new landscaping along the proposed byway route. Subject to the imposition of a condition requiring an ecological management plan then ecological interests can be protected.
- 3.56 It is considered that the site has some potential to support breeding birds within the hedges and scrub, but also ground nesting birds in the arable land. It is therefore recommended that any removal of vegetation needs to be undertaken outside of the nesting season (March – August). The ecological survey makes suggestions regarding the provision of nesting boxes and 'skylark plots' as mitigation against any possible habit loss.
- 3.57 In conclusion, the proposed development can be mitigated against such that ecological interests will not be harmed.

#### Flooding and Drainage

- 3.58 The application is accompanied by both Surface and Foul Drainage Statements, including a Flood Risk Assessment. Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and they have advised that improvements to existing sewers would be necessary. The applicant was aware of this and therefore appointed RMB (Civil Engineering) Ltd to undertake a Foul Water Drainage Strategy. Accordingly, the consultant sought an infrastructure assessment from Southern Water who then identified where improvements could be made which would enable sufficient capacity to be provided in the network. The proposed improvements would comprise the provision of an additional 120m of 150mm diameter foul sewer at a depth of 1.54m. A detailed Foul Drainage Strategy Design has been undertaken and the required infrastructure upgrade will be undertaken as specified by Southern Water. Therefore subject to a planning condition to secure delivery

of the foul drainage works there will be no adverse impact caused by the this development with regard to foul water.

- 3.59 A Surface Water Management Strategy which incorporates SUDS into the design proposal via infiltration methods including soakaways and permeable paving, subject to condition, demonstrates an acceptable means of dealing with surface water. The site falls within Flood Zone 1 (land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year) where residential development is acceptable in principle.
- 3.60 Therefore, in light of the above information, there is no objection to the development with regard to flooding, foul and surface water matters.

#### Residential Amenity

- 3.61 Significant representations have been made regarding the impact of the proposed footpath which would run across the rear of a number of properties. Concern is that the footpath would give rise to anti-social behaviour and use by quadbikes/motorbikes and the like. In order to mitigate against this, consideration has been given to the type of footpath that is proposed. Whilst the path will link to an existing Byway to the south, Byway EE109 is a byway open to all traffic. The new route will not be an extension to EE109 and will have its own reference number once the land has been dedicated. The application refers to the provision of a new byway in the planning statement, however, having discussed the issue with the KCC PRow officer it is considered more appropriate for it to be a Restricted Byway or solely a footpath. A restricted byway would provide a right of way for walkers, horse riders, cyclists and other non-mechanically propelled vehicles.
- 3.62 Having walked the currently informal route whilst there is not a formal or worn track around the site, certainly the grass has the appearance of being trampled and it is apparent that it is used by members of the public as set out in the application documents. The proposed footpath with ramps at either end would make this a more accessible feature for both existing and proposed residents.
- 3.63 Concern has been expressed that the proposed landscaping will obscure views of the landscape from existing dwellings. Landscaping is a matter reserved for future consideration and further consideration can be given to the nature of the planting through the submission of a landscaping scheme.
- 3.64 It is considered that, notwithstanding its outline form, the proposed development could be delivered without compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.
- 3.65 With regard to future residents, the indicative layout demonstrates that an appropriate level of amenity can be afforded within the constraints of the site.

#### Contributions

- 3.66 Requests have been received for financial and other contributions to be made through a S106 Agreement to enable the development to be granted planning permission. The CIL Regulations apply to planning obligations entered into under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Regulations requires the obligation to be:
- (i) Necessary to make the development acceptable in planning terms;
  - (ii) Directly related to the development; and
  - (iii) Fairly and reasonably related in scale and kind to the development.

3.67 Requests have been made by Kent County Council as the Local Education Authority. With regard to primary school education £3,324.00 per applicable house and £831.00 per applicable flat is sought towards the expansion of Phase 1 of Sandwich Infants School. Information submitted by the County Council advises that up to 14 additional primary school pupils will be generated from the new development. This need can only be met through the expansion of the school identified above. As such the contribution is considered justified and appropriate.

3.68 Kent County Council has also requested contributions of £2,359.80 per applicable house and £589.95 per applicable flat towards the Phase 2 expansion of Sir Roger Manwood Secondary School. The proposed 50 new dwellings is projected to give rise to up to 10 additional secondary school pupils where the need can only be met at the school identified above. As such the condition is considered justified and appropriate.

3.69 Kent County Council also seeks contributions of £25.64 per dwelling towards Community Learning which would be used towards the upgrade of IT & Information & Learning Technology at Sandwich Adult Education Centre. Clearly the additional 50 dwellings would result in additional demand on these facilities and as such the appropriate level of contribution should be secured.

3.70 There is a request of £48.02 per dwelling sought by Kent County Council towards Sandwich Library large print books to meet local need. It is stated that borrower numbers are in excess of capacity and to in order to mitigate against the development enhancements are necessary. As such the appropriate contribution should be secured.

3.71 Kent County Council has sought contributions of £77.63 per dwelling towards the Age Concern Care Centre in Sandwich. It is stated that all available care capacity is full. It is therefore appropriate to secure the contribution to address additional capital costs for social care clients generated from this development.

3.72 A S106 Agreement will also seek to secure 30% affordable housing on the site. This is in accordance with the Councils adopted policy requirement.

3.73 Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC. Policy LA27 seeks a mitigation strategy to address any impact on the protected ecological sites along the Thanet Coast and Sandwich Bay. The strategy should consider a range of measures and initiatives, including on site mitigation measures. Given the size of the site, it is considered that it would be more appropriate to support the existing mitigation strategy which has a set contribution per dwelling as follows:

No. of bedrooms	Total contribution
1	£16.53
2	£33.06
3	£49.59
4	£66.12

3.74 Creation Agreement with Landowners to provide the new footpath to the rear of the site linking with Byway EE109 and Selson Lane in agreement with KCC PRow Officer– it is considered that the provision of the new link to the wider PRow network within and around Eastry is a suitable provision of open space. The specification will need to be in accordance with that set out by the KCC PRow team.

- 3.75 A requirement on the developer of the site to fully provide and fund the provision of the new Byway, to be completed on an agreed percentage completion of the development together with ongoing maintenance of the Byway funded through a management scheme linked to the dwellings in perpetuity.
- 3.76 The NHS has advised that a joint approach should be explored in order to increase capacity across the Sandwich and Ash practices. This would involve using S106 funding to refurbish a Council owned building which would then allow patient notes to be stored outside of the actual practice buildings. This would then free up building space that S106 could be used to refurbish and equip new clinical rooms thus creating capacity for the new residents of developments.
- 3.77 Historically, the NHS has used a formula based on 2.34 patients per dwelling as follows: number of patients x £360. If applied to this application the request would equal 117 x £360 sum being £42,120. However, no formal request has been made and no further information has been forthcoming with regard to the proposed plans for a joint approach. As such, there is not a CIL compliant proposal that could justify a developer contribution at the present time.
- 3.78 Kent Police have also requested contributions, however these do not meet the CIL regulations and cannot be sought.
- 3.79 Overall the development proposals are providing all obligations which are CIL compliant.

### **Conclusion**

- 3.80 In light of the above, taking into regard the tilted balance, it is considered that the proposal is acceptable, and would comply with the requirements of Policy LA27 of the LALP (2015).
- 3.81 The proposal, whilst incorporating land beyond the allocated site boundary, would not result in any significant harm to the countryside/landscape character, residential amenity, highways or ecology. The proposal represents a highly sustainable form of development and would bring about highway benefits by providing passing places on Gore Lane where there are currently none.
- 3.82 The proposal is considered to cause less than substantial harm to the Heritage Assets to the north of the site and overall is sympathetic to the character and appearance of the area.
- 3.83 The proposed development would bring about 30% affordable housing which would be in accordance with the Councils agreed policy on provision.
- 3.84 The proposed development would enhance the PRoW network in the locality and provide greater permeability and access to the countryside.
- 3.85 The proposal is capable of delivery without giving rise to flooding and will improve the existing foul sewage network.
- 3.86 Overall the development is consistent with the aims and objectives of the NPPF and Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. In achieving sustainable development, the proposal would perform a social, economic and environmental role in line with the objectives of paragraph 7.



3.87 For the reasons given above it is considered that this application is acceptable, and as such I recommend that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the completion of a suitable S106 agreement, and the imposition of safeguarding conditions that relate to the matters set out below.

g) **Recommendation**

- I Subject to the completion of a S106 Agreement PERMISSION BE GRANTED subject to conditions to include: 1) time outline, 2) time reserved matters, 3) samples, 4) design details, 5) cycle and bin storage, 6) parking/turning, 7) construction management plan, 8) archaeology, 9) foul and sewage disposal details, 10) landscaping scheme, landscape implementation 11) hedgerow & landscape protection measures 12) surface water disposal 13) slab levels 14) suds 15) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs 16) hard and soft landscaping 17) ecological enhancements 18) details of crime prevention, 19) submission of external lighting 20) details of boundary treatment 21) pd rights (means of enclosure)
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the S106/legal agreement and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks

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**Application: DOV/17/01451**

**1 Bulwark Road**

**Deal**

**CT14 6PD**

**TR37725338**



a) **DOV/17/01451 – Erection of a first floor side extension - 1 Bulwark Road, Deal**

Reason for report - Number of contrary representations (12).

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries  
Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2012)

- Paragraph 17 sets out 12 core principles. Amongst other things, it states that planning should ‘enhance and improve the places in which people live their lives’ and should also always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Paragraph 56 attaches great importance to the design of the built environment. It states that good design as a key aspect of sustainable development 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. It states that decisions should integrate 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 opportunities available for improving the character and quality of an area and the way it functions.

The Kent Design Guide

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

d) **Relevant Planning History**

DOV/93/00735 – One pair of semi-detached houses – GRANTED

e) **Consultee and Third Party Responses**

Deal Town Council: Object as over-development of site.

Public Representations: There have been 9 letters of objection and 12 letters of support from the public consultation of the application. A summary of the responses is set out as follows:

Objections

- Property is in a prominent location.
- Over-development of site.
- The extension would appear as a large, overbearing and incongruous feature in this prominent location.
- It would appear as a particularly awkward and discordant feature on this simple cottage.
- This extension would destroy the symmetry of the semi-detached houses
- The planned extension would be an eyesore.
- It will give a bizarre effect of overcrowding and the architectural features of different roof pitches and cantilevered extension will not look attractive the way they would in their own setting.
- Highway safety – possible distractions for motorists.
- Loss of the original character.
- It detracts from the original character of the streets, both Capstan Row and Bulwark Road.

Support

- The building is aesthetically pleasing.
- The extension would improve the house.
- It would have no adverse impact on the appearance of the property or the surrounding neighbourhood
- The extension would have a limited negative effect in terms of loss of light.
- The extension would overlook my garden, but others already overlook this space.

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

1.1. The application site comprises a semi-detached two storey dwelling that has a large box dormer rear roof extension. The site includes an attached garage to the side (south) with one off street parking space in front of the garage. The dwellinghouse has been finished in a white shiplap style cladding on the external surfaces. The roof is finished in grey slate tiles with darker tiles on the rear dormer. To the rear of the site, there is a small courtyard with a tall brick built wall that surrounds it.

1.2. The site is located on a prominent corner plot on Bulwark Road and Capstan Row. The dwellings surrounding the site are mainly two and three storey terrace houses, some of which feature small, single storey additions that appear quite organic. The application site can be accessed off of The Marina and down Capstan Row or along Bulwark Road, off of Snowdown Road.

1.3. The area is tightly built in nature, with the front elevations of dwellings on Bulwark Road facing over the rear gardens of dwellings on Sandown Road. Nevertheless, the dwellings relate well to one another in this close-quarters

arrangement. There are many attractive period properties near to the site and other dwellings of a similar scale. Capstan Row is narrow and only wide enough for a single lane of traffic. The existing site arrangement still allows for a degree of openness at the end of the Row, leading onto Bulwark Road. The application dwelling has been clad and in terms of its finish no longer relates to its attached pair which retains its original red brickwork on the lower portion of the property and a pale render on the top portion. The pair of dwellings is fairly modern (permission granted in 1993) with a similar footprint to other dwellings nearby. The application site is quite constrained in terms of available space to develop.

1.4. The approximate dimensions of the site are:

- Width – 7 metres.
- Depth – 13 metres.
- Set back from highway (Capstan Row) – 1 metre.
- Set back from highway (Bulwark Road) – 1.1 metres.

### Proposal

1.5. Permission is sought to erect a first floor side extension above and forward of the existing attached garage. The extension has been designed to cantilever out above the existing parking space which is to be retained. The extension would include a pitched roof, finished in artificial slate tiles, new aluminium framed window and would have white cladding on the external surfaces, which would all match the materials used on the host dwelling. There would be cedar cladding above the garage floor and the underside of the cantilevering first floor. The front elevation would include a small pitched roof dormer, which would match the existing dormer on the front roof slope of the host dwelling.

1.6. The extension would appear to jetty out, with no front supports proposed.

1.7. The height of the ridge is lower than the ridge of the host dwelling and the proposed extension would be recessed back from the existing front elevation by approximately 1.5m.

1.8. The proposed extension has been designed to create an additional first floor bedroom whilst retaining the existing garage space and off-street parking space

1.9. The dimensions of the proposal are:

- Width – 2.5 metres
- Depth – 6.0 metres.
- Ridge Height of the extension – 7.0 metres.
- Height to Eaves (front) – 4.2metres
- Height to eaves (rear) 2.2 metres

## **2. Main Issues**

2.1. The main issues to consider are:

- Principle
- Visual amenity and design
- Residential amenity
- Highways

## **3. Assessment**

### Principle

- 3.1. The site is located within the urban boundaries of Deal and the proposed extension is acceptable in principle, subject to its design details and any material considerations.

### Visual Amenity and Design

- 3.2. In terms of design the cantilevered extension appears as though it is lunging forward and encroaching into the street. It would appear bulky and discordant compared to the simple form and character of dwellings here. Other dwellings have been altered in an organic way, with small, single storey extensions and sympathetic additions. However this proposal would appear as an unusual and alien addition. It is considered that the proposal, because of its design, would lead to an intrusive and overbearing effect on the street in this location. A first floor addition above and forward of the garage would serve to remove the already limited openness to the street that exists here.
- 3.3. The NPPF is clear with regards to the importance of design quality and the securing of good standards of amenity and identifies that good design is a key aspect of sustainable development, which is expected to contribute positively to making places better for people. Streetscapes are expected to create attractive places to live. It is accepted that an existing car park space would be retained however. In this case the contrived design solution would not achieve a good standard of design quality and would not contribute positively to the appearance, character or visual quality of the street scene and is therefore contrary to the sustainability aims and objectives of the NPPF.

### Residential Amenity

- 3.4. The proposal would include one new window on the front elevation which would face the rear gardens of the dwellings along Sandown Road. However, as the rear gardens are already overlooked at first floor level, it is considered that the proposal would not materially worsen the existing arrangement. Accordingly, as a result of this, the proposal is likely to be acceptable in this regard.

### Highways

- 3.5. Both the existing off-street parking space and the existing garage would be retained with this proposal. The proposal is therefore acceptable in terms of highways and parking and is compliant with Policy DM13 of the Core Strategy.

