

Public Document Pack



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15 July 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held as a Remote Meeting – Teams Live Event on Thursday 23 July 2020 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 democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty".

Chief Executive

Planning Committee Membership:

J S Back (Chairman)
R S Walkden (Vice-Chairman)
D G Beaney
E A Biggs
T A Bond
J P J Burman
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

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 4)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 11 June 2020 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 5-10)

5 **APPLICATION NO DOV/20/00181 - FLATS 1 TO 5, GOODWIN HOUSE, 38 VICTORIA ROAD, DEAL** (Pages 11-15)

Replacement of existing windows and door with uPVC windows and door

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

6 **APPLICATION NO DOV/19/00487 - LAND AT CAPTAIN'S GARDENS COTTAGE, VICTORIA ROAD, DEAL** (Pages 16-26)

Change of use of building and land to café/restaurant (Class A3 Use), with alterations to the front elevation of the building, and provision of an external seating area

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

7 **APPLICATION NO DOV/20/00353 - THE OLD BAKEHOUSE, LOWER STREET, TILMANSTONE** (Pages 27-31)

Erection of a single storey rear extension

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

8 **APPLICATION NO DOV/20/00254 - BARN AT POTTS FARM, RICHBOROUGH ROAD, ASH** (Pages 32-44)

Change of use of timber barn and cart shed, and erection of a single storey extension to facilitate conversion into single dwelling (existing barn and lean-to to timber barn to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

9 **APPEALS AND INFORMAL HEARINGS**

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

10 **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.

Access to Meetings and Information

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- 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. 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: democraticservices@dover.gov.uk for details.

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

Declarations of InterestDisclosable 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.



Remote Meetings Planning Committee

The Council Offices will be closed during a remote meeting and it is not possible for members of the public to physically “attend” a remote meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public’s legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view remote meetings where possible.

Joining a Remote Meeting

To join a remote meeting, you will need to join via the link on the Council’s website. This can be accessed via the agenda page for each meeting. The Council is using Teams Live Events (a Microsoft Product) for its remote meetings and you will be taken to the meeting by clicking on the link.

The best way to view the remote meeting is through a laptop or desktop computer. However, you should also be able to view through a smartphone or tablet device. You will need internet access to do this.

Public Speaking

In accordance with Paragraph 9 of the Council’s Protocol for Public Speaking at Planning Committee, the Chairman has altered the public speaking procedure to allow written statements (of no more than 500 words) to be submitted in lieu of speaking.

The procedure for registering to speak itself remains unchanged. You must request to speak in writing by email to democraticservices@dover.gov.uk or by means of the form that can be found on the Council’s website at <https://www.dover.gov.uk/Planning/Planning-Applications/Making-Applications/Speaking-at-Planning-Committee.aspx>

In all cases, public speaking requests must be received by no later than 5pm on the second working day prior to the meeting.

Registration will be on a first-come, first-served basis. **If you have been successful in registering to speak, you will be contacted by a member of the Democratic Services team. If successfully registered, you must submit your written statement (of no more than 500 words) by email to democraticservices@dover.gov.uk by 10.00am on the day of the remote meeting.**

Registering to speak at a remote meeting confers the right to submit a written statement which will be read out to the remote meeting by an Officer (who is not a member of the Planning Department) on behalf of the speaker. Subject to normal public speaking procedures and the Chairman's discretion, there will be one speech in support of, and one speech against, an item for decision.

In submitting their statement, each speaker accepts that they remain fully responsible for its contents. If any defamatory, insulting, personal or confidential information, etc. is contained in any speech received from any speaker, and/or read to the remote meeting by an Officer, each speaker accepts full responsibility for all consequences thereof and agrees to indemnify the Officer and the Council accordingly.

Feedback

If you have any feedback on the Council's remote meeting arrangements, please let us know at democraticservices@dover.gov.uk

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 informatics 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.

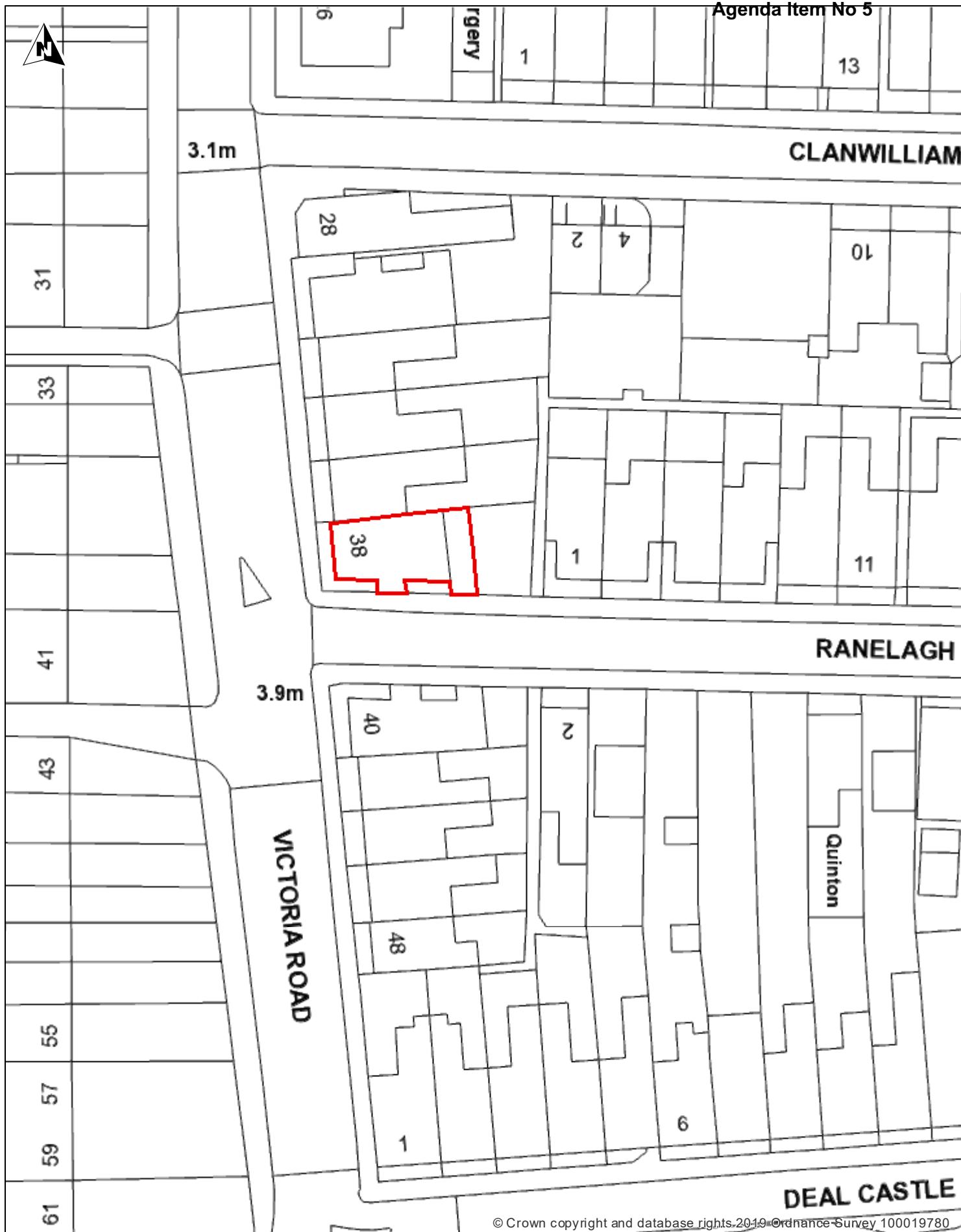
Article 10 - Right to free expression.

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.

PUBLIC SPEAKING AT PLANNING COMMITTEE

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.



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DOV/20/00181

Flats 1 - 5 Goodwin House
Deal
CT14 7BH

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/20/00181 – Replacement of existing windows and door with uPVC windows and door - Flats 1 to 5, Goodwin House, 38 Victoria Road, Deal**

Reason for Report: Seven contrary views

- b) **Summary of Recommendation**

Planning Permission be REFUSED

- c) **Planning Policy and Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 (1) - In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Planning Policy Framework (NPPF)

NPPF 2019

Achieving sustainable development - Paras 7-14

Achieving well designed places - Paras 124-132

Conserving and enhancing the Historic Environment - Paras 184-202

Dover District Core Strategy (CS)

Policy DM1 supports development carried out within the urban confines or is ancillary to existing development.