### Conclusion

- 3.6. The proposed extension is considered to be unacceptable.
- 3.7. It is considered that the proposed extension would be an intrusive, contrived design feature. It would appear incongruous in the streetscene and would not relate well to the character and appearance of the host dwelling. The proposal would cause harm to the streetscene by detracting from its appearance, character and its visual quality and as such, the recommendation is to refuse planning permission.
- 3.8. All comments have been taken into account in making this recommendation.

g) **Recommendation**

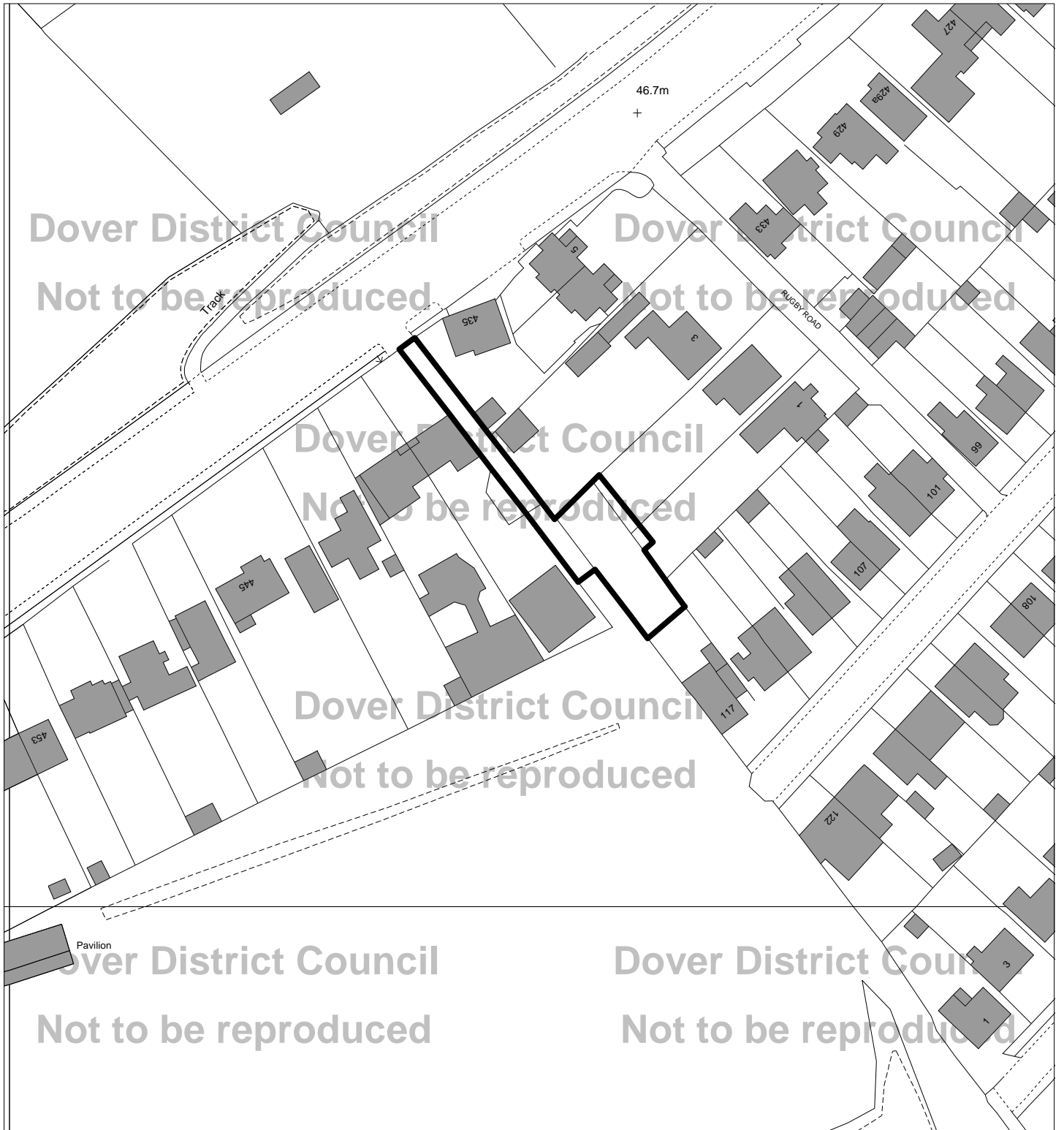
I. Planning permission be REFUSED for the following reason:

In this prominent location, the proposed extension, if permitted, would result in an incongruous and intrusive addition to the street scene. By virtue of its resultant design and its relationship with the existing dwelling, the proposed extension would appear as a contrived and alien feature in the streetscene. The proposal would result in harm to the streetscene, contrary to the aims and objectives of the aims and objectives of the NPPF, in particular, paragraphs 17, 56, 58, 61 and 64.

Case Officer

Elouise Mitchell

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**Application: DOV/17/01230**

**Land rear of 117 Manor Road & Adjoining  
437 Folkestone Road  
Dover  
CT17 9JX**

TR30094057





- a) **DOV/17/01230 – Erection of a detached dwelling, formation of vehicle access and parking - Land rear of 117 Manor Road and adjoining 437 Folkestone Road, Dover**

**Reason for report:** Number of contrary views (10).

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

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.

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.

National Planning Policy Framework (NPPF)

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 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 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 115 - Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

Section 85 of the Countryside and Rights of Way Act 2000 states that “in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty

#### Kent's AONB Management Plan

This is the policy and action framework for local authorities which will influence and help determine decision-making, advice and resource allocation for all their relevant functions in, and affecting, the AONB.

"To conserve and enhance the natural and scenic beauty of the Kent Downs, the scale and design of new development, re-development and restoration is critical".

#### The Kent Design Guide (KDG)

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

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

DOV/16/00235 - Replace existing tiled roof with slate, replacement dormer window to front, excavations to form new lightwell to rear and enlargement of front lightwell (amended proposal). Approved.

DOV/16/01148 - Excavations to form new lightwell to rear and enlargement of front lightwell, replace existing tiled roof with slate, installation of replacement windows, removal of side front dormer windows, installation of replacement window on rear elevation and bi-fold doors to lower ground floor and construction of associated access steps. Approved.

#### e) **Consultee and Third Party Responses**

##### Dover Town Council

- unsuitable access
- over-intensification of the site

##### County Highways

Regarding the proximity of the existing bus stop to the existing access which will serve the proposed single dwelling, it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access and protected by raised kerbs. Having regard to the above, I do not have concerns over the proposed development in this regard.

Southern Water – no objections raised. The following informative is recommended to be attached with the permission.

*"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

Natural England – no comments made.

##### Public Representations:

Ten (10) representations received objecting to the planning application and raising the following relevant planning matters:

- unsuitable access for commercial vehicles
- the lane proposed to be used as an access is in need of repair
- over-intensification of the site
- the lane is extremely narrow. Currently, a standard car is not able to open 1 door fully should there be a problem and need to stop to exit the vehicle.

- A refuse truck would be unable to drive to the new dwelling, there is no room for a turning circle and again a vehicle of this size would struggle and it would be extremely dangerous to reverse the refuse truck back up the long narrow Lane on to a busy and fast stretch of road.
- There is no pedestrian access consideration within the plan, and the track is currently used by Dover College to access their fields.
- The proposed dwelling is small but two storey and will overlook a number of adjacent properties, creating a loss of privacy.
- There is currently no clear plan for handling waste generated from the property.
- Would also open a precedent for future development of green lands.
- Inaccurate plans.
- There is a lot of wildlife on the proposed site including bats which in season are often seen flying amongst the trees on that plot.

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

- 1.1 The application site comprises part of the rear garden of no.117 Manor Road, a detached dwelling within the settlement confines of Dover. The application site partly adjoins Area of Outstanding Natural Beauty to the south. No.117 (application property) has a deep garden which to the northeast abuts the gardens of four houses namely no.115 Manor Road and nos 1, 2 and 3 Rugby Road.
- 1.2 There is an existing access towards the site from Folkestone Road to the northwest. This access is narrow and it is understood that it is currently used for vehicular access to the rear of no.437 Folkestone Road and pedestrian access to the playing field to the south.
- 1.3 This application seeks permission to erect a chalet bungalow to the rear of no.117 Manor Road including parking for two cars. It would utilise the existing access referred to above and would be extended to provide vehicular access to the application site. The plans show the number of trees to be removed primarily includes a couple of sycamore and a number of conifer trees. At the time of the officer's site visit, some of the trees had already been removed.
- 1.4 The proposed dwelling would comprise of two bedrooms, an open plan kitchen/living room together with an ensuite and a toilet. The footprint of the building is approximately 56sqm and the new dwelling would have an overall floor area of 96sqm.
- 1.5 The proposed dwelling would be finished partly in brick and party in Cedar weatherboarding. It would have a pitched roof with gable ends with dormers in the southwest facing roofslope and two velux windows in the northeast facing roofslope. The roof would be finished in artificial slates. The proposed dwelling would have white UPVC fenestration. Guttering and rain water pipes would be concealed within the building. Hardstanding is being provided within the site for two cars. The hard standings would be provided in block paving with sand infill (permeable) whilst the site would be enclosed by a 1.8m high close boarded wooden fence.

2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the countryside and the street scene
- The impact on residential amenity
- The impact on the living conditions of future occupiers
- The impact on the highway network
- Impact on Ecology

### 3. **ASSESSMENT**

#### Principle of the Development

- 3.2 The site lies within the settlement confines of Dover. It is considered that principle of the development is acceptable, subject to site-specific considerations.

#### Impact on the Character and Appearance of the Area

- 3.3 Although not within the AONB, the site is located directly adjoining the AONB. The site is visible from the AONB. Policy DM16 refers to the character of the landscape being protected. The preamble identifies that this does not however preclude the possibility of the development but that the location of the development should be carefully selected. So due regard has to be given in this case as to whether the development would be likely to harm the AONB character of the landscape.
- 3.4 Section 85 of the Countryside and Rights of Way Act 2000 states that “in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty”. Regard should also be had for the Kent Downs AONB Management Plan and the Kent Downs Handbook, which provide advice on how to protect and enhance the AONB. In respect of the AONB, paragraph 115 of the NPPF states that “great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”.
- 3.5 The removal of existing trees from the southwest boundary will inevitably expose the part of site to inward views. However, landscaping has been indicated on the proposed plans and although no detail as such has been given, a condition has been attached which would to some extent compensate the exposure of the site and mitigate the effect of the development to a suitable degree so that it would not result in undue harm to the character of the AONB landscape to the southwest nor adversely affect the appearance, setting and scenic quality and beauty of the wider AONB. And therefore would accord with the Development plan policy and the aims and objectives of the NPPF paragraph 115 and the Kent Downs Management Plan.
- 3.6 In terms of the character of the area, from Manor Road, the properties to the rear, in particular, nos 1 and 2 Rugby Road are not readily visible through the gaps between the dwellings fronting Manor Road. The proposed dwelling would be sited 44m away from the edge of Manor Road

to the rear of no.117. By virtue of significant separation distance from the main road and the limited gaps between the properties nos.117 and 115, limited views of the proposed dwelling would be achievable in the street. The dwelling is considered to be of a modest character with no striking aesthetics and would therefore sit quietly within its plot without making its presence highly prominent in the street. While the dwellings to the rear (nos 1 and 2 Rugby Road) have frontages to the cul-de-sac, the absence of such an access would not be noticeable from Manor Road.

- 3.7 The proposed dwelling would be sited at a distance of approximately 45m from the edge of Folkestone Road. The land rises from southeast to northwest. As such, the dwellings fronting Folkestone Road are at a higher level than the application site. Having regard to the topography of the land and the siting of the proposed dwelling to the rear of the properties fronting Folkestone Road, it would not be visible in the street.
- 3.8 Concerning the urban grain, the dwelling would be sited more or less in line with No 2 Rugby Road and, while it would not be accessed from that road, the depth of development proposed is in keeping with the established character of the area. Overall, the new dwelling would be read amongst and alongside existing built form and development.
- 3.9 In conclusion, for the reasons set out above, your officers are satisfied that the proposal would not detract from the character and appearance of the street scene or the wider area.

#### Impact on Residential Amenity

- 3.10 Nos 1 and 2 Rugby Road to the northeast  
The proposed dwelling would be sited at a distance of approximately 27m from nos 1 and 2 Rugby Road. Having regard for the separation distance between the proposed development and the rear elevations of nos 1 and 2 Rugby Road, no loss of light, sense of enclosure or overshadowing would result from the proposal. A high level rooflight has been proposed within the northeastern roofslope which would serve the bathroom on the first floor. Therefore, no harmful downward overlooking would result from the proposal.
- 3.11 No.117 Manor Road (application property) to the southeast  
The finished dwelling would be sited at a distance of approximately 27m from the rear elevation of no.117. Whilst the separation distance by itself is considered to be a reasonable distance, by virtue of the topography of the land, the proposed dwelling would sit approximately 4m above the ground level of no.117 and as such its presence would appear more pronounced when viewed from within the habitable rooms of no.117. Whilst prominent, it is not considered that it would appear as an intrusive and obtrusive element sufficient to justify withholding planning permission. It is noted that a window to the ground floor and Juliet balcony to the first floor is proposed to the elevation facing no.117. It is acknowledged that some views of the private garden of no.117 would be achievable from the proposed openings, however, by virtue of adequate separation distance, it is not considered to cause unacceptable loss of privacy to the neighbouring occupiers of no.117.
- 3.12 No.437 Folkestone Road to the southwest

The proposed dwelling would face the rearward part of the private garden of no.437 Folkestone Road. Two dormer windows are proposed within the southwestern roofslope facing no.437. The finished dwelling would lie at a distance of approximately 26m from the rear elevation of no.437. By virtue of the siting of the proposed dormers, oblique views of the private garden of no.437 would be achievable, however, by virtue of the separation distance, it is not considered to cause unacceptable harm from overlooking.

3.13 No.435 to the northwest

The proposed dwelling would be sited at a distance of approximately 30m from no.435 and would be some 2m below the level of no.435. Having regard for the separation distance, siting and the land topography, it is not considered to cause harm to the residential amenity of the adjacent occupiers of no.435.

3.14 The existing access is apparently more readily used as a pedestrian access and less frequently used as a vehicular access, in particular, by no.437 Folkestone Road. There is a detached bungalow (no.435) with a limited area of private garden adjoining the access. There would undoubtedly be vehicle movements which would cause some noise. However, provided the drive is surfaced in a consolidated material such as tarmac, and not loose gravel, the noise arising from the limited number of vehicle movements would be unlikely to be so great as to result in any significant harm to living conditions of no.435.

3.15 There are no other properties in the vicinity that would be directly affected by the proposal.

Impact on Highways

3.16 The development would utilise the existing access onto the site from Folkestone Road. It is predominantly used as a pedestrian access. Whilst the proposal does not result in the creation of a new vehicular crossover, the nature of use of the access would inadvertently differ as it would be primarily be used for vehicular traffic. It should be noted that the application site falls within the 30mph zone. Having regard for the geometry of the road and the location of the access, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 43m x 2.4m x 43m).

3.17 It is noted that there is a bus stop in close proximity to the existing access. KCC Highways have advised that it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access and protected by raised kerbs. Having regard to the above, no concerns have been raised over the proposed development in this regard.

3.18 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two off street car parking spaces. No formal visitor parking is shown, although it would be relevant to note that there are parking bays some distance from the application site along

Folkestone Road. Having regard for the above, the development would not cause severe harm to the local highway network.

- 3.19 The development includes the provision of cycle parking spaces, as recommended by the Kent Design Guide (including Interim Guidance Note 3) and the NPPF. A suitably worded condition could be attached with the planning permission requiring the provision of cycle storage prior to first occupation.

Impact on Ecology

- 3.20 Concerns were raised regarding the possibility of bats and badgers being present on site. DDC's ecological officer has advised that wildlife using the path and bats flying around the trees could be expected in the vicinity. However, given the proximity to the countryside, it is considered that any impact on protected species would be negligible. It is considered that impact on the AONB would be insignificant, due to the location of the proposed development. Regard has also been had to Natural England's Standing Advice for Protected Species. Given the existing vegetation on site which consists of unmanaged grass, sycamores and conifers, it is not considered that there is any likelihood of protected species being present on site. Therefore, no impact on the ecology would result from the proposal.

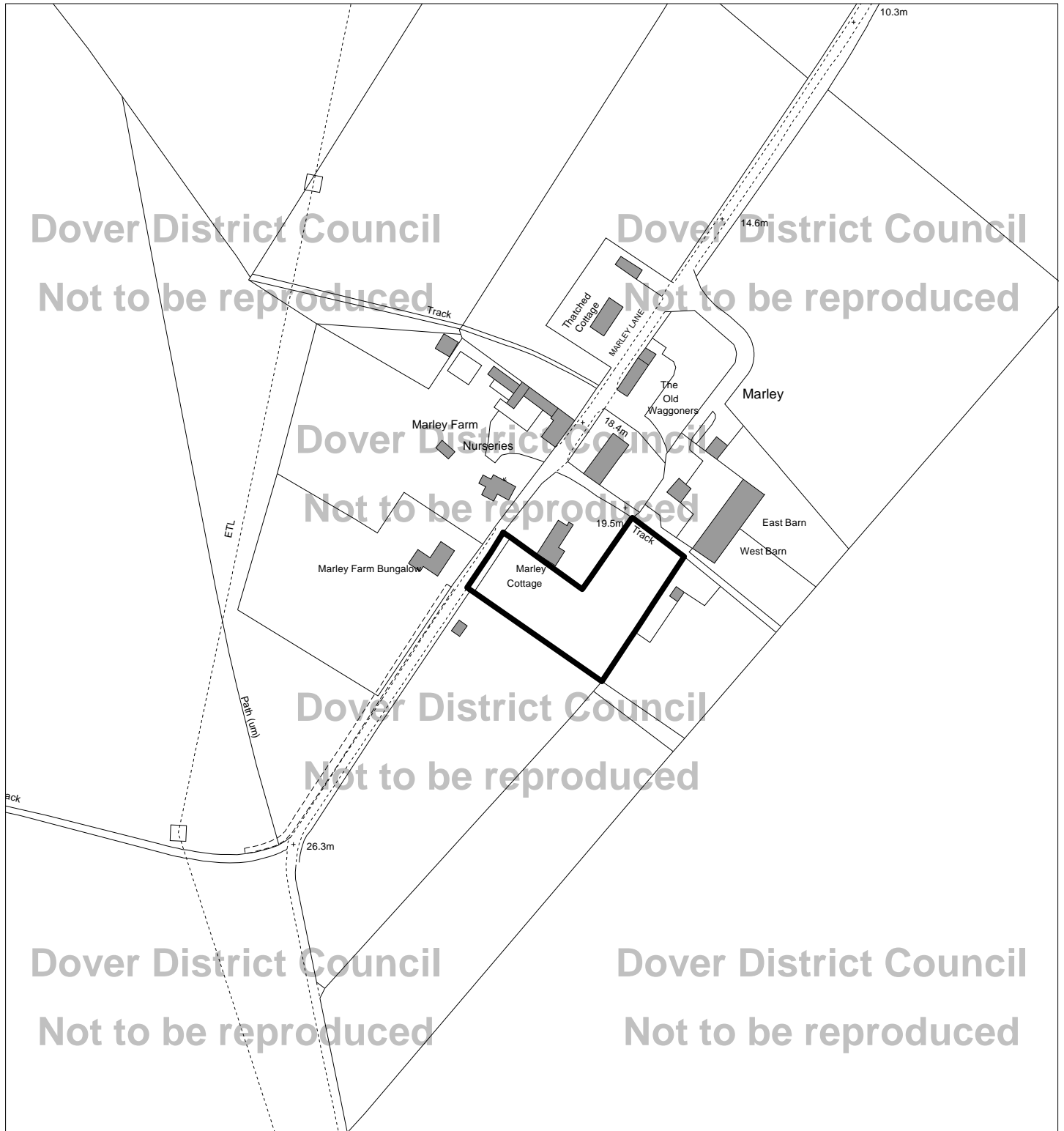
**Conclusion**

- 3.21 The proposed dwelling is considered acceptable. It is in the confines. It is of a simple design and appearance and would not appear as an intrusive feature and would not result in harm to the landscape and scenic quality of the adjacent AONB. It would not cause harm to the residential amenity of the neighbouring occupiers and is considered acceptable in all other material respects.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, ii) A list of approved plans (iii) Materials as confirmed by the applicant (iv) details of the access prior to commencement (v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of foul and surface water.
- 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 the Planning Committee.

Case Officer  
Benazir Kachchhi



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**Application: DOV/17/01499**

**Marley Cottage**

**Marley Lane**

**Finglesham**

**CT14 0NF**

**TR33345348**





- a) **DOV/17/01499 – Outline application for the erection of a detached dwelling (with all matters reserved) - Marley Cottage, Marley Lane, Finglesham, Deal**

**Reason for report:** Number of contrary views (17).

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- 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 travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- 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.

National Planning Policy Framework (NPPF)

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means...
  - approving development proposals that accord with the development plan without delay; and
  - 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.
- 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 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.
  - Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
  - 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.

d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Northbourne Parish Council

No objections.

County Archaeologist

No objections subject to a watching brief condition.

Southern Water

The applicant is advised to consult Environment Agency directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes off effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

No objections have been raised; however, a pre-commencement condition is recommended to be attached to the permission requiring submission of details of the proposed means of foul and surface water sewerage disposal.

It is also advised that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is also advised to discuss the matter further with Southern Water.

#### Public Representations

Seventeen (17) letters of support have been received, and have made the following comments:

- Would provide housing
- One more home with low impact on the surrounding environment
- There is a serious lack of properties available for sale to people who have family ties and jobs locally and who would like to live in the village. The age demographic of Finglesham is rising steadily and any development which can help to introduce a younger generation of families into the village should be greatly encouraged.

Any building works will be of the highest quality.

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

- 1.1 The application site comprises the side/rear garden of a detached cottage (Marley Cottage) which sits on the edge of a small/historic cluster of properties focussed around Marley Farm Nurseries. The group sits within open countryside, some 350m south of the hamlet of Finglesham. The site fronts Marley Lane, a single track metalled rural lane.
- 1.2 The property and its neighbours lie within a predominantly open landscape comprising arable farmland, punctuated by similar small pockets of development focussed on farmsteads and rural cottages, often screened by trees/woodland.
- 1.3 Between the site and Marley Lane is an embankment (about 1m high) atop which is a 2m high (approx.) hedge. The hedging continues along the site's southern boundary which adjoins the open countryside and currently screens views of the Marley Cottage garden from this direction. Marley Cottage itself however (and the hedging) is clearly visible to the south along Marley Lane and also from Broad Lane (adjoining Betteshanger) beyond.
- 1.4 The nearest settlement to the application site (providing main services) is Eastry which is located at a distance of approximately 3.2 miles from the site.
- 1.5 This application seeks outline planning permission for the erection of a detached dwelling (all matters reserved). The application is accompanied by indicative plans which show a 4 bedroom two storey dwelling, served by a new access from Marley Lane.
- 1.6 The application is accompanied by a planning statement. This states that the purpose of the dwelling is to provide a home for the applicant's son and daughter in law who wish to move close to the parents but have been unable to access the local housing market. They have also sought to register with Dover's self-build register but there are no plots available to meet the need.
- 1.7 Weight for the proposal is argued on the basis that the Council do not have a 5 year housing land supply and that little weight should therefore be given to the housing

policies of the Core Strategy, including DM1. It is also stated that the site is previously developed land, the use of which is encouraged by the NPPF and that overall the proposal satisfies the sustainability objectives (social, economic, environmental) of the NPPF.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network
- The impact on ecology

## 3. **ASSESSMENT**

### Principle of the Development

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

3.2 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location.

3.3 It was acknowledged in the recent Ash appeal that the tilted balance would be applied in respect of development proposals for new housing because the Council's housing evidence base is out-of-date. Members will be aware that the Inspector also agreed that the Council does have a 5 year housing land supply. The tilted balance therefore applies here. In essence, in accordance with paragraph 14 of the NPPF, permission should then be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It is, however, necessary to apply the Core Strategy principle under policy DM1 which is not a housing supply policy, as the starting point in that development outside the confines would not be acceptable unless there are unusual and compelling reasons for permission to be given.

3.4 Regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in line with the tilted balance, i.e. whether any harm identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Impact on the Character and Appearance of the Area

3.5 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that

adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.

- 3.6 As stated at 1.1 to 1.3 above, the area is rural in character. Built development is very limited comprising small clusters of buildings focussed on historic farmsteads and cottages partially screened by trees and hedgerows. The application site sits on the edge of such a cluster fronting a rural lane (Marley Lane). The application site is relatively flat and whilst a boundary hedge along the southwest and southeast provides some screening, the site is readily visible in the countryside to the south/east along Marley Lane and from Broad Lane.
- 3.7 As suggested by the indicative plans accompanying the application, a dwellinghouse on this site would be likely to require engineering works for the excavation of the existing embankment and the loss of hedging to secure a suitable access to the site. This would significantly erode the character of the rural lane at this point. Views from the lane would be gained of the new dwelling, which would be seen together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, all of which would jar with the relatively unspoilt rural setting and which would have urbanising effect on the immediate area to the detriment of the rural character and appearance of the immediate area.
- 3.8 As stated at 1.5, the indicative plans depict a large 4 bedroom, two storey dwelling. While the harm identified above would equally apply to a single storey property, this would be exacerbated by a scheme along the lines suggested by the indicative proposals.
- 3.9 A two storey dwelling would also be particularly visible from the available prominent views to the southeast, introducing an overtly visible building at the edge of the cluster which would erode and harm the rural character.
- 3.10 Regard must be had to whether in light of this harm, the proposed development could be acceptable by meeting any of the four criteria listed under Policy DM15 *which include (i) it is in accordance with allocations made in the Development Plan Documents; or (ii) justified by the needs of agriculture; or (iii) justified by a need to sustain the rural economy or a rural community; (iv) it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats*). In respect of these matters, the proposed dwelling would be located in a rural location well beyond any designated settlement confines. It is not justified by the needs of agriculture. Whilst it is acknowledged that the proposal would provide a short term economic benefit, by providing employment during the construction phase, it is not considered that it would apply to a sufficient degree to set aside the harm identified. Furthermore, no overriding justification has been provided that demonstrates why it needs to be in this location and why it cannot be accommodated elsewhere.
- 3.11 Regard must also be had for whether the development would harm the wider landscape character of the area, as identified through the process of landscape character assessment, in accordance with policy DM16. Where harm is identified, permission could be given if (i) it is in accordance with the development plan and incorporates any necessary avoidance and mitigation measures, or (ii) can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- 3.12 Regard has been had to Dover District's Landscape Character Assessment (2006). In respect of this locality, it states; *"the landform is gently undulating, rising to the south. There are large open arable fields and few hedgerows. Woodland belts and tree clumps add to enclosure in places. Field sizes increase towards the south. The tree cover consists of native woodland belts and clumps within arable farmland. The area comprises a mixture of small, square fields, particularly around settlements, and regular rectilinear large arable fields. The land use is arable dominant with some pasture around settlements. Scattered farmsteads, windmills and oasthouses are found in the region."*
- 3.13 The proposed development would be visible in the countryside to the south/east along Marley Lane and from Broad Lane. However, by virtue of the site's location, existing vegetation, topography of the site and the scale of the proposal, it is not considered that the proposed development would be of significant detriment to the character of the wider landscape as identified through the process of the Dover District's landscape character assessment. The NPPF calls for development to take into account the intrinsic character and beauty of the countryside.
- 3.14 Overall, whilst the proposed development would not cause significant harm to the wider landscape (DM16), it is considered that the scale, nature and type of development would erode the rural character of the immediate area, introducing an overtly urban form of development into a rural setting. As such, the development would be contrary to Core Strategy Policy DM15 and aims and objectives of the NPPF.

#### Impact on Neighbours

- 3.15 The application site shares boundaries with Marley Cottage to the northeast. It is considered that given the size of the site and its relationship with neighbouring properties, subject to acceptable details being submitted in the reserved matters application, no unacceptable impacts to neighbours would arise.

#### Impact on Highways/Travel

- 3.16 Regard has also been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional (albeit modest) travel in a location beyond settlement confines where the Plan restricts such development and as such would be contrary to policy.
- 3.17 It is noted that there is no footpath along Marley Lane that would lead to Finglesham. The lane is also unlit. Finglesham is a hamlet as defined by Policy CP1, and contains only very limited facilities and services meaning that the occupiers would need to travel further to meet their day to day needs. The nearest bus stops are located at a distance of approximately 1.3km from the application site which are served by No.81 and No.81B buses, which links to Dover, Deal, and Sandwich. They provide an hourly service to Dover and Sandwich until 7:00pm and an infrequent service to Deal (couple of times in a day). Taking the above facts in the round, in particular the nature and distance of the walking route, it is very likely that the proposal would encourage travel by car, thereby working against the sustainable travel and reduction of the pollution objectives of the NPPF contrary to paragraphs 17 and 29 of the Framework. So, there is lack of compliance with Policy DM11 and the NPPFs, sustainable and reduction of pollution objectives to consider.

- 3.18 In accordance with Policy DM13, the proposed dwelling would need to provide up to two independently accessible off-road parking spaces. In the event of grant of planning permission, these details would need to be submitted as part of any reserved matters application. It is likely that this could be achieved along with cycle parking provision.

#### Archaeology

- 3.19 KCC Archaeology have advised that the proposed development site lies in an area of archaeological potential associated with various crop and soil marks visible in the fields surrounding Finglesham. These crop and soil marks indicate the presence of buried archaeological features and landscapes. They include enclosures, ring-ditches (the ploughed out remains of prehistoric funerary monuments) and other features. Additionally, a Lower Palaeolithic handaxe has previously been recorded as coming from brickearth deposits on Marley Lane.
- 3.20 Given the archaeological potential of the site, it is considered that the construction of the proposed dwelling along with any associated groundworks would likely impact upon heritage assets of archaeological interest. Consequently, it is considered that it would be reasonable to require a programme of archaeological work in this instance, by condition.

#### Ecology

- 3.21 Regard has been had to Natural England's Standing Advice which suggests that in large gardens in suburban and rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The surrounding area contains established trees and hedgerows which could provide habitat for protected species. Regard has also been had to Dover District's Landscape Character Assessment (2006), which indicates that the application site lies within the North Downs Natural Area. Chalk geology is characteristic of this area, supporting downland habitats within the chalk grassland. There is a rich variety of plant and insect species, with grazing and aspect affecting the species composition. Scrub forms an interface between chalk grassland and woodland, supporting invertebrates and birds.
- 3.22 Having visited the site, it was noted that the parcel of land subject of this application comprised managed grass, conifer hedge and a few mature trees. Whilst it is acknowledged that the surrounding area may contain protected species, given the existing vegetation on site, it is not considered that there is any likelihood of protected species being present on site. Therefore, no impact on ecology would result from the proposal.

#### Sustainability Overview

- 3.23 Regard has been had for whether there are any other material considerations which indicate that permission should be granted contrary to the development plan.
- 3.24 The NPPF is a material consideration of significant weight and, considering NPPF as a whole, the development can be split down into the three dimensions of sustainable development – social, economic and environmental.
- 3.25 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.

- 3.26 With regards to the social role, it is not considered that the proposal would result in the creation of a high quality environment. Whilst it is acknowledged that the proposed development would provide one dwelling, the benefit associated with it would be negligible as the Council can demonstrate a 5.65 year housing land supply. Furthermore, it is considered that the proposed development lies in an unsustainable location and would not enhance or maintain the vitality of rural communities.
- 3.27 Turning to the environmental role, it is considered that the proposal would result in an intrusive form of urbanisation in this part of countryside, which would fail to protect or enhance the natural environment. Furthermore, by virtue of its siting and location, the development would fail to minimise the need to travel and would be highly dependent upon the private car, contrary to paragraphs 17 and 29 of the NPPF.
- 3.28 At point 3.21 of the planning statement, it is stated that the land is previously developed (PDL). The definition of PDL at Annex 2 of the NPPF excludes land in built-up areas including private residential gardens but doesn't extend this definition to residential gardens in rural areas. The site is therefore technically PDL. It is acknowledged that the NPPF encourages the use of PDL. In the circumstances of this case however, it is considered that the use of garden land for building would represent, at best, a very modest environmental benefit. However, these are material considerations that would militate against this 'benefit' as such.
- 3.29 The proposal would provide only very limited social, economic and environmental benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environmental objectives relating to countryside protection and encouraging sustainable travel patterns. To conclude, it is not considered that the development represents 'sustainable development' and is not, therefore, supported by the provisions of paragraph 14 of the NPPF.

#### Other Matters

- 3.30 Representations received suggest that the proposed dwelling would be utilised by the applicant's son who has been unable to access the local housing market (see 1.6); however, this would not be considered sufficient reason by itself for setting aside the strong policy objection to new housing in this location.
- 3.31 It is accepted that although the Council has a self-build register, there are no plots registered on it which would be suitable for the applicant. In this instance, the Core Strategy is silent on this and the tilted balance of the NPPF then applies in this regard. However, in this case, as set out in this report, there are adverse impacts which would outweigh the benefits.
- 3.32 From the review of the planning statement submitted with the application, it is noted that the applicant makes reference to the Council's inability to demonstrate a 5 year housing land supply. The assertion is incorrect and as stated within the section 'Sustainability Overview', the Council can demonstrate a 5.65 year housing land supply. As such, significant weight can be given to policy DM1, contrary to the submissions in the application, and policies DM15 and DM16.

#### **4. Conclusion**

- 4.1 The application site lies outside of settlement confines, where planning policy strictly controls new development. The proposal doesn't address any of the exceptions



allowed for by policy and as such is considered to be unacceptable in principle, contrary to Policy DM1. The proposal would constitute an incongruous and visually intrusive feature in this important rural environment to the detriment of the character and appearance of this part of countryside contrary to policy DM15. It would constitute an unsustainable form of development. It is acknowledged that the proposal would provide very limited social, economic and environmental benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Therefore, the proposal would be contrary to the Development Plan policies and would not be supported by the provisions of paragraph 14 of the NPPF.