- d) **Relevant Planning History**

DOV/98/1098 – Change of use from bed and breakfast to five flats - granted

DOV/16/1066 – Replacement Windows and Door – Appeal Dismissed

COV/17/1027 – Replacement Windows and Doors – Refused

PE/20/00013 – Pre-Application Advice given – Application for uPVC windows unlikely to be favourably received

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

Deal Town Council

Object - Materials for windows and doors should be similar to existing materials and the drawings do not clarify the character of the replacements.

Heritage Team

Object - Previous officer refusals and an appeal decision have been clear and consistent in objecting to uPVC replacements in this building.

Public Representations

A total of nine local residents commented on the proposal as follows:

Seven local residents support the proposal (including three residents of the flats) on the grounds that the proposal would provide better insulation and be more economical to run, reduce road noise and meet the Government's zero emissions target and would not detract from the appearance of the building. Others comment that there are other properties in the area having similar windows.

One local resident objects on the grounds that the integrity of the building 'deserves a good deal better than plastic'.

One local resident has no objection in principle but asks that they be of a similar high quality feeling that: "the integrity of this grand old building in the Conservation Area should be preserved".

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

- 1.1 Deal Middle Street Conservation Area comprises a mix of historic development in the centre of Deal and around the seafront. Victoria Road is a principal road leading to the town centre. Development in the area is generally close to the edge of the pavement, whilst that on the opposite side being set back further from the road. Roads of similar development close to the pavement, including Ranelagh Road, lead between Victoria Road and the seafront.
- 1.2 Goodwin House is located on the junction of Ranelagh Road and Victoria Road and this location means that it is a very prominent building in the street scene. It is a substantial building with a distinctive curved head to many of the windows that, combined with the similar building over Ranelagh Road, dominates this busy, and undoubtedly noisy junction.
- 1.3 Most surrounding buildings contain timber windows that reflect the age and style of the buildings within the conservation area. However, there are some replacement uPVC windows in surrounding buildings of varying styles and designs.
- 1.4 The existing windows in the building are in a poor state of repair and appear liable to potential draughts, rattles, and poor heat retention and noise insulation.
- 1.5 The applicant seeks permission to "replace existing wood vertical sliding widows, like for like in design and colour (and) replace the existing front wood door similar in design in white retaining the coloured lead glazed windows above the door". The windows would be of UPVC and the door of a composite material.
- 1.6 The applicant states that the proposed windows and door seek to replicate that of the existing windows and door in the property whilst providing the benefits of modern double-glazed units.

2. Main Issues

- 2.1 The main issue for consideration is considered to be the effect the proposed alterations to the building would have on the heritage asset comprising the Middle Street Deal Conservation Area.

Principle of Development

- 2.2 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act 1990 (as amended) imposes a duty on Local Planning Authorities in respect to any buildings or other land in a conservation area in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.3 The NPPF identifies that planning decisions should play an active part in guiding development towards sustainable solutions. Paragraphs 184 to 183 deal with developments affecting heritage assets and are referred to below
- 2.4 The Dover District Local Development Framework Core Strategy 2010 Policy DM 1 allows for development within the settlement boundaries.

Heritage Issues

- 2.5 When determining proposals considerable importance and weight must be given to the harm caused by proposals that adversely affect a heritage asset
- 2.6 The National Planning Policy Framework (the Framework) advises at Paragraph 193 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 2.7 Accordingly, while less than the 'substantial harm' referred to in Paragraph 196 of the Framework, the harm to the conservation area is nevertheless a matter of considerable importance in this case. Paragraph 197 of the Framework establishes 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.
- 2.8 The applicant refers to the environmental advantages of the proposed materials and that the windows would reduce heat loss from the building and reduce the effect of traffic noise on living conditions of residents given this busy location on the approach to the town centre. The reduction in costs to heat the flats and the environmental advantages of the proposed windows are not set out or quantified and are in any case in the main a 'private benefit' rather than a 'public benefit'.
- 2.9 The existing timber sash windows and the distinctive 'curved heads' of other windows are an intrinsic part of the building and complement the architectural integrity of it and the conservation area. The design of the replacement uPVC windows is similar to the existing timber windows, but the proposed material would be more bulky than, and have a different appearance to, timber and along with other detailed design differences which would be visible from the street would denigrate the value of this building within the Heritage asset comprising the Conservation Area.

3. Conclusion

- 3.1 In conclusion I consider that the proposal constitutes 'less than substantial harm' to the heritage asset comprising the Middle Street Deal Conservation Area and that there is no 'public benefit' that would outweigh the harm.

3.2 I therefore recommend planning permission be Refused.

g) **Recommendation**

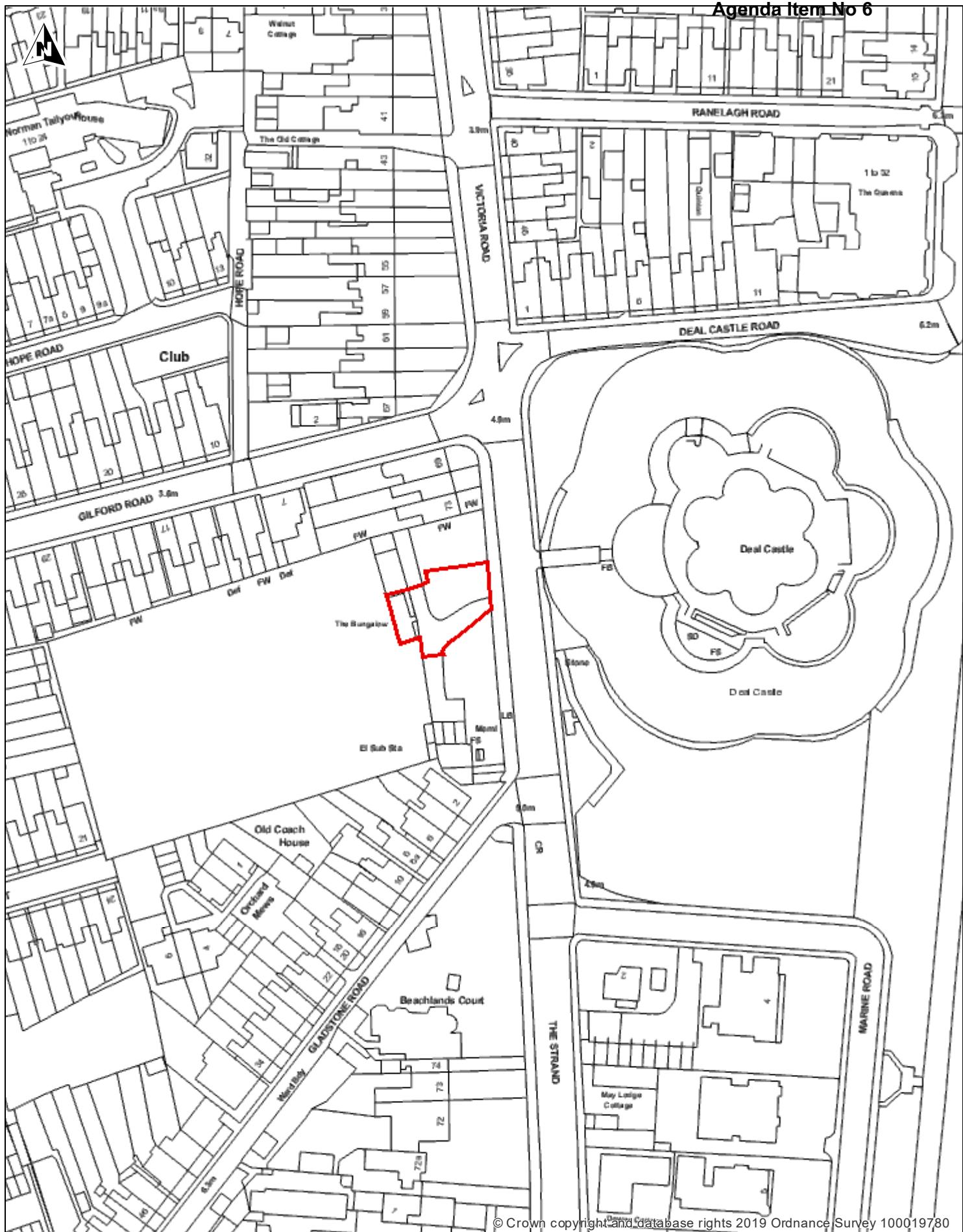
I Planning permission REFUSED on the following ground:

The proposed uPVC windows and door would detract from the appearance of this non-designated heritage asset and would harm the character and appearance of the surrounding Conservation Area with no overriding public benefits. The proposal therefore runs contrary to the aims and objectives of the National Planning Policy Framework 2019 as well as the National Design Guide 2019.