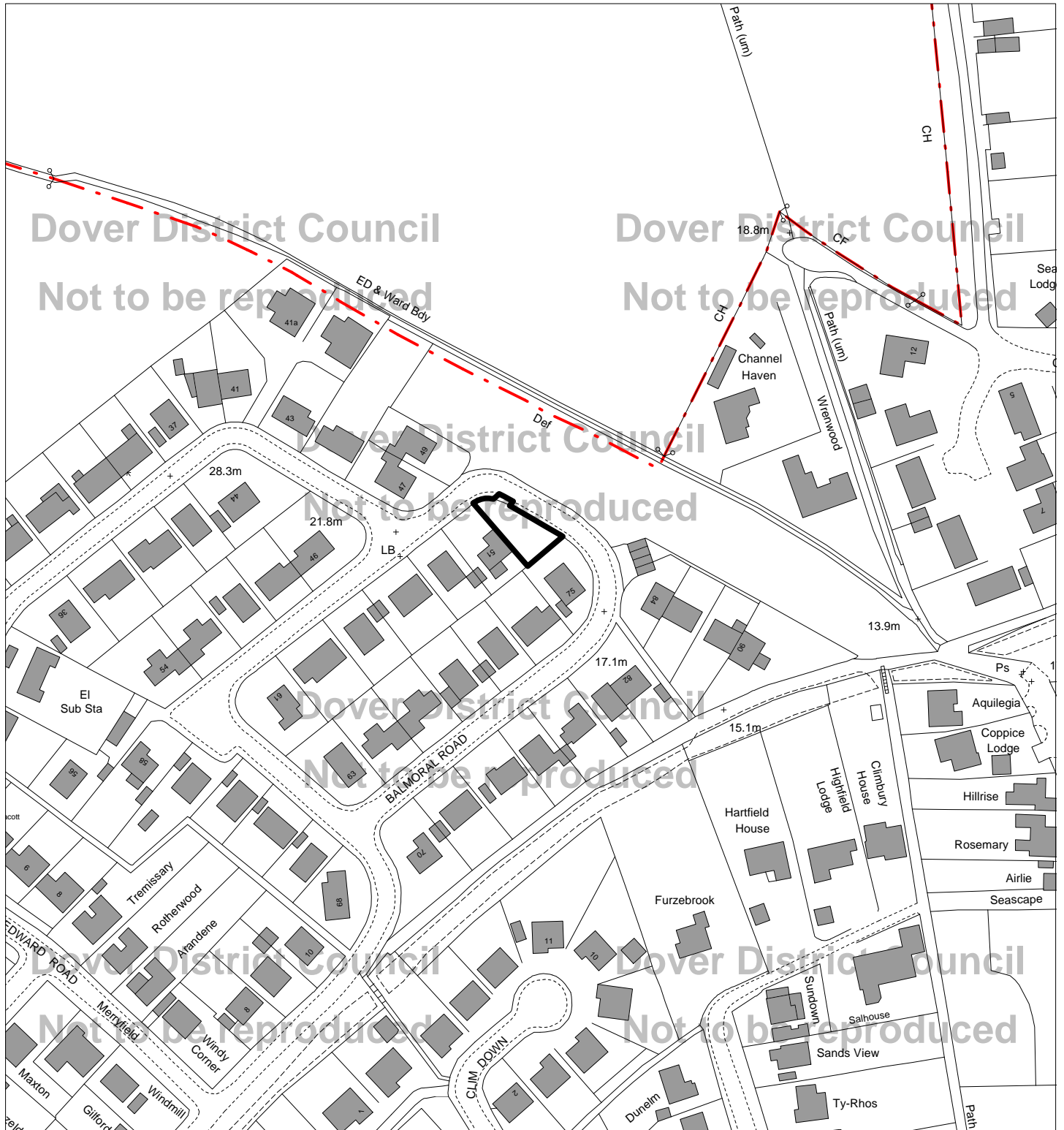
g) **Recommendation**

I PLANNING PERMISSION BE REFUSED for the following reason:

1. The proposed development and its associated engineering works and alterations, if permitted would result in an unjustified dwellinghouse, outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable unjustified sporadic residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car and would harm the rural character and appearance of the locality contrary to policies DM1, DM11 and DM15 of the Core Strategy and paragraphs 14, 17, 61 and 109 of the National Planning Policy Framework.

Case Officer

Benazir Kachchhi



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**Application: DOV/17/01492**

**Land adjacent to 51 Balmoral Road**

**Kingsdown**

**CT14 8BY**

**TR37604878**



**DOV/17/01492 - Erection of a detached dwelling, formation of vehicular access and parking and the erection of a 1.8 metre high fence fronting highway (existing wall to be demolished) - Land adjacent to 51 Balmoral Road, Kingsdown**

Reason for report: The number of third party representations.

b) **Summary of Recommendation**

Planning permission be refused

c) **Planning Policies and Guidance**

Core Strategy Policies

- 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.
- 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.

Dover District Local Plan

None relevant

Land Allocations Local Plan

None relevant

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 14 of NPPF sets out a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The Council has recently identified the need to undertake a Local Plan Review on the basis that some of its evidence base and needs assessment criteria pre-dates the NPPF. As such, the requirements of Paragraph 14 are triggered.

- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.
- Paragraph 34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 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.
- Paragraph 56 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 58 advises, amongst other things, that decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Paragraph 63 advises in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- Paragraph 64 advises 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.
- 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.

#### The Kent Design Guide (KDG)

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

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

DOV/17/0949 – Outline application with all matters reserved for the erection of a dwelling – Withdrawn.

PE/16/00190 – pre-application advice sought for the erection of a detached dwelling, advice given was (summarised);

*‘I am concerned about the development of this residential garden plot, bearing in mind the existing open and spacious nature of this location and the contribution this*

*makes to the wider character and appearance of the area. There is a concern therefore that by infilling this corner plot the site would appear cramped and overdeveloped... I would also raise a concern over the close proximity of the proposed new dwelling to the existing dwelling and neighbouring property, no. 75, which has the potential to result in a cramped form of development, which is not commensurate with the overall character and appearance of the street scene and could therefore be likely to result in some harm. ...Having raised these concerns, it is however considered that there is the potential to accommodate a small detached dwelling on site, subject to addressing the points raised above'.*

e) **Consultee and Third Party Responses**

Southern Water: There are no public surface water sewers in the area, alternative means of draining surface water from the development are required.

Ringwold and Kingsdown Parish Council: Objects to this planning application for the following reason;

- The height of the proposed building is not in keeping with the existing adjacent property.
- This will affect the look of the area on that side of the Balmoral Road.
- The Design Access statement confirms that the advice given, thought it was possible that a small dwelling might be considered acceptable.
- The application has been submitted for a two storey dwelling, this is based on the height of other buildings in Balmoral Road.

Third Party: Six letters of support have been received, other than stating support the only comment made is as follows;

- I feel that this will be a nice addition to the street

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

- 1.1 The site lies within a wholly residential area of Kingsdown. The area has a uniform character with linear and perimeter block development. The scale and form of development is characterised by modest detached or semi-detached bungalows. Most of the bungalows on this particular side of the street are single storey and have shallow pitched roofs. Properties opposite the site, on higher ground have steeper pitched roofs and have accommodation in the roof space. A large detached dwelling is being constructed across the street to the north. The material pallet in the area is generally red stock brick under a red tiled roof.
- 1.2 The dwellings are generally separated by two driveway widths and there is a strong building line which sets the dwellings back from the edge of the public highway by approximately 10m. The dwellings sited on the corner of the perimeter block have spacious side gardens. The sense of openness in Balmoral Road is achieved by the low brick boundary walls, the shallow pitched roofs and the views of trees and vegetation between the dwellings.
- 1.3 The land level in Balmoral Road and across the site varies, the height of the land gently decreases from south to north and from west to east, and this is reflected in the ridge heights as they gradually step down towards the north.
- 1.4 The site itself would form the severed side garden of no. 51 Balmoral Road, which is a corner plot. 51 Balmoral Road is a modest bungalow with a shallow roof, the ridge runs parallel with the road and has a small projecting gable feature, and a driveway separates it from the adjacent dwelling no.53.

- 1.5 The side garden is well maintained and laid to lawn with shrubs and plants behind the low brick boundary wall. The side garden is clearly open to public views. The side garden is a triangular shape and the width of the plot varies from its pinch point at under 2m to 14m. The plot has a length of 25m.
- 1.6 Planning permission is being sought for the erection of a detached dwelling, it would be 6.5m in height to its ridge and would accommodate three bedrooms and two bathrooms within the roof space. The ground floor would provide open planned living. The new dwelling would be sited 1m away from the common boundary with no.51. Car parking has been shown for two cars at the front of the site and the private amenity space would be sited at the rear of the site adjacent to the boundary of no. 75 Balmoral Road.

## 2. **Main Issues**

- 2.1 The main issues are:
- The principle of the development
  - The impact on the character and appearance of the area
  - The impact on neighbouring properties
  - The impact on the highway network
  - Weighing the proposal in the balance

## 3. **Assessment**

### Principle

- 3.1 The site is located within the village confines of Kingsdown. Policy DM1 of the Core strategy advises that development beyond the settlement confines will not be permitted, thus it is reasonable to assume that development within the confines loosely speaking is acceptable in principle.
- 3.2 A recent High Court decision (*Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141 (14 March 2017)*) has held that the definition of “previously developed land” (also known as Brownfield land) within the NPPF excludes private residential gardens in “built-up” areas only, but not private residential gardens elsewhere. The judge went on to say that he felt that there was a rational explanation for this, in that “garden-grabbing” is a particular phenomenon of built up areas. Therefore, gardens outside such areas require less protection from development. There is no definition of ‘built up’ in the absence of this it could be reasonable to assume that a site in this location, within the confines and surrounded by residential properties is a built up area and hence this garden site is not previously developed land.
- 3.3 Although the site is not considered to be previously developed land, the success of the application will be dependent on the details of the application. The material planning considerations are assessed in detail below.

### Character and Appearance

- 3.4 As already established above the character is dominated by modest bungalows with shallow pitch roofs, the spacing between and around the plots are regular and uniformed. There is a sense of openness in the street scene which is created by low garden walls and the shallow pitched roofs of bungalows all of which allows views of the vegetation beyond. 51 Balmoral Road is situated on a spacious plot, the open side garden provides an

important attractive space within the street scene which contributes to its character and quality .

- 3.5 The footprint of the proposed dwelling measures 11m x 7m, it would be constructed to within 2m of the northern boundary with Balmoral Road and within 2m of the flank elevation of no.51. As described above most properties have at least a driveway width separation and are set back from Balmoral Road by some 8m. The space around the proposed dwelling would not reflect the spacious setting of the surrounding dwellings. The proposed dwelling would appear cramped within its plot and would not be commensurate with the size of its curtilage.
- 3.6 The height and the design of the dwelling is also a concern. Even though the proposed dwelling would be set at a lower land level the ridge height would be 1m higher than no. 51, this would appear at odds with the general character of those other dwellings in the street, where the majority of the ridge heights step down towards the north. The overall appearance of the building is a two storey dwelling house, this design approach would be out of character with the immediately adjacent dwellings which are single storey with shallow pitched roofs. Car parking and hard surfacing proposed would add to the unsympathetic form and scale of development here. The bulk, scale and siting of the dwelling and its associated hard surfacing and parking would appear as a cramped, intrusive and unsympathetic development, harmful to the visual quality and amenity of the street scene.

#### Impact on Residential Amenity

- 3.7 The side elevation of the proposed dwelling is sited within 2m of the side elevation of no.51, this elevation has three windows and the new dwelling would restrict the outlook and the amount of natural light received, which would be to the detriment of the occupants of no 51. In this regard then, the proposal is considered to be harmful to residential amenity.
- 3.8 No. 75 is sited to the east of the proposed dwelling and whilst it has a window facing the site, it is 10m away which is considered to be an acceptable distance so as not to impact on the amount of natural light received and the outlook.
- 3.9 The proposed dwelling has been designed so that it would not cause over looking onto adjacent dwellings. The only windows above ground floor level facing no. 51 are roof lights which would have a cill height of 1.7m above the internal finished floor level. If planning permission were to be granted then Members are advised that conditions should be imposed to ensure the cill heights remain as proposed and that conditions should also be imposed to prevent further window openings being inserted. The other first floor windows are in the west elevation and would have an out look over the street.
- 3.10 The standard of accommodation within the dwelling would provide for a good level of amenity for the future occupiers, with sufficient natural light and ventilation. External private amenity space is limited in size and therefore if Members are minded to grant planning permission it is advised that a condition is imposed to remove all permitted development rights for extensions and outbuildings.

#### Impact on the Local Highway Network

- 3.11 Two off street car parking spaces have been shown independently accessible in front of the dwelling, this provision would comply with the standard in Table 1.1 of the CS. The dwelling has a front orientation to the north where as no.51 is orientated to the west, the general pattern of car parking is to be perpendicular to the highway and in tandem between the dwellings, however due to the proposed orientation of the dwelling the car parking layout and siting of the car park area would dominate the corner of the site and would erode the sense of openness created by the green vegetation. Policy DM13 requires the provision of car parking to be a design led approach, there is no indication that the siting of the car park has been informed by a design analysis but more because there is a functional need for the car parking.
- 3.12 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom for residential development. A small shed for bike storage has been proposed in the garden area. Provision for secure bicycle parking could be secured by condition if permission were granted.

### **Conclusion (Weighing the Proposal in the Balance)**

- 3.13 The Council has recently identified the need to undertake a Local Plan Review on the basis that some of its evidence base and needs assessment criteria pre-dates the NPPF. As such, the requirements of paragraph 14 are triggered. Paragraph 14 of the NPPF advises that (amongst other things), where the Plan is out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This approach is known as the 'tilted' balance in favour of granting planning permission.
- 3.14 However, it has been identified that the proposed dwelling would erode the sense of openness in Balmoral Road, the dwelling is not commensurate to the size of its plot or the prevailing urban grain as such it would represent a cramped and congested form of development. The siting of the car park has not been a design led approach and this further would erode the open character of the corner plot. In addition the dwelling by reason of its height and two storey design would appear incongruous and dominant adjacent to a low pitched roof bungalow. Furthermore, the siting of the dwelling in such close proximity to no.51 would result in an unacceptable level of harm to the residential amenities of the occupants of no 51, which the NPPF seeks to protect. Member's attention is drawn to the pre-application advice previously given to the applicant and it is not considered that the scheme under consideration overcomes those originally expressed concerns. This proposal if permitted would be contrary to paragraphs 17, 56, 58 and 64 of the NPPF and policy DM13 of the Core Strategy. The adverse impacts of the proposal are considered to be significant and demonstrable and outweigh the benefits of the proposal when assessed against the policies in the Framework.

g) **Recommendation**

- l) PERMISSION BE REFUSED on the following grounds: (i) Due to its proposed design, height, bulk, size, scale, siting and the provision of car parking and hardsurfacing and given the open nature of the corner plot, the proposed development would appear as an unsympathetic, dominant and cramped form of development which would detract from the visual quality, character and appearance of the street scene and result in a prominent and intrusive form of development, which if permitted, would be harmful to the visual quality of the area

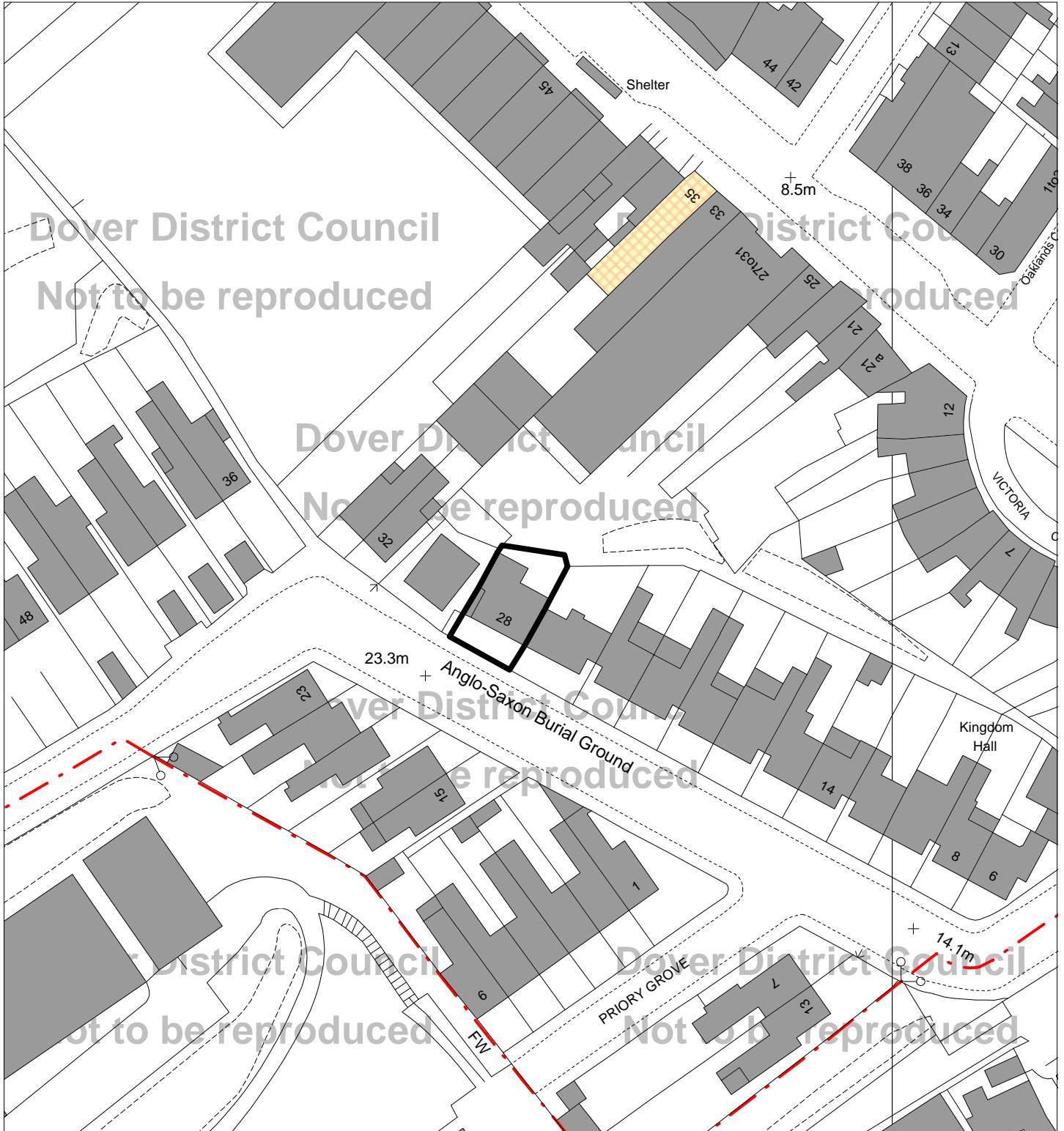


contrary to paragraphs 17, 56, 58 and 64 of the NPPF (ii) By reason of the scale, height and siting of the dwelling, the proposal would appear as a dominant and overbearing form of development which would cause harm to the residential amenities of the occupiers of no.51 Balmoral Road.