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

Case Officer

Tony Jarvis



DOV/19/00487

Captains Gardens Cottage
Deal Castle, Deal
CT14 7BA

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/19/00487 – Change of use of building and land to café/restaurant (Class A3 Use), with alterations to the front elevation of the building, and provision of an external seating area - Land at Captain's Gardens Cottage, Victoria Road, Deal**

Reason for report: Councillor call-in.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

DM1 - Development will be permitted within the settlement boundaries

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the above Act requires the decision maker to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest it possesses.

Section 72 of the above Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

National Planning Policy Framework 2019 (NPPF)

Section 8 is relevant as it seeks to promote and provide healthy and safe communities, and social, recreational and cultural facilities through providing safe and accessible places.

Section 9 is relevant as it seeks to promote sustainable transport, and to ensure that safe and suitable access to sites can be achieved for all users.

Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Section 16 is relevant as it seeks to ensure that the historic environment is conserved or enhanced. The application site falls within the Middle Deal Conservation Area and within an Article 4(2) Direction - as part of the Middle Deal Conservation Area.

Deal Castle is a Scheduled Ancient Monument. Paragraph 194 of the NPPF requires that when considering potential impacts any substantial harm to, or loss of assets of the highest significance notably scheduled monuments ... should be wholly exceptional. Paragraph 195 of the NPPF sets out the assessment required where a proposed development will lead to substantial harm. Paragraph 196 sets out the assessment required when development will lead to less than substantial harm.

The Victoria Road and Wellington Road Conservation Area Appraisal 2019

This Appraisal is an adopted Local Development Document. It identifies the site as adjoining (to the immediate east of) the Conservation Area and the land behind the application building (the Garden) as an important parcel of open space in the Conservation Area. It also identifies the Captains Garden Cottage as a heritage asset of local importance.

Dover District Heritage Strategy 2013

This Strategy provides guidance on the future protection and enhancement of the district's historic environment. With regard to Middle Deal Conservation Area, one of the document's objectives is for landscape management to take place around Deal Castle, in particular the overgrown trees and hedges to the north west of Deal Castle should be thinned to allow glimpses from the approach roads.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF.

d)

Relevant Planning History

16/01370 – Granted, for the re-surfacing of the Deal Castle's visitor car park, alterations to vehicular access, installation of pay machine and cycle stands.

19/01222 – Granted, for Change of use to office/studio, retail and assembly and leisure (Mixed Use Class A1, B1(a), D2) of the building (former stables) immediately north of the current application site. Planning conditions imposed on this decision prevented the premises from relaying amplified sound, required all windows and doors to be closed after 1800 hours daily, and restricted the hours of use of the premises to 1900 hours (for the office use), to 1800 hours (for the retail use) and to 2100 hours (for the D2 use) daily.

e)

Consultee and Third-Party Responses

Dover Council Waste Services: No comments to make

Kent Highways:

1. To the initial submission, KCC Highways did not object to the lack of on-site car parking (as public parking is available opposite the site and on-street in the vicinity of the site) and considered the servicing arrangements acceptable. However, concerns were expressed regarding pedestrians having to cross the A258 to reach the proposed café from the Castle and its parking area, due to the width of the road and the difficulty of crossing in a single attempt. As such, a pedestrian island was sought together with dropped kerbs and tactile paving on each side of the road.

2. On receipt of additional drawings (SK15 Rev B), KCC Highways noted that the existing access to the site needed widening (which could be dealt with under Section 278 of the Highways Act 1980), but raised no objections in respect of highway matters subject to the following being secured by condition:

- Completion of the pedestrian crossing shown on the submitted plans or amended as agreed with the Local Planning Authority prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.

3. To an additional drawing (SK15 Rev C), KCC Highways objected as this Drawing does not provide the minimum 3.25 metre-wide running lanes required on each side of the proposed pedestrian island.

Kent Archaeology Unit: No measures required.

Environment Agency: No comments to make.

Walmer Parish Council:

1. Objects to the proposal as the proposed crossing is in the wrong location and is considered a potential safety hazard.
2. Supports the change of use to cafe/restaurant (Use Class A3) with 52 external seating area and alteration to front door. However, the committee objects to the proposal of the formation of a pedestrian crossing as the proposed crossing is in the wrong location and is considered a potential safety hazard.

Deal Town Council:

1. Raises no objections and fully supports KCC Highways' concerns regarding pedestrian safety and the recommendation to install a pedestrian island.
2. Objects to the proposed pedestrian crossing in its current position on highway safety grounds and the negative impact of the crossing's infrastructure on the setting of the ancient monument.
3. Objects to the amended proposed pedestrian crossing on highway safety grounds (Drawing SK15 Rev C) which is highlighted in Kent County Council's Highways response stating that the pedestrian island is unacceptable as it does not provide the minimum 3.25 metre-wide running lanes required on each side.

Environmental Protection Officer: Has no observations. Does not object to the proposed hours of opening.

Heritage Officer: Supports the proposal, but wishes the matter to be referred to Historic England for a response. The Victoria Road and Wellington Road Conservation Area appraisal notes the busyness of the road as having a negative impact on the character of the conservation area. The proposed pedestrian crossing is unlikely to have any impact on that issue, but the detailed design of the crossing is sensitive to the conservation area by reason of the

limited road markings, the use of conservation kerbs and natural stone tactile paving.

Historic England:

1. Raises concerns on heritage grounds. No objections are raised with regard to the change of use of the building. However, concerns are raised regarding the chosen location for a pedestrian crossing, as this would impact the significance of Deal Castle which is a nationally important heritage asset. It will be necessary to demonstrate that a pedestrian crossing in this location is justified, and that there is no other less harmful location that it could be constructed.
2. Following receipt of the revised crossing proposals - these continue to fail to meet the requirements of the NPPF. There have been no apparent considerations of alternative locations for the crossing, or if there have these have not been explained, or that the crossing as proposed is justified.
3. Following receipt of the 'Options Appraisal' - Historic England agree that with the submission of this further information - the application now meets the requirements of the NPPF. We still consider the location and design of the traffic island and crossing to be harmful to the significance of Deal Castle, however the applicant has now demonstrated that they have considered all less harmful alternative options and also justified the choice of location and design for the crossing - in line with paras. 190 & 194 of the NPPF. We are happy that harm to heritage significance has been minimised as far as possible given the constraints of the site. As we believe the application now meets the requirements of the NPPF, we would not raise any objections to the planning application.

Public Representations: There have been 22 responses received from the public consultation exercise, all of which support the proposed application. The responses state the proposal is good for the community and the economy, good for tourism and visitors to the area, it will provide wider benefits, it will bring a vacant building back into use, a crossing is needed in this location and the use will function as an additional facility for the Castle.

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

- 1.1 The application site is located fronting onto Victoria Road, opposite Deal Castle, within the Middle Deal Conservation Area. It comprises a single storey building at the rear of the site (its western side) fronting onto an area of open space, with access from Victoria Road.
- 1.2 The building is of red-brick construction under a tiled hipped roof, with a rectangular floor plan. The windows are irregularly spaced in the principal (front) east elevation, but all but one consists of timber sashes, with multiple small panes in the upper sash and a single vertical glazing bar in the lower.
- 1.3 The building was constructed circa 1895 probably to provide accommodation for members of the Captain's household. By the 1920s the cottage was occupied by a chauffeur (the coach house to the south being used to garage the Captain's car). During World War II the cottage

was used as a store, and a WC was added to its northern end. After the war, the cottage provided accommodation for the Castle's custodian and its interior was refitted for this use. Since the 1980s the building has been unoccupied and is a vacant building.

- 1.4 The open space in front of the building forming part of the site is laid to lawn. This area forms part of a larger area of open space that extends in front of the former stable building to the north (subject to the recent grant of planning permission under 19/01222, as set out above) and extends to a building at the southern end of the site - the location of the former coach house).
- 1.5 Despite being physically divorced from the Castle by the busy road, the cottage contributes to the castle's setting, with its modest size and character not competing with the entrance to the Castle.
- 1.6 Opposite the site is Deal Castle, which is a Scheduled Monument, and is also within the Conservation Area. Forming a group of three castles (Sandown, Deal and Walmer) Deal Castle was built by Henry VIII circa 1539-1540. The castle buildings are protected by a stone-lined dry moat up to 20m wide and 5m deep, originally crossed on its western, landward side by a wooden drawbridge. The slots for the lifting gear survive above the pointed archway entrance, constructed within the westernmost bastion, although the drawbridge has been replaced by a stone causeway. A portcullis originally fronted the iron studded oak door. Despite these changes the western entrance to the Castle is substantial and impressive, and is the key route through which visitors enter the Castle. This entrance is opposite the application site.
- 1.7 The car park serving visitors to the Castle is located on the Castle's south side, with access from Marine Road.
- 1.8 To the west of the application site is the 'garden' of the Captain's Cottage, which remains as open land. This garden is not being directly affected by the application proposal, but its openness makes a positive contribution to the Victoria Road and Wellington Road Conservation Area. The impact of the proposal on its setting needs to be taken into account.

Original Proposal

- 1.9 The proposal seeks to convert and change the use of the building to a café/restaurant. The existing building, albeit vacant for many years, was last used as a one bedroom dwelling. The proposed change of use and conversion seeks to accommodate a kitchen/servery area, indoor seating areas, storage room and a W.C.
- 1.10 In front of the building, on the area of grass, customer tables and chairs are proposed. The submitted drawing shows that there could be some 13 tables and 52 chairs.
- 1.11 Food preparation will take place within the building and will involve cooking, reheating and baking using a domestic styled oven and a microwave, along with the preparation of cold food for sale. Mechanical ventilation from the building will use a small domestic sized unit fitted

within the existing window on the rear elevation – with no external venting plant or pipes. It is proposed that the Licensable area for alcohol consumption will be within the building.

- 1.12 The applicant has advised that the majority of furniture will be stored within the building out of hours but there will be some heavy tables left outside which by their sheer weight will be immovable. Under the terms of the proposed lease, that tenant is only leased the lawn area in front of the cottage as included by the red line application plan. The lawn to the right (when facing the building from the road) has already been let to the tenants of the former stables whereas the driveway and the grassed area to the left is controlled by the applicant so “spreading” can be managed and legally controlled.
- 1.13 The proposed hours of opening are from 0800 hours to 2200 hours each day.
- 1.14 The external changes involve the replacement of a window in the front elevation of the porch with an entrance door. An existing door in the side elevation of the porch will be removed, with the opening infilled with brickwork.

Amended Proposal

- 1.15 The proposal comprising the change of use of the building and land has remained the same throughout the progress of the application. However, the requirement by Kent Highways for a pedestrian crossing that would link the entrance to the Castle with the application site has given rise to additional drawings, the submission of further information and further comments from third/interested parties.
- 1.16 The additional comments are set out earlier in this report. In effect, and to summarise, the design of the pedestrian crossing includes the use of natural stone/granite tactile paving, silver grey conservation kerbing and refuge island, single aspect traffic bollards and ‘white lining’ to show tapering from the refuge island. Initially the width of the carriageway was proposed as 3.25 metres on either side of the refuge island, whereas a later drawing (SK15 Rev C), which showed more conservation friendly street furniture and materials, reduced this width to 3 metres on either side of the island. This reduction in width is commented upon by Kent Highways and Deal Town Council, as set out above.
- 1.17 It is confirmed that the width of the carriageway is intended to be 3.25 metres wide on either side of the island (which reverts the proposed carriageway width to that shown under drawing SK15 Rev B).

2. Main Issues

- 2.1 The main issues are:

- The principle of the development
- The impact upon the significance of the designated heritage assets
- The impact upon residential amenity
- Other matters

Principle of Development

- 2.2 The application site falls within the urban area of Deal. As such, under Policy DM1, the change of use of the building is acceptable in principle.
- 2.3 The proposal involves the loss of a dwelling. The Core Strategy does not contain a policy that addresses the principle of losing a dwelling. Although there will be a net reduction in the number of dwellings in the District's housing supply (the loss of 1 dwelling), this loss along with the fact that the building has not been used as a dwelling for nearly 40 years is not considered to be unacceptable in principle.

Impact upon Designated Heritage Assets, the Visual Quality of the Street Scene and Character and Appearance

- 2.4 The immediate character of the area around the proposed location of the pedestrian crossing is defined by the hedged boundary and open area to the east of the Cottage; the railings, hedges and trees on the boundary around the Castle; the massing of the Castle itself; and the residential buildings to the northwest. As the Castle and cottage/stable buildings are set back from the roadside, the overall character is open in contrast to the built-up streetscape to the north.
- 2.5 One of the designated heritage assets affected by the proposal will be Deal Castle. This is a building of exceptional heritage significance. The Castle exemplified the English practice of artillery fortification, presenting a relatively low external profile and consisting of massive curving walls designed to deflect shot. Despite alterations in subsequent centuries, the overall form of the Henrician castle survives very well. The Castle's deliberately squat profile and its urban context mean that its presence in the townscape is only apparent at close quarters. There are good views from the northeast, at the east end of Deal Castle Road, and from the coastal path. Views of the Castle from Victoria Road are obscured by the historic hedging around the paddock car park to the south, and by historic tree planting northwest of the Castle (by the junction between the Victoria Road and Deal Castle Road). The only clear view of the Castle from Victoria Road in the vicinity of the proposed pedestrian crossing is to the west of its entrance. This is a significant view, since it is the primary entrance to the Castle and includes the stone causeway running across the Castle's ditch to its entrance bastion. For those approaching from the north, this is their first view of the Castle. The contribution made by this view to the setting of the Castle is therefore considerable.
- 2.6 The proposed location of the pedestrian crossing, in front of the entrance bastion has the potential to cause a harmful impact upon the setting of the Castle.
- 2.7 To reduce the impact of the proposed crossing (including the associated physical interventions on the highway) the proposal has sought to employ a conservation approach to the use of materials by using textured granite rather than standard buff coloured cement tiles for paving the kerbside and island. This material will be visually less stark

and should harmonise better with the masonry of the Castle. The refuge island is designed to be as insubstantial as possible in order to reduce its physical presence.

- 2.8 Whilst it is considered that the use of 'conservation' materials and minimising the physical changes to the highway, reduce the impact upon the significance of the designated asset, the NPPF requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). As the heritage asset is a Schedule Monument, it has the highest significance.
- 2.9 The application demonstrates through an 'Options Appraisal' that there are no suitable or safe alternatives to the proposed location of the pedestrian crossing.
- 2.10 In conclusion, the location of the proposed crossing cannot be moved to an alternative position, the detailed components of the crossing have sought to use materials and design in the street furniture to minimise the visual impact of the crossing and whilst there remains less than substantial harm to the setting of the heritage asset, the public benefits of the proposal should be considered favourably in the balance, as follows.
- 2.11 The application building has been vacant since the 1980s and it is a building of local importance. Its re-use should assist in increasing the longevity of the building - making it less likely that it will fall into dis-repair.
- 2.12 The proposed use of the building and the land in front will provide an important benefit to the visitors of the Castle, who will have their visit supplemented by somewhere close by to eat and drink. This will make the Castle a more attractive destination to visit.
- 2.13 The proposed use would also offer benefits to the local community in the form of an additional location to eat and drink, close to the town centre, and an additional location to relax and to take time out.
- 2.14 With regard to the impact upon the other designated heritage asset (Middle Deal Conservation Area), the harm would be less substantial. The additional street furniture would add to the visual clutter of highway-related interventions along this stretch of Victoria Road. However, the proposed design and use of materials used in the pedestrian crossing are considered to have a 'conservation-led' approach. The proposed street furniture would not be unduly harmful to the open character of this part of the Conservation Area.
- 2.15 The external changes to the building are minimal. This should ensure that the building's contribution to the character and appearance of the Conservation Area(s) would be unaffected - and that there would be no harm to its importance as a local asset.
- 2.16 The open space in front of the building would be retained, whilst the proposed positioning of the tables and chairs on this space would only comprise small changes to its appearance.