Case Officer

Rachel Humber

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**Application: DOV/17/01360**

**28 Priory Hill**

**Dover**

**CT17 0AA**

TR31444177



a) **DOV/17/01360 – Conversion of existing dwelling into 1 x 2-bedroom and 2 x 1-bedroom flats (existing chimney to be removed) – 28 Priory Hill, Dover**

Reason for report: The application was considered at Planning Committee 25<sup>th</sup> January, Members resolved to defer the application for a site visit to allow Members to assess the: (i) Impact on parking; (ii) Impact on character and appearance of the area; and (iii) Bin/bicycle storage arrangements. The site visit is arranged for the 20<sup>th</sup> February, a verbal up-date will be given to Members at their meeting.

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- 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.
- 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.

Dover District Local Plan

- TR10 - The following major urban footpaths shown on the Proposals Map will be safeguarded:- amongst others, Priory Steps, Tower Steps, Priory Hill. The Plan aims to promote walking by ensuring that new roads and development incorporate safe and convenient provision for pedestrians. In addition, the Plan identifies a network of Major Footpaths in Dover, Deal and Sandwich

Land Allocations Local Plan

None relevant.

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 economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets 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 four paragraph 34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
- Paragraph 35. Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst other things)
  - Accommodate the efficient delivery of goods and supplies
  - Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.

#### The Kent Design Guide (KDG)

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

#### Other Considerations

DCLG Technical Housing Standards

Flat Conversion Guidelines (FCG)

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

PE/17/00162 – pre-application advice sought for the conversion of the building to flats. Advice was given to reduce the number of flats from 4 and to consider the Flat Conversion Guidelines.

#### e) **Consultee and Third Party Responses**

Environmental Health: The stacking arrangements are poor therefore a condition is suggested to require a high level of sound proofing between the ground floor flat bedrooms 2 and 3 and the kitchen/living room in the first floor flat.

Strategic Housing Manager: Supports the application because there is need for small units of accommodation in the District.

Private Sector Housing manager: Supports the application, the conversion complies with the Housing Act 2004.

Cllr Brivio: Object for the following summarised reasons;

- Conversion would increase car parking demand,
- The car parking problem is recognised by the Joint Transportation Board
- It is the only road near the town centre not to have a residents parking permit scheme,
- Non-residents use Priory Hill for long-term free parking,
- The conversion of the URC church will also add to the parking problem,
- This conversion could set a precedence,
- This dwelling has only ever been used as a single family home

Dover Town Council: Object for the following summarised reasons;

- The conversion does not comply with the Conversion of Flats guidelines, section 3 Avoiding Negative External Effects which include Parking.
- Parking is a major problem in this stretch of the road; At the September meeting of the Dover Joint Transportation Board it was decided to go out to consultation to residents concerning a Residents Parking Scheme (which residents have been lobbying for two years).
- There is no parking within the curtilage of this property so only parking is on the road.
- Priory Hill is the only road in the area which does not have a controlled parking scheme. As a result, business owners and visitors to the town, park in the road. The decision of the JTB is confirmation that there is a very real parking problem in the Street.
- The addition of three more households would exacerbate this.
- In addition, the Town Council does not support the conversion of a family home to flats. This will affect the nature & amenity of the street to detriment of residency.

Third Party: 27 letters of objection have been received the comments are summarised as follows;

- There is a significant car parking problem in Priory Hill
- Commuters from the train station park in this road,
- Those using the town centre park in this road,
- Cars park on the pavement making it dangerous for pedestrians,
- This application will increase the demand for off street car parking,
- It will set a precedent for other large dwellings to be converted,
- The dwelling is not suitable for this type of conversion,
- It will change the character and appearance of the area,
- Increased levels of noise and disturbance to the adjacent neighbours,
- The front garden is small and could not accommodate the bins required,
- The development would detrimentally harm the amenities of no. 26 in terms of security, privacy, tranquillity,
- The house was no used as a HMO, it was adapted to accommodate elderly relatives,

- Priory Hill is the only road in close proximity to the town which does not have parking controls, it is therefore an attractive option for non-residents to park long term for free.
- There is a covenant dated 1957 stating that the dwellings shall remain a private residence,
- 5 bedrooms could result in 10 adults and 10 cars,
- It is a dense development.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site is located within the urban confines of Dover, within a wholly residential area but within close proximity of the town centre and train station. The topography of the application site and the wider area is very steeply sloping, it increases in height from east to south west. The application site is located in the lower part of Priory Hill close to the bottom of the road. The dwelling is situated at a lower level to the public highway.
    - 1.2 No. 28 is an Edwardian, semi-detached two storey dwelling. The adjoining dwelling is no.26 this is a handed identical property. The dwelling to the North West is a detached modern building (granted planning permission in July 2012), sitting on higher ground. The immediately surrounding dwellings are general two storey semi-detached properties, with on-street car parking provisions. Further up the hill the dwellings are generally larger and situated at an elevated level above the highway all originally had open gardens which sloped down to a stone retaining wall, the majority of the properties have each removed a section of this wall, excavated part of their front garden and built garages and off-street car parking at the street level, over the years this has significantly altered the character of the area.
    - 1.3 No.28 is currently a single family dwelling, although it is currently vacant it was last occupied by an extended family, which has resulted in the installation of additional kitchenettes and adapted bathrooms. A number of local residents have stated that at no time was the dwelling used as a HMO. At ground floor level there are three reception rooms, a kitchen/dining room and a bathroom with separate toilet. At first floor there are four bedrooms and a wetroom, within the roof space there is another bedroom.
    - 1.4 Planning permission is being sought to convert this dwelling to three flats. The flats would be accessed via the main entrance door. The ground floor known as 28A, would provide a three bedroom unit, two rooms would be double and one provided with an en-suite bathroom, this flat would have an open plan kitchen/lounge/diner and would have access to the private rear garden. The second floor would be divided into two flats. Flat 28 B would have a double bedroom, bathroom, cloak room and living/kitchen/dining room. Flat 28C would have an open planned kitchen/dining room/lounge and a shower room on the first floor and a double bedroom within the roof space. All flats would have a bike and bin store.
    - 1.5 The only external changes would involve the demolition of the chimney stack, a replacement door to proposed bicycle store (adjoining dwelling) and the siting of bin/bike store behind the front boundary hedge.
  2. **Main Issues**
    - 2.1 The main issues are:
      - The principle of the development

- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network

### **3. Assessment**

#### Principle

- 3.1 The site is within the urban confines of Dover and therefore it is considered to comply with the aims and objectives of policies CP1 and DM1 of the Dover District Council Core Strategy 2010 which sets out that development will only be permitted within the urban boundaries and that the majority of development within the district shall take place in Dover.
- 3.2 The site is sustainably located within close proximity to the town centre and amenities. The National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality and of town centres. Therefore, the principle of development is acceptable.

#### Character and Appearance

- 3.3 The proposed external changes are minimal, they include the following alterations;
- the removal of the chimney stack, primarily to increase the amount of useable floor space within the building,
  - the provision of a new external door to the side passage adjacent to the west elevation of the dwelling. This is to provide access to the external gas metre boxes and to provide a secure bicycle store for flat 28 A, and
  - the creation of a timber bin store for flats 28 A, B and C and a timber bike store for flats 28 B and C. The timber stores would be a maximum of 1.2m in height and situated adjacent to the front boundary wall.
- 3.4 The proposed changes would not significantly alter the appearance of the building or the site and as such would not have a detrimental appearance on the character of the area. There is Beech hedge along the front boundary of the site, it is at the same level as the dwelling and increases in height with the rise of the land, at its lowest point it is approximately 170cm, it is considered tall enough to screen the timber bike and bin stores. A planning condition could be imposed to ensure that the hedge is retained.

#### Impact on Residential Amenity

- 3.5 Concern has been raised that the proposed change of use may have a detrimental impact on the residential amenity of the adjoining property. It is acknowledged that the residential use of no.28 will be intensified in that the number of families living on the building is likely to increase from 1 to 3, this could lead to the potential for an increase in activity and disturbance. However, This proposal would provide in total 4 double bedrooms and 1 single bedroom which would equate to nine bed spaces/people. The existing dwelling could have 5 double bedrooms (if the kitchenettes were removed), this would equate to 10 bed spaces/people. On balance it is considered that the number of residents would not significantly increase and the impact cannot be quantified in a manner which would justify a reason to refuse planning permission on this ground.
- 3.6 Only the ground floor unit would have access to the rear garden, therefore the use of the garden would remain the same or even potentially would not be used

as much. It is therefore advised that the impact on the residential amenities of no.26 Priory Hill would not be significantly harmed. The larger unit would be attractive to families and located on the ground floor with access to a private garden.

- 3.7 The ground floor flat bedrooms 2 and 3 are positioned directly beneath the kitchen/living room of the first floor flat. Where the stacking arrangements are poor such that potentially noisier rooms in one property may adversely affect quiet rooms such as bedrooms in another, Environmental Health would require the sound insulation to be of a higher standard than the requirements of Approved Document E of the Building Regulations. A condition requiring additional sound proofing between the two flats is suggested.
- 3.8 Flat 28A has a floor area of 75.6sqm – the FCG does not provide a space standard for a three bedroom flat the proposal is short of the DCLG Technical Standard by 11sqm. Flat 28B has a floor area of 40.1sqm – it exceeds the FCG by 0.1sqm and is 10sqm short of the DCLG Technical Standard. Flat 28C has a floor area of 47.7sqm it exceeds the FCG by 7.7sqm and is 2.3sqm short of the DCLG Technical Standard. All the flats have a main bedroom in excess of 11.5sqm and a bathroom or shower room greater than 2.5sqm.
- 3.9 All the rooms have a good level of natural light and outlook and all three flats are allocated a bin and bicycle store. This development will create a good level of residential amenity for the future occupiers.
- 3.10 It has been necessary to review the amount of weight to be applied to the Council's Flat Conversion Guidelines (FCG). It is also important to clarify the status of the DCLG Technical Guidance. The FCG were prepared in May 2006, at this time the Council agreed that the Document contained 'material planning considerations'. The DDC website states that 'Other Planning Documents' (of which the Guidelines are one such document) are material considerations for Development Control purposes. It is, however, important to note that the FCG were never adopted as Supplementary Planning Guidance (SPG). The FCG are now 12 years old and make reference to the Local Plan which has been superseded by the Core Strategy and predate the NPPF/NPPG.
- 3.11 In light of the above the Council's Planning Solicitor has advised that as a consequence of the guidelines not being formally adopted, they cannot be a material planning consideration for planning purposes. This conclusion stems from The Planning and Compulsory Purchase Act 2004 which prescribes adoption as a prerequisite of Local Development Document status and the interpretation of this legislation in recent case law. The Solicitor advises therefore that the FCG should not be given weight in current or future decision-making.
- 3.12 In respect of the DCLG Technical Guidance, this was referred to in the Written Ministerial Statement (WMS) delivered to Parliament on 25 March 2015. The new Technical housing standards – nationally described space standard (which shall be referred to as the Technical Standard) were contained in a separate document published on 27 March 2015. The idea was to rationalise the differing local standards that LPA's had applied across the country in one national standard.
- 3.13 The NPPG (paragraph 018) advises however, that where a local planning authority wishes to implement an internal space standard they should only do so by reference in their Local Plan [*emphasis mine*] to this nationally described space standard. The Core Strategy has no reference to the Technical Standard, because it was adopted prior to 2015. In the circumstances (i.e. the absence of



an up to date plan referencing the technical standards) no weight can be given to the Technical Standards in decision making. Justification for the use of the Technical Standard locally would need to be evidence and pursued through the local plan making process.

- 3.14 It is advised therefore that the FCG and the Technical Standards are not material considerations and no weight can be given to them.
- 3.15 The Core Planning Principles at paragraph 17 of the NPPF identifies that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The FCG were used as a method for assessing the impact a development would have on the future amenities of the residents. In the absence of adopted guidance relating to flat conversions, advice has been sought from the Head of Strategic Housing, Private Sector Housing Manager and the Building Control Manager.
- 3.16 Paragraph 51 of the NPPF is wholly relevant to the consideration of this application, it advises that 'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area'. The Head of Strategic Housing advises that we would support an application that brings an empty home back into use.
- 3.17 The Private Sector Housing Manager has commented stating that "I have studied the plans and they comply with the minimum standards required in the LACoRS guidance and therefore they meet the requirements of the Housing Act 2004".
- 3.18 In light of the advice received from Housing, Environmental Health and Building Control, it is considered that no harm to residential amenity has been identified. It should be concluded that the flats would provide a good level of residential accommodation and amenity for the future occupiers of the flats and as such would comply with paragraph 17 of the NPPF.
- 3.19 Whilst it has been concluded that no weight should be given to the FCG, it is worth noting that the FCG were prepared in consultation with DDC Housing, Environmental Health and Building Control and in this respect still largely reflect the advice provided by those departments regarding an appropriate standard of conversion, particularly in respect of matters such as internal space standards. For this reason, while not material, the FCG are nevertheless considered to provide a useful reference point. The information outlined at paragraph 2.9 of this report (relating to how the proposals sit relative to the FCG's) is considered to helpfully underscore the advice now received from consultees regarding the suitability of the scheme in terms of the quality of the living environments proposed within the development.

#### Impact on the Local Highway Network

- 3.20 Within this edge of centre location Table 1.1 of the Core Strategy advises that the dwelling as existing (4+ bedrooms) would require two independently accessible car parking spaces. Table 1.1 one, two and three bedroomed flats should be provided with a minimum of one car parking space. Thus the proposed development would generate a demand for one additional car parking space. Furthermore, it must be noted that this table is for guidance only, whilst Policy DM13 states that parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed

development and its design objectives. It is clear that this development site does not lend itself to the provision of off-street car parking. As such the implication of providing one additional car parking space on-street needs to be assessed.