- 2.17 As the activity associated with the change of use would take place away from the adjoining Victoria Road and Wellington Road Conservation Area, beyond the site's western boundary, and the away from the Captain's 'Garden', the proposal would not have a material impact upon the setting of that Conservation Area.
- 2.18 It is considered to be a finely balanced case. However, in view of the most recent response from Historic England (raising no objections), the support from the Council's Heritage Officer and the support for the scheme from English Heritage, the proposal (along with the pedestrian crossing) is considered to be acceptable, as the public benefits of the scheme are considered to outweigh the harm to the designated heritage assets.

Impact upon Residential Amenity

- 2.19 There are residential properties located to the north and south of this area of open space. Although these properties do not adjoin the site, the use of the land in front of the application building during the evening, in particular, could give rise to levels of activity, noise and general disturbance.
- 2.20 The recent approval to change of use of the former stable building, north of the current application site, imposed conditions to restrict the hours and nature of the use of that building. It is considered that the imposition of planning conditions as set out later in this report to control the opening hours, to prevent amplified music and to retain the consumption of alcohol within the building during opening hours would reduce the likely impact of the use on the amenities of the occupiers of nearby residential properties.

Other Matters

- 2.21 Whilst there are concerns raised through the public consultation to the location of the proposed pedestrian crossing, a safety audit for the crossing has been submitted and an Options Appraisal has been undertaken that satisfy the requirements of Kent Highways and Historic England. In summary, no alternative or other more suitable locations exist to meet highway safety requirements.

3. Conclusion

- 3.1 There are significant public benefits arising from the application proposal. On balance, these are considered to outweigh the level of harm to the significance of the designated heritage assets.
- 3.2 It is considered that the proposal would result in a suitably sustainable form of development.
- 3.3 A number of safeguarding conditions are set out below to help minimise the impact of the proposal.

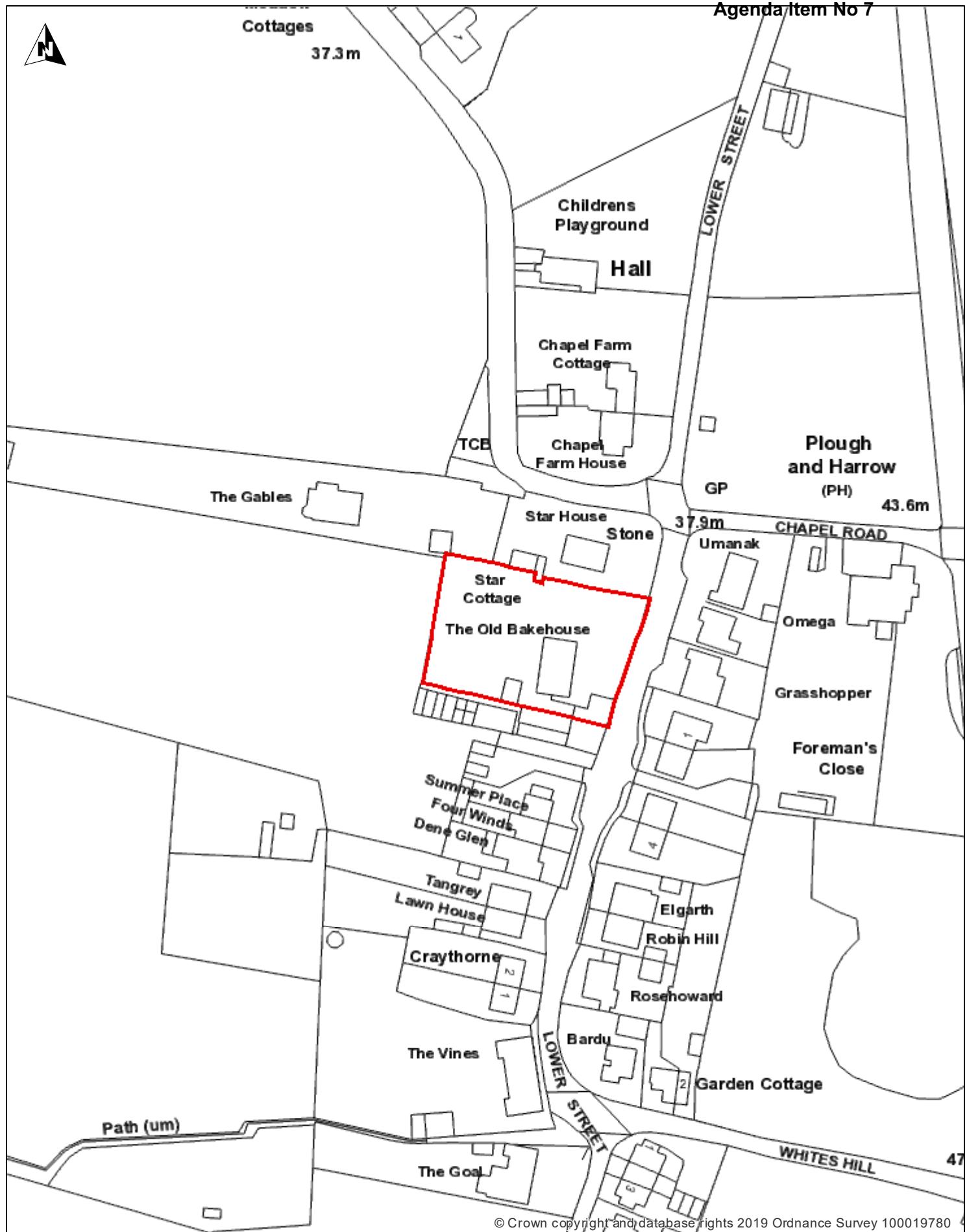
g)

Recommendation

- I PERMISSION BE GRANTED with the imposition of the following conditions:
 - 1) 3 year time limit to commence development; (2) the layout of the building to be in accordance with the submitted drawings; (3) before the use commences, the pedestrian crossing as shown on the approved drawings, shall be provided; (4) samples of materials to be used in the pedestrian crossing and the replacement brickwork on the building shall be submitted for the Council's approval; (5) Joinery details for the new entrance door to be submitted for the Council's approval; (6) the use shall not take place between 2200 hours and 0800 hours on any day; (7) upon closing, all seats shall be brought into the building; (8) no alcohol shall be consumed on the site by customers outside the building; (9) the sale of alcohol for consumption on the premises shall be incidental to the use of the site as a café/restaurant; (10) no amplified music shall be played on the application site; (11) provision and retention of vehicle turning facilities on site.
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester



DOV/20/00353

The Old Bakehouse , Lower Street
Tilmanstone
CT14 0JA

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/20/00353 – Erection of a single storey rear extension - The Old Bakehouse, Lower Street, Tilmanstone**

Reason for Report: Six contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- 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.
- 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 (2019) (NPPF)

- Paragraph 2 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 7 seeks to achieve sustainable development.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 127 requires that planning policies should ensure that well-designed places are achieved, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Paragraph 130 requires that permission be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

- Paragraph 170 requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, 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.

Kent Design Guide

National Design Guide

d) **Relevant Planning History**

No relevant planning history.

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

Tilmanstone Parish Council – no comments received

County Archaeologist - no archaeological measures are required

A total of six individuals have raised objections to the proposal summarised as follows:

- Out of Character (materials of extension and use of glazing/rooflights)
- Overlooking and loss of privacy
- Precedent would be set for development

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

- The owners need additional space
- The design and materials to be used are appropriate to the area
- The location of windows has been carefully considered
- Ground floor openings would not cause overlooking

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

1.1 The application relates to a detached two storey dwelling on the west of Lower Street in Tilmanstone. This property is finished in red brick with white uPVC windows and doors, with a catslide roof sloping to the west.

1.2 The site is outside of settlement boundaries, but within a developed residential road with properties in relatively close proximity on all sides. The principal elevation faces Lower Street and contains a gravelled car parking area sufficient for at least 4 cars. There is also a garage to the southeast of the dwelling, which is located on the boundary of the dwelling, adjacent to Lower Street.

1.3 The Old Bakehouse is bounded by Star Cottage to the northeast and Star House to the north, open fields to the west and The Black Barn to the south. The area comprises a quiet, well established residential area comprising a mixture of single storey and two storey dwellings which are both detached, and semi-detached.

1.4 The application is for a single storey rear extension on the west elevation. The extension would measure 5.2 metres wide by 5 metres deep with a maximum height of 3.9 metres. The extension would create a day room and be finished in black feather edge cladding with the roof finished in small plain tiles. The finish has been chosen

to compliment a neighbouring barn, "Black Barn" located to the south of the host dwelling and the finish of Star Cottage to the northeast of the dwelling.

2. Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Residential amenity
- The character and appearance of the area

Assessment

Principle of Development

2.2 The site is located outside of the settlement confines (policy DM1); however, the development accords with Policy DM1 by virtue of being ancillary to existing development. The development is also subject to Policies DM15 and DM16. As noted, however, it is not within the open countryside. DM15 seeks to avoid development which would result in the loss of countryside or would harm the character or appearance of the countryside and DM16 seeks to avoid development which would harm the character of the landscape area.

Character and Appearance

- 2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 127). Furthermore, paragraph 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'.
- 2.4 The proposed extension would not be visible from the public highway and the views from the adjacent field to the west of the site will be largely obscured due to the high planting along the boundary to the rear of the garden.
- 2.5 The extension appears to be designed to be clearly distinguishable from the original dwellinghouse by using different materials to the host dwelling. The use of black feather edge cladding is shown in neighbouring properties, The Black Barn and Star Cottage, and would therefore be in keeping with the area. The modest size of the extensions allows it to remain subservient to the host dwelling.
- 2.6 The proposals would be obscured from view of the wider countryside and landscape area and are therefore considered to conserve the character and appearance of the countryside and wider landscape area in accordance with Policies DM15 and DM16 and the aims and objectives of the NPPF.
- 2.7 The scale and appearance of the development is considered to be acceptable in such a location and is considered to fit within its context.

Residential Amenity

- 2.8 The nearest property to the proposed extension is the Black Barn which is to the south of the host dwelling. The south elevation of the extension only has a door for access, which would be unlikely to result in loss of privacy. The proposed rooflights

on this elevation are set at a high level above the finished floor levels, such that views out of the rooflights would not be possible. As such, the rooflights would not cause an unacceptable level of overlooking.

- 2.9 I do not consider there would be any undue harm to this resident caused by the extension
- 2.10 The other properties which share a boundary with the host dwelling are Star Cottage to the northeast and Star House to the north. These properties are at least 20 metres away from the proposed extension and are separated with dense, high planting along the boundary. These properties are at a suitable distance so as to not experience an overbearing impact, overshadowing or any loss of privacy from the extension.
- 2.11 I do not consider there would be any harm to the residents of these properties caused by this extension.

3. Conclusion

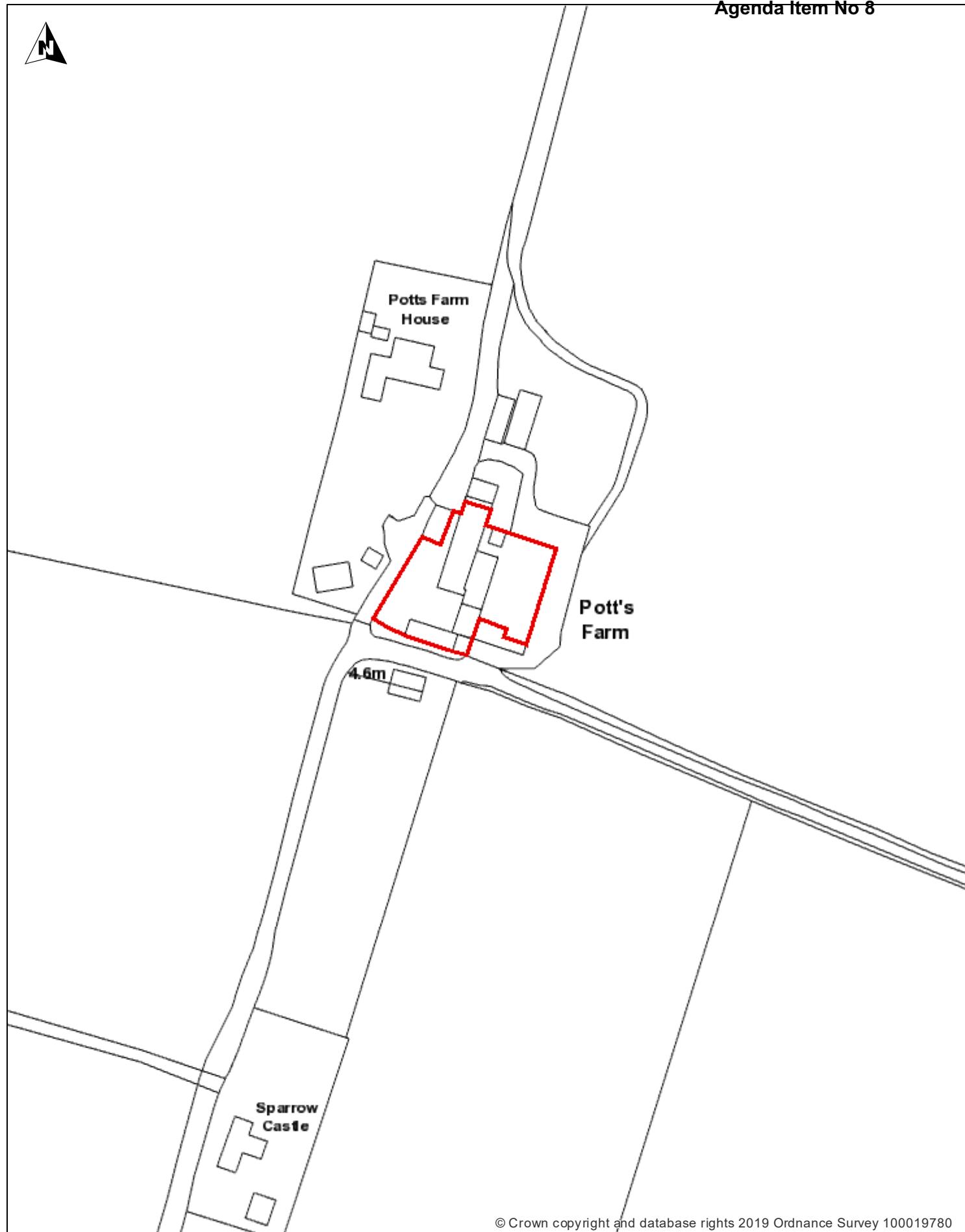
- 3.1 The proposed erection of a single storey rear extension, due to its design and appearance, would be unlikely to result in significant harm to the character and appearance of the countryside and wider landscape area in accordance with Policies DM15 and DM16. Furthermore, for the reasons outlined above, the development would be unlikely to result in significant harm to the residential amenities of surrounding occupiers in respect of overshadowing, overbearing or loss of privacy. Consequently, the proposals would accord with the aims and objectives of the NPPF.
- 3.2 I therefore recommend planning permission be granted.

g) Recommendation

- I Planning permission GRANTED subject to the imposition of the following conditions:
 - (1) 3-year time limit for commencement;
 - (2) Compliance with the approved plans.
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin



DOV/20/00254

Barn At Potts Farm, Richborough Road
Ash
CT3 2NH

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/20/00254 – Change of use of timber barn and cart shed and erection of a single storey extension to facilitate conversion into single dwelling (existing barn and lean-to to timber barn to be demolished) - Barn at Potts Farm, Richborough Road, Ash**

Reason for report: Councillor call-in

- 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.
- DM4 - Beyond the confines or rural service centres, local centres and villages, permission will be given for the re-use or conversion of structurally sound, permanent buildings where it is for commercial uses and for private residential use in buildings that are adjacent to the confines.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM13 – Provision for parking 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. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- 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 2019 (NPPF)

- Paragraph 2 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 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.

- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five 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.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, 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 sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states ‘The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.’

National Design Guide

Kent Design Guide

d) Relevant Planning History

There is no relevant planning history for the site.

e)

Consultee and Third-Party Responses

Ash Parish Council – no objection raised. The following comments have been made:

"The parish council noted that while local knowledge indicates that this road is not used as a cut through and the traffic is very local, the access does not have clear visibility onto the Richborough Road going towards Cop Street, leading into Ash. It may be helpful to consider the use of a mirror to give a clear line of sight."

KCC PROW – no objection. Informatives recommended to be attached.

DDC Environmental Health – no observations.

DDC Waste Officer – views not received.