- 3.21 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom for residential development. The plans indicate that the bicycle stores can accommodate at least two bicycles per flat, it is considered that the site contains ample space for the provision of cycle parking facilities. Consequently, it is considered that it would be reasonable to attach a condition to any grant of permission to require details of the provision of secure, covered cycle parking spaces and the retention of.
- 3.22 It is no longer protocol to involve KCC Highway Services in applications such as these, however the case officer has had informal discussion with KCC Highway Officer. Comparing the existing use as a single dwelling (which would generate a need for two car spaces), with the proposed three flats (which would generate a need for three car spaces), only one additional space would be required, it could be concluded that there would be no material traffic impact arising from the change of use. The Highway Officer pointed out that the demand for car parking would be different at different times of the day and thus the need for one space could be easily absorbed. One additional space would not cause a highway hazard.
- 3.23 Moreover, this development would not generate the need to travel beyond the urban confines because the site is within 200m of Dover town centre (Secondary Regional Centre), which accommodates a lot of facilities including shops, churches, doctors, dentists, bus station and several public car parks, it is also within 350m of the train station and within meters of a major urban footpath, which is safeguarded by Local Plan Policy. Bicycle storage will be provided this will help to encourage future residents to use a sustainable form of transport. The site is within a sustainable location where the need to travel is minimised and the use of sustainable transport modes can be maximised. The development is in accordance with policy DM11 of the Core Strategy and paragraph 34 of the NPPF.
- 3.24 The concerns of the local Councillor and the residents relating to the capacity of on-street car parking on Priory Hill, is acknowledged and during site visits the case officer experienced the lack of available space. However, it is also appreciated that the problem is existing and is largely contributed to the fact that Priory Hill does not operate a residents parking permit scheme like the surrounding roads. Many people visiting the town or the train station park their car free of charge in Priory Hill which is causing the local residents to be displaced. It is well established in case law that planning applications should not be refused due to an existing problem. Furthermore this application is in accordance with policy and the change of use would not result in a material increase in the number of cars parking in Priory Hill.

### **Conclusion**

- 3.25 The proposed development would make good use of a vacant dwelling, within a predominant residential location. The change of use to flats would provide much needed small units of accommodation in a sustainable location.

### **g) Recommendation**

I PERMISSION BE GRANTED subject to the following (summarised) conditions:

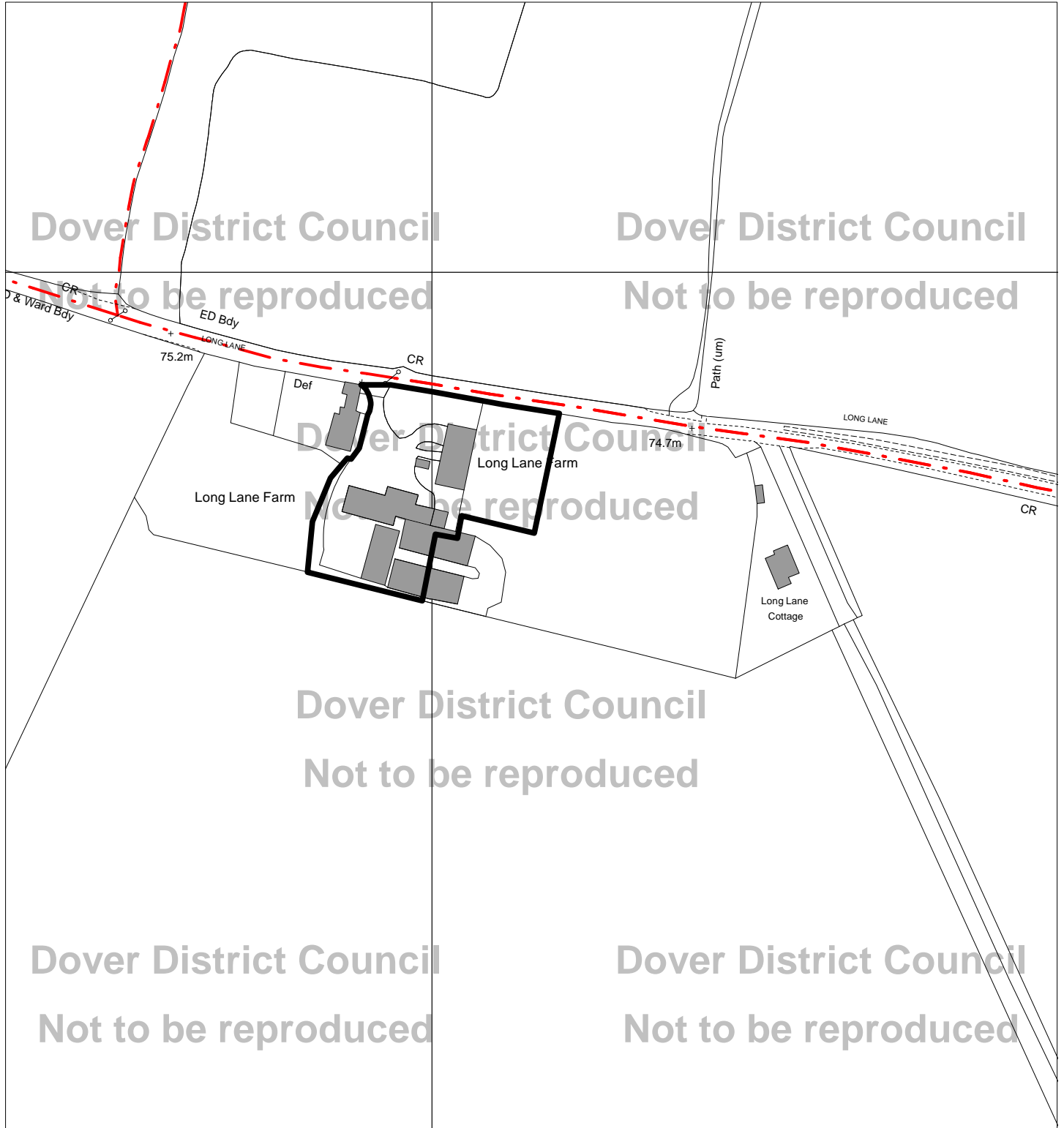
- 1) Standard time condition;
- 2) In accordance with approved plans;
- 3) Full particulars and details of a scheme for sound insulation between the ground floor flat bedrooms 2 and 3 and the kitchen/living room in the first floor flat;
- 4) Prior to the first occupation of any flat hereby granted the bin and bike stores shall be provided;
- 5) The beach hedge along the front boundary shall be retained.

II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by planning committee

Case Officer

Rachel Humber

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**Application: DOV/16/01365 & DOV/16/01366**

**Long Lane Farm**

**Lane Lane**

**Shepherdswell**

**CT15 7LX**

**TR26004892**



- a) **DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) – Long Lane Farm, Long Lane, Shepherdswell (Planning Permission)**

**DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use – Long Lane Farm, Long Lane, Shepherdswell (Listed Building Consent)**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be refused

Listed Building Consent be refused

- c) **Planning Policies and Guidance**

Legislation

*Planning (Listed Buildings and Conservation Areas Act) 1990*

- Section 16 - in considering whether to grant Listed Building Consent for works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special interest.
- Section 66 - requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

*Planning and Compulsory Purchase Act 2004*

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP2 – Between 2006 and 2026 land will be identified for 14,000 houses, 7,750 of which will be allocated through strategic allocations and saves provisions for Aylesham and the balance, 6,250, will be allocated through the Site Allocations document.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is apportioned to 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.
- 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.

- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.
- 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.
- 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.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

#### 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 economic development to deliver the homes that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets; 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 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, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to 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. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- 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.

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

DOV/87/01366 – Application for listed building consent to rebuild chimney at reduced height – Granted

DOV/92/00387 – Installation of incinerator into existing building for small animal cremation (domestic pets) – Granted

DOV/95/00315 – Replacement windows and doors (internal and external) – Granted

#### e) **Consultee and Third Party Responses**

**In respect of the application for planning permission (DOV/16/01365), the following responses were received:**

DDC Ecological Officer – Even if the site were within the AONB, following our agreed protocol with the AONB Unit we would not consult them on a proposal of this size.

DDC Environmental Health – A four part contamination condition should be attached to any grant of permission, together with two conditions relating to the method and timing of construction and demolition works.

DDC Heritage Team – Initial response received 14<sup>th</sup> March 2017

I have concerns with the content of the application in terms of the substance of the submission. The SE report is very limited in scope and provides insufficient information on the structures and works that are necessary to resolve defects. I note that the plinth to the barn is in a fair to poor condition; one corner (close to the road) being in a collapsed state. In addition I was concerned that one wall of the milking parlour appeared to be bowing, but the SE report makes mention only of cracks. I am also concerned that it mentions the removal of a main timber beam in the milking parlour and does not present options to retain and repair (if indeed necessary, as the timber has been subject to repair in the past).

The SE report is in my view insufficient to demonstrate the condition of the buildings and this impedes our assessment in terms of whether structural works are necessary or appropriate. In addition, none of the drawings have any annotation regarding structural works and yet it is clear that works will be necessary. This omission hinders the application of conditions should we be approving the application.

In respect of the D&A/heritage statement there is limited analysis of the two historic buildings and their significance, or sufficient information on the implications of the proposed works. For example, the analysis of the buildings has considered only the historic maps and has not covered the fabric of the building; the barn has clearly been altered and the statement should have explored how much of the original barn remained and how much is later works/additions of no/little significance. Drawings of timber-framed barns should normally include greater detail of the sub-structure (studs) to enable an assessment of the location of proposed openings.

I make the following comments on the details of the proposals:

Milking parlour: conversion and extension to form 3 bed unit

- The principle for extending is based on historic maps showing evidence of structures at right angles to the farmyard. What is clear from the maps and the building itself is that these structures are not integral to the milking parlour, are later and are likely to have been small animal yards (for example, for pigs). In my view this 'evidence' is weak.
- The proposed extension and conversion would result in the main body of the milking parlour being used largely as circulation space. The works would result in the loss of a significant amount of the timber floor structure to form a stairwell and full height void. It is unclear what this latter seeks to achieve as there is no evidence that the milking parlour was open to the rafters; this aspect of the proposal is an unnecessary loss of fabric and would create an inauthentic character within the building at odds with its former function.
- The extension would result in the demolition of part of the milking parlour to create an open plan living space and would introduce a dormer window and large bi-fold doors. Rooflights light spaces to which natural light is already provided or not necessary and therefore constitute an interruption of the roofslope. The overall



impact is highly domestic. Any proposals for conversion of former agricultural buildings should seek to retain this character.

- The SE report does not mention the proposals to remove the collars/braces in the roof. Are they necessary for the stability of the structure? In their removal are other works necessary to do their job? Such detail is required.
- In my opinion the building is capable of providing a modestly sized unit of 2 beds without extension. Best use of the existing space has not been achieved.

Barn: conversion to form 5 bed unit

- The barn has had floors inserted which according to the D&A/heritage statement are 'recent'. No consent was sought for these works. Their presence cannot be taken as precedent for the amount of first floor accommodation proposed.
- The current situation is that the floors/partitions create a tall thin space when entering the barn through the main cart door. This is not the traditional spatial quality of a barn of this nature; it should be wide and long. The proposal would partly restore the spatial quality by removing partitions and opening up two of the bays but a mezzanine would still intrude into the space. As these previous works are all unauthorised in my view we should be seeking greater amount of unimpeded full height space and retaining at least two bays full height to rafters.
- The lack of analysis and detail on the drawings hampers the assessment of the introduction of openings, but in general the existing openings have not been utilised as well as they could have been, and new fenestration either imparts an unauthentic character (the slot windows peppered over the building) or have an incorrect emphasis (horizontal/domestic rather than vertical). The large glazing in the cart entrances is set too far forward and within the frame rather than the usual practice of behind the frame; this creates a strong shadow line and impression of the former opening.
- The utilisation of existing openings has been piecemeal depending not on the structure but on the proposed use of the room within; for example, a large opening to the yard elevation is infilled as this serves a bedroom, whilst a new large opening is broken through the rear (highly visible across the landscape) to serve the kitchen. The overall impact of the openings is to create an overt domestic appearance.
- The extensive number of rooflights break through the clean (purple/Welsh, probably Penryhn) slate roof, and are unnecessary as they serve either rooms with windows, rooms which do not need natural light (ensuites) or areas with borrowed light. They do not form emergency egress as they are too high for access. As this site is viewed in a wide landscape setting the domestic appearance that rooflights impart would be harmful to the character of the barn.
- Horizontal boarding is an anomaly for the locality and should be removed from the proposal. Black staining is not acceptable; dark brown is more appropriate.
- There is no indication whether the existing slates will be reused or if the roof is proposed to be completely replaced. The plans simply state 'slate'.
- The domestication continues externally with the proposed set of steps. Whilst I appreciate these are necessary if the rear space is garden, I feel that they should be treated more appropriately to retain the agricultural character (example of steps can be seen to the rear of the barn at Sissinghurst- simple, functional and unimposing).

External works:

The scheme also seeks to provide garaging, bins, parking and boundary treatments. I am concerned that works within the yard space would disrupt the relationship with the principle listed building (farmhouse) and be harmful to the setting of the listed building by

being highly domestic. This space should be retained as uncluttered and open as possible.

In respect of the proposed additional two buildings, in my view they would enclose the farmyard and form a natural addition to the site. The detailed design of unit 1 is poor and the fenestration to unit 2 could be better organised on the elevation, but I do not object in principle on heritage grounds to this aspect of the proposal.

*Subsequent response received 16<sup>th</sup> June 2017*

Further to the latest submission I make the following comments on the conversions:

Milking parlour: all my points have been ignored; the only change is the removal of two roof lights. The amendment is insufficient.

Barn: minor changes: Cart entrance glazing is set back as required. Slot openings removed. Roof lights removed and better use of existing openings. Unfortunately every other point has been ignored, and the conversion is still not acceptable in detail.

Despite my comments on the inadequacy of the plans, analysis of the existing buildings (in particular the barn) and the extremely poor structural report I have received nothing new. I am afraid that this, in addition to the very minor changes, is problematic and I would not be able to support the application as it stands. I will be considering refusal on the grounds that the works are detrimental to the curtilage listed buildings and, in respect of your planning application, on the setting of the principle listed farmhouse.

New development: You are aware that I have no concerns over the principle of the proposed new build only the detailed design, which in the new plans essentially remains as originally proposed which is disappointing. However, I note that the additional information received 1st June states that the new development is for enabling purposes. There is mention of a viability study which, unless I have missed something, is the feasibility report which actually only deals with the existing buildings in respect of the change of use to residential. The new development is not mentioned and neither are the words 'enabling development'.

I have seen no evidence that the new development is necessary to help secure the future of the curtilage listed buildings or even the farmhouse. I would point the agent to the HE guidance on enabling development. Enabling development is a last resort in order to preserve a listed building whose future is tenuous and I would suggest that this is not the case here. Further detailed information, including full costings, are required to demonstrate how the new development tips the balance in this case in respect of any conservation deficit, i.e. that it is the minimum necessary. We would then need to consult with HE as enabling development is a specialist area of conservation and I would wish to seek their advice. To save time and effort, I would suggest that the enabling development argument is not continued.

KCC Public Rights of Way – No comments

KCC Archaeology – Should the principle of the development be accepted particular care should be taken with regard to the need for appropriate detailing and materials for any new build and conversion works which reflect the farmstead's historic character; the need for careful and sensitive landscaping and management, which could be agreed prior to the determination of the planning application, or alternatively secured by condition; the need for a programme of historic building recording so that a record is made of the buildings in their current agricultural form and prior to conversion; and the need to secure a programme of archaeological works. It is requested that, should

permission be granted, two conditions be attached requiring a programme of historic building recording and a programme of archaeological work be submitted, agreed and undertaken.

Environment Agency – *Initial response received 8<sup>th</sup> February*

Object. We consider the level of risk posed by this proposal to be unacceptable. The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

*Subsequent response received 20<sup>th</sup> March*

Remove previous objection. Following submission of the Desk Study Report by Knapp Hicks & Partners Ltd, dated March 2017, we are able to remove our previous objection. Six conditions are recommended to be attached to any grant of permission relating to the assessment, investigation and remediation of contamination; the reporting and remediation of any previously unidentified contamination; a watching brief for demolition and foundation works; restrictions on piling; and drainage.

Shepherdsweil Parish Council – No objections to this proposal as this is a previously developed site.

Public Representations – Eight letters of support have been received, raising the following points:

- It is good to see a redundant building/site converted
- There is a need for housing in the rural area
- The plans will improve the area
- The houses will support Shepherdsweil services

In addition, one letter of objection has been received, raising the following concerns:

- The application presents an unacceptable risk of contamination
- Harm to highway safety (both during construction and in the long term)
- Shepherdsweil need a range of housing but especially affordable housing

**In respect of the application for listed building consent (DOV/16/01366), the following response was received:**

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site lies within the countryside, to the north of Shepherdsweil. There is a mixture of arable and pasture land around the site, together with small areas of woodland. The topography is a noticeable feature of the landscape, rising to the east, south and west and gradually falling to the north. A Public Right of Way (ER78) runs along Long Lane to the north of the site before crossing a field to the west of the site.
    - 1.2 The site itself comprises a group of agricultural outbuildings associated with, and located to the east of, Long Lane Farm. The existing buildings comprise: a large timber framed barn; a former milking parlour (which has been used as a pet

crematorium); a modern cow shed; a modern Dutch barn; and two modern sheep sheds.