DDC Ecologist – I have reviewed the bat survey carried out by Mountfield Ecology and it is a very thorough report. I support all of its recommendations, which should form a condition of planning consent. The details of the mitigation strategy will of course be captured within the terms of a European Protected species mitigation licence, issued by Natural England and will depend upon the final design of the new buildings, which was unknown to the consultant at the time of writing the report. In summary mitigation/compensation measures for bats include:

- Three bat boxes of a suitable style for the bat species concerned (i.e. 1 x timber Kent-style bat box and 2 x Schwegler 2FN, or equivalent) must be installed either within the site area or within close proximity □ Bat exclusion measures will be required at building 6 with timber joints having one-way exclusion devices fitted by the ecologist.
- The commencement of works including any demolition of the various site buildings must avoid the winter bat hibernation period between mid-November and mid-March and the peak summer maternity period between mid-May and August (inclusive) and will be overseen by an ecological consultant.
- Works at buildings 4 and 6 (including any dismantling and/or demolition) must only commence between September and mid-November in order to ensure adequate time to construct the compensatory brown long-eared roost associated with building 6
- Compensation for the loss of brown long-eared roosts must include a designated roof void for the bats to utilise in the long-term. This should ideally be a minimum of 5m in length and width and 2.8m in height. It should be completed by mid-May at the latest, following commencement of works at buildings 4 and 6, to ensure the satellite roost is not left without a suitable roost space.
- The roof/walls of the designated void must be lined with traditional bitumen 1F felt only and the internal area of the void must be uncluttered with a basic rafter construction and timber ridge board.
- Crevice roosting boards must be incorporated into the roof void, positioned upon the underside of the rafters, to provide opportunities for bats to use crevices
- Dark flight paths and hedge lines will be required at the site in order to provide sheltered flight lines for bats to navigate to/from the compensatory roost features.

- Bat boxes must be retained for a minimum of 5 years post-development and the bat void must be retained and maintained for bat usage for a minimum period of 10 years post- development.
- A bat friendly lighting scheme following the published guidance of the BCT
- Post-development bat monitoring is required for two years. This should not take place in the first year following completion of the project and it may be appropriate to stagger the monitoring over alternate years.

Birds

- Evidence of nesting birds was found within the buildings. As such demolition works should avoid the nesting season between March and August or if this is not possible, then a check for nesting birds by a consultant ecologist, should be made within 48 hours of work commencing.

Enhancements

- Appropriate planting of native species to encourage insects. Hedge lines should be incorporated at the site wherever feasible in order to provide sheltered flight paths for bats. Night-scented flowering plants are especially beneficial to insects and in turn provide foraging opportunities for bats. A list of suitable species is included in Appendix 3 of the report.
- Bird boxes. The type of features and positioning are dependent upon the final design proposals, external finishes and site layout.

Kent Wildlife Trust – views not received.

Natural England – views not received.

f) 1 The Site and the Proposal

- 1.1 The application relates to a farmstead 'Potts Farm' which lies outside of any defined settlement confines and for the purposes of planning, it is considered to be within the countryside. Potts Farm is located north of Richborough Road, Ash and comprises a group of farm buildings consisting of a timber clad barn with a single storey lean to extension and a large modern Atcost style metal clad barn. The site is set down slightly lower than Richborough Road. At the time of site visit, it was noted that the timber barn, lean-to extension and single storey cow shed (as described within the planning statement) were in a state of disrepair whilst the Atcost barn is a typical precast concrete portal framed building. The site has an existing access off Richborough Road. The site lies at a distance of approximately 2.1 miles from the Local Centre of Ash (as defined in Local Plan Policy CP1).
- 1.2 Having reviewed the planning statement, it is understood that the site has been owned by the Connell family since 1945. The maps within the statement make it apparent that there was a building in a similar location as the existing timber barn since 1840s however, it also acknowledges that it may not be the same building. The planning statement concludes that whilst the timber barn is not considered to be a heritage asset, it does consider the building to be of local interest and that it is no longer required for agricultural purposes.
- 1.3 The application seeks permission for the change of use and conversion of timber barn and cart shed and erection of a single storey extension to facilitate conversion into single dwelling. The existing single storey lean-to extension to the timber barn and the

Atcost barn is proposed to be demolished.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- Convertibility of the buildings
- Non-designated heritage asset
- 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
- The impact on trees
- Drainage and flooding

Assessment

Principle of Development

- 2.2 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 adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.3 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has ‘failed’ the Housing Delivery Test), 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 (known as the ‘tilted balance’) or where specific policies in the NPPF indicate that development should be restricted.
- 2.4 Having regard for the most recent Annual Monitoring Report 2018/19, the Council are currently able to demonstrate a five-year supply and the Council have not ‘failed’ the Housing Delivery Test (achieving 92%). It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.
- 2.5 In respect of Policy DM1, the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council’s 2010 Adopted Core Strategy. In accordance with the Government’s standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, as it is out-of-date and, as a result, limited weight should be afforded to this policy.
- 2.6 Policy DM4 states that beyond the confines or rural service centres, local centres and villages, permission will be given for the re-use or conversion of structurally sound, permanent buildings where it is for commercial uses and for private residential use in buildings that are adjacent to the confines. The policy is considered to be broadly consistent with the aims and objectives of the NPPF which includes reuse of redundant buildings, albeit DM4 is more restrictive regarding residential conversions. It is therefore

not considered to be out-of-date and should continue to attract significant, albeit reduced, weight.

- 2.7 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The site is in a highly unsustainable location, located away from settlements (such that it would be unlikely to provide significant support for rural facilities and services) and would be wholly dependent upon the private car. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date and should continue to attract significant weight.
- 2.8 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. However, these policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. Whilst the blanket approach of refusing development which results in the loss of the countryside within DM15 is at odds with the NPPF, the policies are otherwise consistent with the NPPF, are not considered to be out-of-date and continue to attract significant weight in the assessment of this application.
- 2.9 Whilst it is considered that policy DM4, DM11, DM15 and DM16 are not out-of-date, it is concluded that Policy DM1 is out of date. Whilst DM1 is important in the determination of the current application, it is considered that, on balance, given that the development is in an unsustainable location and having regard for the degree of consistency of policies DM4, DM11, DM15 and DM16, the 'basket' of policies are not out of date and the 'tilted balance' is not engaged.
- 2.10 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.11 Policy DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services (for example shops, schools or a doctor's surgery). The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.12 The report contains an in-depth assessment of the degree of compliance of the proposal with policies DM15 and DM16 and whether the development would cause harm to the character and appearance of the countryside and the wider landscape under the section 'Character and appearance' of the report.
- 2.13 The site lies at a distance of approximately 2.1 miles from the nearest village 'Ash'. Therefore, the proposal does not benefit from the provisions of policy DM4. Further to this, having regard for the state of the structure, it is not considered that the farm buildings under consideration have any architectural merit and are therefore not considered worthy of conversion. It is noted that the planning statement makes reference to paragraph 79. Paragraph 79 of the NPPF supports the development that would reuse redundant or disused buildings and enhance its immediate setting. The proposal would

require substantial rebuilding of the existing structures, demolition of existing buildings and also involves building new structures. Overall it falls outside the remit of paragraph 79 of the NPPF (discussed at length within ‘convertibility of the buildings’ section).

- 2.14 The NPPF paragraph 78 requires that “housing should be located where it will enhance or maintain the vitality of rural communities” and paragraph 110 prioritises pedestrian and cycle movements and facilitating access to high quality public transport. Therefore, the proposal would be contrary to paragraphs 78 and 110 of the NPPF.
- 2.15 Regard has also been had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Convertibility of the Buildings

- 2.16 Prior to assessing the visual impacts arising from the proposed development, it is necessary to establish whether the existing buildings are considered to constitute a ‘genuine’ conversion.
- 2.17 The planning application is accompanied by a structural appraisal. Within the introduction of the appraisal, it has been confirmed that the findings are based on visual inspection. Having reviewed the appraisal, it is apparent that significant structural intervention together with other building works would be required for the proposed development. This would, it is considered, amount to new build with very limited help from the existing structures which are in a state of disrepair and insubstantial in nature. The following conclusion has been reached at the end of the structural appraisal.

“As part of the conversion the majority of the blockwork walls from the stores and stables we consider could be retained with adequate repairs and finishes, although we suspect these will probably be removed and replaced.

The frame of the timber barn is in need of repair which could be achieved by replacement or repair using resin and carbon rod technology. Additional support and bracing will be required. We consider however that the timber frame of the barn is not used to support additional loading and any new loads should be transferred on to independent foundations within the buildings.

Similarly, with the steel framed “Atcost” building, the steel frame is to be retained and to support the roof, however any new structure should be supported on independent foundations”.

- 2.18 The above conclusion establishes that the conversion would require new structural framework with new foundations. New walls, cladding, roofs would be required to be constructed as part of the proposed development. Having regard for the above, it is not considered the proposal qualifies as a conversion. It is noted that the planning statement makes reference to paragraph 79 of the NPPF. Paragraph 79 (c) supports the development that would re-use redundant or disused buildings and enhance its immediate setting. Therefore, it is necessary to note that the NPPF requires reuse of the existing redundant building and does not support rebuilding of insubstantial structures. In conclusion, it is not considered that the existing buildings qualify as ‘genuine conversions’ as they would require substantial works constituting a mix of rebuild and newbuild.

Non-Designated Heritage Asset

2.19 Historic England has published 'Conservation Principles, Policies and Guidance' which sets out a method for thinking systematically and consistently about the heritage values that can be ascribed to a place. People value historic places in many different ways. It has been grouped into four categories:

1. **Evidential value:** the potential of a place to yield evidence about past human activity.
2. **Historical value:** the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative.
3. **Aesthetic value:** the ways in which people draw sensory and intellectual stimulation from a place.
4. **Communal value:** the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

2.20 The planning statement relies on the historic maps which show that a building has been in the location where the timber barn is since 18th century. However, it also acknowledges that it may not be the same building. On this basis, the timber barn has been considered by the applicant to be of local interest and has been termed as a 'historic' barn in the planning statement. However, it is relevant to note that such barns are a common feature of rural areas (comprising of multiple farmsteads spread sporadically across the wider area). Whilst it is accepted that the existing buildings have been in agricultural use historically, it is not considered that the building holds significant evidential, historical, aesthetic or communal values. Therefore, it is not felt that the explanation within the planning statement constitutes a robust basis for the rebuilding of the insubstantial structures together with introduction of new buildings in a rural area in residential use.

Impact on the Character and Appearance of the Area

2.21 The site lies 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 should be refused, unless one of four criteria is met, and the development does not result in the loss of ecological habitats.

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

2.23 The application site constitutes a prominent corner plot and lies at the bend along Richborough Road. It is highly visible when approaching the site from the south by virtue of the siting of the buildings and the topography of the land. The timber barn, lean-to extension and the cart shed sit at a lower level than the road whilst the Atcost Barn sits at a higher level than the rest of the buildings on site. The application site abuts a narrow rural lane with no footpaths or streetlights and is bounded by hedges on both sides which gives the area a strong rural character. The application property and its neighbours lie within a predominantly open landscape comprising arable farmland, punctuated by similar small pockets of development focussed on farmsteads, often screened by trees. The area comprises very limited development and does not have any strong defining

character. It is reasonable to state that this is an isolated farmstead with the nearest residential property 'Sparrow Castle' being at a distance of approximately 150m. Potts Farm Cottages and Guston Cottages lie at a distance of approximately 300m to the south whilst a cluster of farm buildings (Guston Farm) lies at a distance of approximately 500m.

- 2.24 The intent of utilising the current form of the timber barn is noted together with the reduction in the overall footprint by demolition of the Atcost barn. The proposal would comprise substantial amount of new build together with rebuilding of the existing structures with a view to form a 6-bed single residential unit. Given the scale and siting of the proposed dwelling, views of the dwelling would be readily achievable from Richborough Road. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and retains a strong relationship with its rural context. Despite the large size of the existing Atcost barn, it sits comfortably within the rural area and whilst utilitarian, it is typical of agricultural buildings around farms and thereby reflects the agricultural character of its surroundings. The proposed dwelling is of substantial size and given its exposed location, it would appear prominent in views along Richborough Road and would be out of keeping with the prevailing agrarian character of the area. It would be seen together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, would jar with the relatively unspoilt rural setting and would have sub-urbanising effect to the detriment of the rural character and appearance of the immediate area. It would produce a prominent and dominant form of development which would be visually intrusive and at odds with the prevailing character of the area and harmful to the character and appearance of the countryside. The NPPF paragraph 170 calls for development to take into account the intrinsic character and beauty of the countryside. The proposed development fails to address this and is therefore unacceptable.
- 2.25 It has been established that the development would adversely affect the character of the countryside; as such Policy DM15 would apply. Regard must be had, therefore, 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 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 this very limited benefit justifies the development. Furthermore, no overriding justification has been provided that demonstrates why it needs to be in this location and why it cannot be accommodated elsewhere. Whilst the development would not result in the loss of ecological habitats (this issue is considered later in the report), as none of the four preceding criteria would be met, the development is contrary to Policy DM15.
- 2.26 Regard should also be had to policy DM16 of the Core Strategy which 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.
- 2.27 The topography of the land is relatively flat. By virtue of hedges along the rural roads and along the boundaries of the fields, the proposed dwelling would not be highly prominent in the wider landscape to the north. Therefore, it is not considered that the

proposed development would cause harm to the wider landscape. As such, the proposed development would not be contrary to policy DM16 of the Core Strategy.

Highways/Travel Impacts

- 2.28 Regard has also been had to 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 travel in a location beyond the settlement confines. The proposed development would therefore be contrary to policy DM11 of the Core Strategy.
- 2.29 The proposed development would utilise the existing accesses. 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 proposal makes adequate parking provision for off-street parking. Therefore, the proposed development would comply with policy DM13 of the Core Strategy.
- 2.30 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) could be secured by condition.

Impact on Neighbours

- 2.31 The site shares boundaries with Potts Farmhouse to the west. The finished dwelling would lie at a distance of approximately 22m from the existing dwelling. Therefore, no loss of light, loss of privacy, overshadowing or sense of enclosure would result from the proposal.
- 2.32 The proposed development would lie at a significant distance of approximately 150m from 'Sparrow Castle' to the south and approximately 300m from Potts Farm Cottages and Guston Cottages to the east. Having regard for the substantial separation distances, it is not considered that the proposed dwelling would cause harm to the residential amenity of the neighbouring occupiers.

Living Conditions of Future Occupiers

- 2.33 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a large private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

Ecology

- 2.34 The application has been accompanied by a bats survey. The Council's ecologist has supported the recommendations made within the survey (listed within the 'Consultations' section of the report). One of the primary recommendations include compensation for the loss of brown long-eared roosts must include a designated roof void for the bats to utilise in the long-term. The planning statement makes reference to the bat roost being incorporated within scheme however, no such details have been received. In the event that the planning permission is granted, the above recommendations could be secured via suitably worded conditions.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:
Appropriate Assessment

- 2.35 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.36 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.37 Following consultation with Natural England, the identified pathway for such a likely effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.38 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.39 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Drainage and Flooding

- 2.40 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.41 Whilst Southern Water have raised no objection in this instance, it is considered that in the event of grant of planning permission, pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal would be imposed.

Other Material Considerations

- 2.42 The NPPF, at paragraph 8, states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.

- 2.43 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.
- 2.44 With regards to the social and environmental roles, it is not considered that the proposal would result in the creation of a high-quality environment. Given the fact that the Council can demonstrate a 5-year housing land supply, the benefit associated with the provision of one dwelling would be negligible. Furthermore, it is considered that the proposed development lies in an unsustainable location and would not enhance or maintain the vitality of rural communities and would fail to prioritise pedestrian and cycle movements or facilitate access to high quality public transport, contrary to paragraph 110 of the NPPF. For the same reasons, the development would be contrary to Policy DM11 of the Core Strategy.
- 2.45 To conclude, the proposal would provide only limited economic benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environmental objectives relating to the detrimental impact to the countryside and the unsustainable travel patterns that the development would necessitate. It is not considered that the development represents 'sustainable development' and is, therefore, not supported by the NPPF and as such the development should be refused.

3. Conclusion

- 3.1 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 of the Core Strategy. 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 and paragraph 170 of the NPPF. The very limited benefits associated with the proposal are considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Finally, by virtue of its location, the proposal would constitute an unsustainable form of development and would therefore be contrary to the development plan policies and the NPPF.

g) Recommendation

- I Planning permission be REFUSED for the following reasons:

The proposed development, 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 residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car, and would result in an overtly domestic form of development in the rural area significantly and demonstrably harm the rural character and appearance of the locality contrary to policies CP1, DM1, DM11 and DM15 of the Core Strategy (2010) and paragraphs 78, 110, 127, 130 and 170 of the National Planning Policy Framework (2019).

- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Case Officer Benazir Kachchhi