- 1.3 This application proposes to convert the timber framed barn into one dwelling; extend and convert the former milking parlour into one dwelling; erect two new semi-detached dwellings; and demolish the more modern agricultural buildings. The development would also include the creation of a replacement hardstanding within the farmyard to provide vehicular access and parking, the erection of bike and bin stores and a detached double garage, and the creation of a garden area for each proposed dwelling which would be located to the rear of the buildings, beyond the courtyard plan of buildings on agricultural land.
- 1.4 The barn and milking parlour are considered curtilage listed grade II by virtue of their age (pre-1948), functional relationship with the principle listed building, the farmhouse, and by being within the same ownership as the principle listed building. Their status is acknowledged by the submission of a Listed Building Consent for the proposed works.

## 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 designated heritage assets
- The impact on the highway network

## 3. **Assessment**

### Principle

#### *Background*

- 3.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or where specific policies in the NPPF indicate that development should be restricted. This is known as the 'tilted balance'. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 3.2 Whether and how the tilted balance should be applied to decision making in the District was an issue at a recent public inquiry regarding a site at Ash (land to the North of Sandwich Road, application DOV/16/00800). The Inspector agreed with the Council's position that it can demonstrate a five-year supply and so the tilted balance was not triggered for this reason. However, the conclusions of the Strategic Housing Market Assessment 2017 show that Core Strategy policies

CP2 and CP3 which relate to the supply of housing are out-of-date and that this does trigger the tilted balance.

- 3.3 It is also necessary to consider the appropriate weight which should be given to development plan policies. The weight attributed will be dependent upon the degree to which they are consistent with the NPPF. The Inspector for the appeal at Ash agreed with the Council's case that Policies DM1, DM15 and DM16 are not policies for the supply of housing and that they accord with key objectives in the NPPF and should not, therefore, be given reduced weight.

#### *Conversion of Barn and former Milking Parlour to Dwellings*

- 3.4 The conversion of two existing buildings on the site, a large barn and a former milking parlour (which has more recently been used as a pet crematorium) to two dwellings necessitates consideration of Policy DM4 of the Core Strategy. Under this policy, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings to residential uses only where they are located within the settlement confines. The site is a significant distance from the nearest settlement and is not within or adjacent to settlement confines. This element of the application is not, therefore compliant with Policy DM4 and is not supported by any other development plan policy.
- 3.5 The re-use of redundant or disused buildings in the rural area, subject to providing an enhancement of their setting, and providing an optimum viable use of a heritage asset are circumstances where the NPPF (paragraph 55) supports residential development in the countryside. Having regard for these material considerations, and for the reasons which will be set out later in this report, the development would not provide for an enhancement to the setting of the site and does not provide the optimum viable use for heritage assets. It is therefore concluded that the conversion of the barn and the former milking parlour are not supported by paragraph 55 of the NPPF. Whilst there is some variation between the wording of DM4 and the NPPF, it is considered that both provide a broadly consistent approach to development in the countryside, insofar as it is relevant to the determination of the current application. As such, it is considered that Policy DM4 carries significant weight in the determination of the application.

#### *New Dwellings*

- 3.6 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 3.7 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. The pre-ambles to Policy DM1 states that any development which "would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given".
- 3.8 In considering whether there are any material considerations which indicate that permission should be granted, it is important to note that, as policies CP2 and CP3 are out-of-date, the 'tilted balance' to approve development unless "any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies” in the NPPF (as described at paragraph 14 of the NPPF) is engaged. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

#### *Loss of Agricultural Land*

- 3.9 The site lies within an area which is classified as Grade 2 agricultural land and thus falls within the definition of ‘Best and Most Versatile Agricultural Land’ (BMV land). The majority of the site comprises land which is occupied by buildings or hardstandings; however, some areas of undeveloped grazing land are proposed to be used for gardens, whilst a small area would be used for an extended hardstanding. Paragraph 112 of the NPPF directs that the economic and other benefits of BMV land should be taken into account, whilst significant development of agricultural land should be directed to land of lesser value. Clearly, whilst some BMV land would be lost, it would not amount to significant development of such land. This loss is not determinative on its own and, given the small area of loss under consideration, it is not considered that this harm carries significant weight in respect of determination.

#### Landscape and Heritage Background

- 3.10 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. It is considered that both of these policies accord with the NPPF and, as such, carry full weight.
- 3.11 The barn and milking parlour are curtilage listed grade II. The site is also adjacent to Long Lane Farm, which is Grade II Listed. The list description reads as follows:
- “House. C17 or earlier. Painted brick and rendered with plain tiled roof. Three bay lobby entry plan. Two storeys, the left 2 bays rendered, the right projecting slightly and of brick. Hipped roof with stacks to centre right and at end left. Three irregular wooden casements on each floor, with boarded door to centre right and blank sunk panel over. Attached to right by short connecting wing is a hipped wing, probably originally a detached granary or outhouse. Catslide outshot to rear”.
- 3.12 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs at Chapter 12: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 3.13 The site sits within a natural bowl in the landscape, with the land rising to the east, south and west. Due to its location and the topography of the area, the site is particularly visible in the wider area. In particular, there is an arc around the north, west and south of the site, from Long Lane directly to the north of the site, along the PRow ER78 and Barfreston Road and from the northern part of Eythorne Road, from where the site is most visible. The arc of sight terminates as views of the site are blocked by the buildings and vegetation to the northern extent of Shepherdswell.
- 3.14 The site sits within the Eythorne Arable Mosaic with Parkland landscape character area, as identified by the Dover District Landscape Character Assessment. This area, which covers a large swathe of land, is comprised of undulating topography, with valleys running north east to south west (the site is within one such valley). Settlements tend to be located on the higher ridges. There is a mix of agricultural practices, with both arable and pasture. The former tends to be on large areas of land, whilst pasture tends to be on smaller, more sheltered fields around settlements and farmsteads. Small, traditionally Kentish, village settlements characterise the area with narrow roads, village cricket pitches and public houses, although Shepherdswell is not listed as an example of such a settlement. A mix of vernacular style occurs within the small villages, with corrugated farm buildings, wooden houses and newer brick built developments. Shepherdswell is identified as one of two (the other being Eythorne) larger settlements which lie centrally in the area providing a mix of old and new buildings, relatively densely developed and enclosed in comparison to the smaller settlements. Views are relatively open within the character area and out towards other character areas, with the undulating landform giving rise to moderate views in places of open areas of arable land with little tree cover. Enclosure is notable around settlements with built fabric, narrow roads, hedgerows and mature trees. Intermittent views from settlements are relatively far reaching with a feeling of being on higher land.
- 3.15 It is considered that there are two main public viewpoints of the site. The first is a static view from in front of the entrance to the site. From here, clear, close views are possible of the site and all of the buildings around the courtyard. The second view is a dynamic view along the ER78, which slowly rises as you travel away from the site (from north to south). Along this route, the western and southern sides of the wider farmstead are visible. As you climb up the slope, views over the foreground buildings are possible, such that all of the buildings can be appreciated. In views from the junction of the PRow and Barfreston Road, the listed farmhouse is visible in the gap between the barn and the large C20th buildings. In these views, the site is seen set within a rural landscape, with no other built development being prominent in views. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and, whilst no longer having an agricultural function, retains a strong relationship with its rural context.
- 3.16 The site is not particularly visible from the west, with no public viewpoints close by and views from Long Lane impeded by the dense the high hedging along the road to the west of the site.
- 3.17 The development proposal is as follows:
- Demolition of the later C20th agricultural buildings (a Dutch barn, sheep sheds and a cow shed).

- The former milking parlour would be extended to almost double its size and two semi-detached dwellings would be erected to the west of the former milking parlour and adjacent to the farmhouse.
- The barn would be converted through the introduction of new internal floors and partitions and new external openings, and a detached car port would be erected to its north.
- A detached bike and bin store would be erected adjacent to the northern boundary.
- Each property would have a rear garden, extending to the east and south of the buildings, whilst an extended and altered hardstanding would provide car parking and turning space within the courtyards and between the barn and the milking parlour.

#### Character, Appearance and Landscape

- 3.18 Having regard for policies DM15 and DM16, regard must be had for what impact the development would have on the character of the countryside and on the landscape. These are not housing policies (for the purposes of paragraph 49 of the NPPF) and are consistent with the objectives of the NPPF. Therefore these policies carry full weight.
- 3.19 The removal of the C20th agricultural buildings would remove a significant volume of built form. The buildings themselves are utilitarian features of no architectural merit, although their visual impact is substantially reduced by virtue of their weathered, subdued appearance and being features which are expected within the rural area (the Landscape Character Assessment specifically identifies that such buildings are features of the area). Whilst their impact is therefore limited, it is acknowledged that their loss would provide a minor enhancement.
- 3.20 The extension and conversion of the former milking parlour would reintroduce some built form, albeit of a scale substantially less than the buildings which would be lost. The extension would be constructed of brick, a material more in keeping with the farmstead. The scale and location of the extension would be such that it would not be prominent in views and would not impede views of the listed farmhouse. The introduction of a large glazed door would detract from the agricultural appearance of the building; however this change would not be highly visible in the landscape. The landscape impact of this extension is therefore considered to be neutral.
- 3.21 The introduction of a pair of semi-detached dwellings would also reintroduce built form (which again would not exceed the amount of buildings lost). Their location would be such that they would continue the U-shape courtyard plan which is not uncommon in the locality. The scale of the building would also be subservient to the main farmhouse and barn. The detailed design would include a domestic fenestration but, again, this would not be prominent in long views. The landscape impact of this building is therefore considered to be neutral.
- 3.22 The barn would not be extended, however the conversion would include elements which have a domestic design language, including the introduction of windows of a domestic character and an expansive set of steps. The landscape impact of this building is therefore considered to be minor adverse.
- 3.23 The proposed outbuildings (car port and bike/bin store) would be little seen in the wider landscape and have been sensitively designed. The landscape impact of this building is therefore considered to be neutral.



- 3.24 Each dwelling would have a garden which, in some cases would be extensive. These gardens are proposed to be bounded by post and rail fences, which are appropriate to the rural environment. However, the domestic use of the gardens (with a potential for tended lawns and domestic paraphernalia) would significantly alter the setting of the cluster of buildings. Whilst permitted development rights could be removed for new means of enclosure, outbuildings etc., this would not alleviate the concern regarding the change in the character of the land. The gardens would be particularly visible from the public viewpoints of the site, making the areas to the east and south of the site highly sensitive to such a change. The landscape impact of this building is therefore considered to be significant adverse.
- 3.25 Overall, it is considered that the development would alter the utilitarian and unremarkable agricultural character of the site, which is expected within a location such as this, to a more unexpected and alien suburban appearance (with domestic buildings and associated features), causing a moderate adverse impact on the character of the landscape.
- 3.26 Where development would adversely affect the character of the countryside, policy DM15 requires that permission be refused unless one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats (this last requirement will be assessed separately later in this report). The three exceptions are if the development is:
- i) in accordance with allocations made in the Development Plan Documents; or
  - ii) justified by the needs of agriculture; or
  - iii) justified by the need to sustain the rural economy or a rural community.

The application is not in accordance with the development plan; it is not justified by the needs of agricultural and the development is not justified by the need to sustain the rural economy or a rural community. Moreover, it is not considered that there is any reason why this residential development cannot be accommodated elsewhere. The application is therefore contrary to policy DM15.

- 3.27 Policy DM16 states that development which would harm the character of the landscape, will only be permitted if:
- i) it is in accordance with allocations made in Development Plan documents and incorporates any necessary avoidance and mitigation measures; or
  - ii) it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Having regard for the landscape character assessment, the moderate adverse impact on the character of the landscape and the lack of any appropriate and meaningful mitigation, it is considered that the development is contrary to policy DM16. In any case, it is not considered that, given the characteristics of the landscape, the use of vegetation to enclose the site or conceal buildings, would be inappropriate.

#### Heritage

- 3.28 In respect of the impact of the proposals on the heritage value of the site, it is considered that the proposals impart an overt domestic character on the barn and

milking parlour, which is contrary to their significance as agricultural buildings. The Design and Access Statement and Heritage Statement submitted with the application is considered to be limited in terms of its analysis of the relative significance of the buildings and the implications of the works for conversion to residential. The Structural Report is very limited in its scope and insufficient to demonstrate the condition of the buildings or the extent of structural works that may be required.

- 3.29 Minor external amendments have been proposed which have reduced the number of new openings, removed roof lights and set the glazing back from the cart entrance. Whilst these amendments have been positive, the overall detailed design of the conversion remains unacceptable. The windows proposed to the eastern elevation, which would be particularly visible across the landscape, have an uncharacteristic and domestic appearance. In addition an expansive set of steps are also proposed to this elevation which would again be wholly uncharacteristic and harmful to the agricultural character of the building. The building is also proposed be clad in black stained horizontal timber boarding, which is anomalous in the area, both in terms of the material and its colour.
- 3.30 Internally, the barn has been partially floored over but this work appears to have been carried out without the benefit of Listed Building Consent. The proposed scheme seeks to retain this level of compartmentalisation, which creates a strongly vertical emphasis to the internal space. This is contrary to the internal character of a barn which would be usual for a barn of this period, which is one of a large open space with a strong horizontal planform.
- 3.31 The Design and Access Statement notes that the proposed extension of the milking parlour is based upon evidence from historic maps, however this is more likely to show non-integral, small scale animal yards. In addition there is no physical evidence to demonstrate the existence of these structures, potentially indicating an ephemeral nature. It has not been demonstrated that the milking parlour is incapable of being converted without the need for an extension. The extension would remove the part of the historic first floor structure and introduce a large staircase. This aspect of the proposal would create a large open space which is contrary to the historic character of the building and results in the loss of historic fabric. As such, the justification for the extension of the milking parlour is weak. The detailed design of the proposed milking parlour, as extended, would include the provision of a dormer window and large bi-fold doors producing an overtly domestic appearance. Whilst the scheme has been amended to remove roof lights, the conversion would remain highly domestic in appearance, resulting in the loss of its existing simple functional character.
- 3.32 The proposal also seeks to introduce two residential units. The layout of the development reinforces the courtyard plan form, with the modern buildings outside of the courtyard being demolished, the more historic buildings which form the loose courtyard being retained and the two new dwellings further enclosing the courtyard. The development would therefore respect the existing layout. The two dwellings proposed are considered to be subservient in scale and massing to the principle buildings around the courtyard, namely the farmhouse and the barn. It is also considered that these dwellings are sufficiently separated from the listed farmhouse such that its setting is not harmed. Whilst the detailed design of the dwellings, in particular their fenestrations, lacks traditional detail and is disappointing, it is not considered that this results in such harm so as to warrant refusal.

- 3.33 The proposal would retain a central courtyard which would maintain a relatively informal character, being a large expanse of bound gravel. It is considered that, whilst occupying a significant area, this is the appropriate response as courtyard layout farmsteads typically contain such hardstanding's. Outside of the courtyard, each dwelling would be provided with a rear garden. As described above, it is considered that these gardens would detract from the rural setting of the farmstead, which is considered to make a contribution to the setting of the listed buildings, by imposing a domestic character.
- 3.34 An argument had been advanced by the applicant that the proposed new build dwellings represent 'enabling development' which facilitates the conversion of the listed buildings. The principle of enabling development is the approval of development that would normally be contrary to development plan policies to enable the preservation of a heritage asset. However, for this to be considered an enabling development scheme a number of criteria must be met, as set out in the Historic England guidance on the subject, including that the development proposed is the least amount necessary to ensure protection of the heritage asset. It also requires an applicant to demonstrate that the new development tips the balance to secure the preservation and future of listed buildings whose current prospects are tenuous. The application, as submitted, has not been supported by the robust evidence required to demonstrate that the proposal represents a case for enabling development.

#### *Archaeology*

- 3.35 Whilst concerns have been raised, KCC have recommended that, should permission be granted a programme of historic building recording take place in advance of any works such that their current and former condition and use can be better understood and recorded for future use. Such a survey should be secured by condition, should permission be granted.
- 3.36 KCC's archaeologist have also advised that any grant of permission should be accompanied by a condition requiring that a programme of archaeological work be undertaken, the details for which should be agreed in advance. The site contains the Grade II Listed farmhouse, which dates from the C17th or earlier. The farm stead is also recorded on the Kent HER (MKE87920) as "a loose courtyard plan farmstead with buildings to two sides of the yard". To the north east of the site, there is a record for a trackway. Given the known and suspected features in the area, the archaeological officer's recommendations are adopted. Should permission be granted, a condition requiring a programme of archaeological work should be attached.

#### *Conclusions on Character and Appearance, Landscape and Heritage*

- 3.37 Overall, it is considered that the development would cause harm to the character of the landscape and would harm the significance of listed buildings and their setting, contrary to Policies DM15 and DM16 of the Core Strategy and contrary to the principles of the NPPF.

#### Impact on Residential Amenity

- 3.38 The existing and proposed buildings are well separated from neighbouring properties, with the exception of Long Lane Farm. Directly facing Long Lane Farm would be the converted barn, into which would be introduced new windows and other openings. However, the building is separated from Long Lane Farm by around 28m whilst no significant extensions or enlargements are proposed and,

as such, no unacceptable loss of light, sense of enclosure or overlooking would be caused. Closest to Long Lane Farm, at a distance of around 12m, would be the pair of new dwellings. Whilst they would be closer to Long Lane Farm, they would be located at a right angle to the farmhouse and would face towards the existing open courtyard to the front of it. Given the separation distance from and relationship with Long Lane Farm, it is concluded that no unacceptable loss of light, sense of enclosure or overlooking would be caused. It is not considered that the living conditions of Long Lane Farm would be unacceptably harmed by any other aspect of the proposals

- 3.39 Each of the dwellings would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable.

#### Impact on the Local Highway Network

- 3.40 This section will not consider the sustainability of the sites location or whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 3.41 The proposal would use the existing access point which serves the farmstead. The access is located adjacent to an extension to the existing farmhouse to the west of the courtyard. Whilst visibility is somewhat restricted to the eastern side of the access by vegetation, to the western side (towards oncoming traffic on the near side of the road) visibility is improved by virtue of a strip of grass between the boundary wall of the site and the highway. Whilst visibility from the access does not accord with the requisite standards, it is not considered that the development would create a high number of vehicle movements. As such, the increased use of the access would not cause a severe cumulative impact on the highway, which is the relevant test as described by paragraph 32 of the NPPF.
- 3.42 Policy DM13 advises that the provision of car parking should be a design led process based upon the characteristics of the site, the nature of the proposed development and its design objectives, whilst provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy. The development proposes the provision of eight car parking spaces, six of which would be open spaces and the remaining two would be within a two-bay car port. In addition to this delineated car parking, the site would provide a large hardstanding, which would provide opportunities for informal parking. Within this rural location, Table 1.1 of the Core Strategy recommends that 1 and 2 bedroom dwellings provide 1.5 car parking spaces and 3 and 4 bedroom dwellings provide 2 car parking spaces. In addition, visitor parking of 0.2 spaces per dwelling should be provided. The development proposed comprises two two-bedroom dwellings, one three-bedroom dwelling and one four-bedroom dwelling. The development therefore accords with the parking provision recommended by Table 1.1. The development also proposes the provision of cycle parking. Subject to being secured by condition, it is considered that the parking provision would meet the needs generated by the development, in accordance with Policy DM13.

#### Ecology

- 3.43 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.

- 3.44 The report confirms that: there is negligible potential for amphibians; some potential for reptiles on the strip of grass and scrub to the front of the site; old birds' nests were seen inside some buildings (although no barn owls); there is no potential for hazel dormice; and there were no setts or signs of badgers. However, the report confirms that three trees within the site are highly suitable for roosting bats, whilst a small pile of long-eared bat droppings were seen in the barn.
- 3.45 The report confirms that "slow worms may be present in part of the site. As the site is regularly mowed, it is not recommended to carry out further reptile surveys but a mitigation strategy is proposed to minimise potential impacts". This comprises habitat manipulation. In relation to birds, it is recommended that works affecting trees and early building works (including demolition) take place outside of the breeding bird season. Two night time bat surveys took place, during which no bats were observed entering or leaving the barn or trees and no fresh bat droppings were present. However, bats were heard commuting and foraging past the barn. On this basis the report recommends that no further surveys are required, although it is recommended that a sensitive scheme of lighting is secured to avoid detriment to bats.
- 3.46 In addition to the specific mitigation above, a series of ecological enhancements are recommended. These include the provision of bird and bat boxes/spaces, log piles for invertebrates and sensitive native planting. Subject to the mitigation and enhancements proposed being secured by condition, it is considered that the development would safeguard protected species and provide some enhancement, in accordance with the NPPF.
- 3.47 The site is under the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site and, as such, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

#### Contamination

- 3.48 The site is not within a flood risk area or within a Groundwater Protection Zone; however, the former uses of the site have the potential to have caused contamination. In particular, agricultural uses have the potential to have caused petrol and oil spills or chemicals (such as fertilisers or pesticides) to have leached into the ground, whilst the former use as a pet crematorium may have led to Dioxins, PAH's and heavy metals, amongst other things. Initial concern was raised that the application had failed to appropriately consider these risks. Subsequently, additional information was provided in the form of a Desk Study Report which identifies all of the former uses of the site, the features which may be vulnerable to contamination and the potential risks of contamination. The report recommends that further work in the form of trial trenches and sampling take place, although the report does not recommend that contamination is a constraint to development.
- 3.49 Following receipt of this report, the EA removed their objection. However, in common with the Councils own Environmental Health officers, a suite of conditions were recommended to be attached to any grant of permission to ensure that further assessment and investigation takes place so that any contamination on-site is identified and, if found, remediation of the contamination takes place. It is also recommended that conditions be attached prohibiting piling

or any other foundation design or investigation boreholes which use penetrative methods, unless approved by the local planning authority, and requiring a watching brief to be undertaken during demolition and foundation works. Any additional, previously unidentified, contamination should also be remediated if discovered during development. It is considered that these conditions are necessary to ensure that the risks of contamination are fully understood and dealt with in a manner which does not cause contamination or the release of existing contamination into the environment.

- 3.50 Regard should be had for whether weight should be attached in favour of the development by virtue of it facilitating decontamination. Whilst there is a reasonable likelihood that some contamination exists, the application does not confirm that contamination is present. It is not, therefore, considered that any substantial weight can be attributed to the development in this respect.

#### Drainage

- 3.51 The application confirms that foul drainage will be disposed of via a septic tank, whilst surface water will be disposed of via a sustainable drainage system. No detailed designs for this infrastructure have been provided at this stage; however, given the scale of the site and the geology of the land, there is no reason to doubt that suitable drainage is achievable. In order to ensure that both foul and surface water drainage can be achieved without increasing the risk of flooding or contaminated material being released, whilst also ensuring that any discharge does take place such that it would not create a pathway for any existing contamination on site to leach into the ground, full details, together with an implementation timetable, of foul and surface water infrastructure should be secured by condition.

#### Other Material Considerations

- 3.52 The principle of the development is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission should be refused unless material considerations indicate otherwise. The NPPF is an important material consideration which must be carefully considered to determine whether it provides any justification to depart from the development plan.
- 3.53 Paragraph 55 of the NPPF states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is first necessary to consider whether this site is isolated and its proximity to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas). In determining whether the site is isolated, regard must be had for the case of *Braintree DC v SSCLG & ORS* [2017] EWHC (Braintree), which considered the meaning of 'isolated'. The Judge considered that, as the word "isolated" is not defined in the NPPF, it should be given its ordinary objective meaning of "far away from other places, buildings or people; remote", albeit it the judgement goes on to recognise that the context of the word in the NPPF relates to whether a rural home "could contribute to social sustainability because of its proximity to other homes".
- 3.54 There is one dwelling adjacent to the site, Long Lane Farm itself. All of the other buildings on the site are either to be demolished or converted as part of this

application. Long Lane Cottage is just over 100m away from the site, beyond an open field. The nearest defined settlement, Shepherdsweil, is located 575m away by foot (along PRoW ER78) or 670m away by road and is located to the south of the site on higher ground. This settlement contains the nearest “buildings or people”. Consequently, it is concluded that the site is isolated, having regard for the definition provided in Braintree, being remote from other development.

3.55 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:

- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.

3.56 The first criterion is not relevant to the determination of the current application. The second and third criteria, whilst not relevant to the new build dwellings, are relevant to the conversion of the barn and former milking parlour. Whilst these criteria have the potential to support development in this location, it has not been demonstrated that the scheme represents the optimum viable use for the buildings and would not enhance the immediate setting of the farmyard. It is not, therefore, considered that these criteria provide support for this element of the proposal.

3.57 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

3.58 These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion. The design of the buildings does not amount to demonstrating the highest standard of architecture, as described in more detail earlier in this report. No case has been made that the development would incorporate truly innovative materials or sustainable technology. As such, the sum of the development falls significantly below the threshold of ‘truly outstanding or innovative’ envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting permission for new isolated homes in the countryside. Whilst the four exceptional circumstances identified by paragraph 55 have not been met, the wording of

paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive.

- 3.59 The routes to Shepherdswell lack lighting or foot paths and are up hill, significantly reducing the convenience of such routes. The nearest bus stop is located around 730m away, but provides only a once weekly service in each direction. The next nearest bus stops providing a reasonable level of service are around 1.8km away to the south. The train station is located around 1.2km away and provides mainline services. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Shepherdswell by means other than a car. In addition, the main facilities and services in the Local Centre (as defined by CP1) are located a significant distance further away. At a distance of around 1.2km is a loose cluster of facilities and services, including a small supermarket, a post office (which is currently closed), the train station and Shepherdswell Village Hall. This cluster also included a pub; however, this has been closed for some years. A second loose cluster of facilities and services is located around 1.8km to the south (1.4km by foot along the ER78) around the historic core of the settlement. This cluster includes a primary school, a pub and a church. The village also provides a medical centre, located around 1.6km away. As such the site is located away from facilities and services leading to future occupants being dependent upon the private car for access to day-to-day facilities and services, contrary to the aims of sustainable transport and sustainably located development.
- 3.60 The applicant has sought to demonstrate that there are other material considerations which outweigh the in-principle policy objection to the scheme. Policies DM4 and DM15 are cited. DM4 supports, as an exception to DM1, the re-use of structurally sound buildings within confines, adjacent to confines and, for commercial uses, outside of confines (subject to several criteria). Whilst this policy is relevant for the consideration of the proposed conversions, it is not applicable to the proposed new builds. Policy DM15 seeks to avoid development which would result in the loss of, or adversely affect, the countryside. This is a restrictive policy to avoid harm and does not provide in-principle support for the development.
- 3.61 The development would result in the demolition of several large redundant farm buildings of no architectural or historic merit, whilst the redevelopment would require the removal of any asbestos on site. These factors add weight in favour of the development. However, whilst the existing buildings are utilitarian, it is not considered that they significantly detract from the appearance of the site in the wider landscape, being typical and expected features in the rural landscape which do not draw attention (as confirmed by the Landscape Character Assessment). Likewise, whilst asbestos may be present given the age and type of buildings, there is no evidence that unusually high amounts exist. Asbestos removal has not been raised by Environmental Health.
- 3.62 The applicant has argued that the development would facilitate the removal of harmful modern additions to the buildings, including grain bins within the barn. However, there is no history of listed building consents being gained for these alterations.
- 3.63 It has been raised that the existing buildings could be converted under permitted development rights. This may or may not be the case, as there is no application for prior approval before the Council. As such, an assessment cannot be made regarding the restrictions and conditions of Class Q rights. It is, however, noted



that Class Q rights do not apply where the building is a listed building (the existing brick built buildings to be converted are curtilage listed). Whilst a change of use of the former milking parlour to a pet crematorium has not received planning permission for a change of use, it did receive planning permission for the installation of the crematorium plant in 1992 and, following a site visit, it is clear that the building had been in use as a crematorium for some years, such that the use is likely to be lawful. Class Q rights do not, therefore apply to this building. Given the nature of pet crematoria, it is not considered that such a use falls within use class B1 (it could not be located next to residential without the need for strict controls), which have their own permitted development rights, and is more likely to be Sui Generis, which do would not benefit from permitted development rights. Consequently, permitted development rights do not apply. The conversion of the modern buildings is unlikely to be possible, as they would require significant new structural elements which cannot be carried out within the scope of Class Q (having regard for *Hibbitt and Another vs SoS CLG and Rushcliffe Borough Council*, [2016] EWHC 2853 (Admin)). Whilst a thorough assessment of Class Q permitted development rights has not been undertaken, it does not appear that such rights would apply in this instance.

- 3.64 The applicant has advised that, in their opinion, the development represents the optimum viable use of heritage assets, namely the curtilage listed barn and former milking parlour. It is considered that in line with paragraphs 132-134 of the NPPF that the works constitute less than substantial harm to the significance of the heritage assets. As such, the public benefits of the proposal must be weighed against the harm identified. A public benefit could include securing the optimum viable use of the buildings, which is “the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear likely future changes”. It is not considered that the applicant has demonstrated that the application provides the optimum viable use for these curtilage listed buildings and the proposed scheme is considered to be harmful. The Council can demonstrate a five year housing land supply and consequently there is no public benefit which outweighs the harm to the heritage assets.
- 3.65 The new build dwellings utilise a similar footprint to existing buildings whilst there is a reduction in the amount of development overall. These factors have been taken into account.
- 3.66 The applicant has argued that a recent planning permission in Staple is similar to the application currently under consideration. Whilst there are some similarities (they both include listed or curtilage listed buildings, they both propose new dwellings and the nearest settlement in each case is described as requiring additional housing), there are equally many significant differences, not least that the application in Staple was partly within and partly adjacent to the confines (and adjacent to bus stops) in a more sustainable location, whereas the current application site is isolated.
- 3.67 In referencing the Staple decision, the applicant has suggested that the development will help support the facilities and services in Shepherdswell. It is necessary to restate that the current application is not within Shepherdswell and due the nature of routes between the site and Shepherdswell, it is considered unlikely that occupants would rely on the facilities and services of the village. Furthermore, the need to provide additional housing in Shepherdswell over the plan period to assist the retention of facilities and services is addressed through the allocation of two sites in the LALP.

- 3.68 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy. However, it is not considered that the residential development of the site represents development in the right place to support sustainable growth.
- 3.69 With regards to the social role, the development would provide additional dwellings which would, to a moderate degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a five year housing land supply. The development would also be in a remote location, which would provide a very limited ability to access sustainable modes of transport and limited support for local facilities and services. The application has not demonstrated that the development would secure a high quality built environment, with concern raised regarding the detail of the scheme.
- 3.70 Turning to the environmental role, the development would lead to an urbanisation of this part of the countryside. The development would mitigate the potential impacts on protected species (reptiles and bats) and, subject to conditions, would provide for modest ecological enhancements. The development would re-use a small area of previously developed land (occupied by the former milking parlour), although the majority of the site is non-previously developed and a small area of BMV agricultural land would be lost. The location of the site would necessitate journeys to access day-to-day facilities and services.
- 3.71 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan. Moreover, it is considered that the proposed development is contrary to a specific policy of the NPPF, namely paragraph 55.
- 3.72 The applicant has suggested that they received positive pre-application advice in relation to both conversion and new build elements. This is not the case, whilst the advice was also provided at a time when the Council were unable to demonstrate a five year housing land supply. The pre-application advice raised significant concerns, primarily in relation to the proposed new build (at that time one dwelling), whilst the material circumstances have changed since the advice was provided. Concerns were additionally raised regarding the detailed design of the conversion in respect of the impact on the barn. Details of the proposed alterations to the milking parlour were not submitted for consideration.

### **Conclusion**

- 3.73 The site is located in an unsustainable rural location, remote from, and with poor access to, other development and local facilities and services. Whilst the conversion of the existing buildings has the potential to be supported by policy, the manner in which the conversions would take place would detract from the character of the buildings, causing harm to their significance as curtilage listed buildings and would fail to improve their settings through the introduction of suburban features in the countryside, causing landscape harm. The development is therefore contrary to Policies CP1, DM1, DM15 and DM16 of the Core Strategy and the NPPF, read as a whole. It is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits and it is not considered that there are any material considerations which indicate that the

development plan should be set aside. As such, it is recommended that the application for planning permission be refused.

- 3.74 Turning to the application for listed building consent, there is a statutory duty to have special regard the desirability of preserving listed buildings (which includes curtilage listed buildings) and their settings, or any features of special architectural or historic interest which they possess. It is considered that the development proposes an unsympathetic and inappropriate conversion and extension of these curtilage listed buildings, which would cause less than substantial harm to their significance as heritage assets. This harm has not been outweighed by public benefits. Having regard for the statutory duty and the provisions of the NPPF, it is recommended that listed building consent be refused.

g) **Recommendation**

- I In respect of the full planning application, DOV/16/01365 for the conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3 no. existing buildings), PERMISSION BE REFUSED for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

- II In respect of the application for listed building consent, DOV/16/01366 for the conversion and extension of barn and milking parlour to residential use, CONSENT BE REFUSED for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would therefore be

contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Luke Blaskett and Alison Cummings

DOVER DISTRICT COUNCIL

PLANNING COMMITTEE – 22 FEBRUARY 2018

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Application No DOV/16/01247 – Land at White Post Farm, Sandwich Road, Ash	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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