

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

5 October 2022

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 13 October 2022 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive.

Chief Executive

Planning Committee Membership:

J S Back (Chairman)
R S Walkden (Vice-Chairman)
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
D A Hawkes
P D Jull
C F Woodgate

AGENDA

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

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

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 15 September 2022 (to follow).

5 **ITEMS DEFERRED** (Page 6)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 7-11)

6 **APPLICATION NO DOV/21/00626 - MANOR FARM, WILLOW WOODS ROAD, LITTLE MONGEHAM** (Pages 12-44)

Change of use of land to an airfield to include a runway, helipad, erection of 2 aircraft hangers, flight office and toilets, workshop/plant storage, glamping for 10 pitches, associated parking and a vehicular access track

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

7 **APPLICATION NO DOV/22/00333 - LAND SOUTH-EAST OF BIRNAM MUSHROOM FARM, HAMMILL ROAD, WOODNESBOROUGH** (Pages 45-58)

Erection of 7 dwellings, car ports, electric vehicle charging points, cycle/bin store, formation of new vehicular access, lay-by and associated parking and landscaping

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

8 **APPLICATION NO DOV/22/00262 - FOREST SCHOOL ACTIVITIES AND EDUCATION CENTRE, WOODPECKER COURT, 45 WIGMORE LANE, EYTHORNE** (Pages 59-84)

Erection of 2 buildings for use as catering unit and classroom, formation of car parking and turning area, installation of solar panels to existing store building, relocation of bin store, use of site for up to 60 students at any one time and occasional community use

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

9 **APPLICATION NO DOV/22/00493 - BARFRESTONE COURT FARM, BARFRESTONE ROAD, BARFRESTONE** (Pages 85-103)

Change of use of land/buildings to mixed use agricultural and wedding/events venue, installation of hard surfacing and associated parking provision

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

10 **APPLICATION NO DOV/22/00170 - LAND SOUTH-WEST OF TRYSTAR, ELLENS ROAD, DEAL** (Pages 104-112)

Outline application for a self-build project for a low-impact 3 to 4-bedroom dwelling, using sustainable design and construction methods (with all matters reserved)

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

11 **APPLICATION NO DOV/22/00971 - 8 BEECH TREE AVENUE, SHOLDEN, DEAL** (Pages 113-119)

Erection of a hip to gable roof extension with two front dormers and a rooflight and four high-level rooflights in the rear roof slope

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

12 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to appeals and informal hearings, and appoint Members as appropriate.

13 **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

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website. These meetings are only available for viewing live and the Council does not retain copies of the broadcast.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Governance Committee; (e) Planning Committee; and (f) Overview and Scrutiny Committee.

- When you register to speak at a meeting of the Council, you will be asked whether you want your personal data (name, voice and image) and comments broadcasted on our website as part of the meeting. We will be relying on your consent for this processing; if you do not consent this will not affect your right to speak at a Council meeting. If you do not consent the microphone and camera in the Chamber will be temporarily switched off when you speak.
- 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.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf

- 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 Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872303 or email: democraticservices@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

PLANNING COMMITTEE – 13 OCTOBER 2022

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

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

DOV/22/00262

Erection of two buildings for use as catering unit and classroom, formation of car parking and turning area, installation of solar panels to existing store building, relocation of bin store, use of site for up to 60 students at any one time and occasional community use - Forest School Activities & Education Centre, Woodpecker Court, 45 Wigmore Lane, Eythorne (Agenda Item 6 of 11 August 2022)

This application is dealt with elsewhere on the agenda

Background Papers:

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

SARAH PLATTS

Head of Planning and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

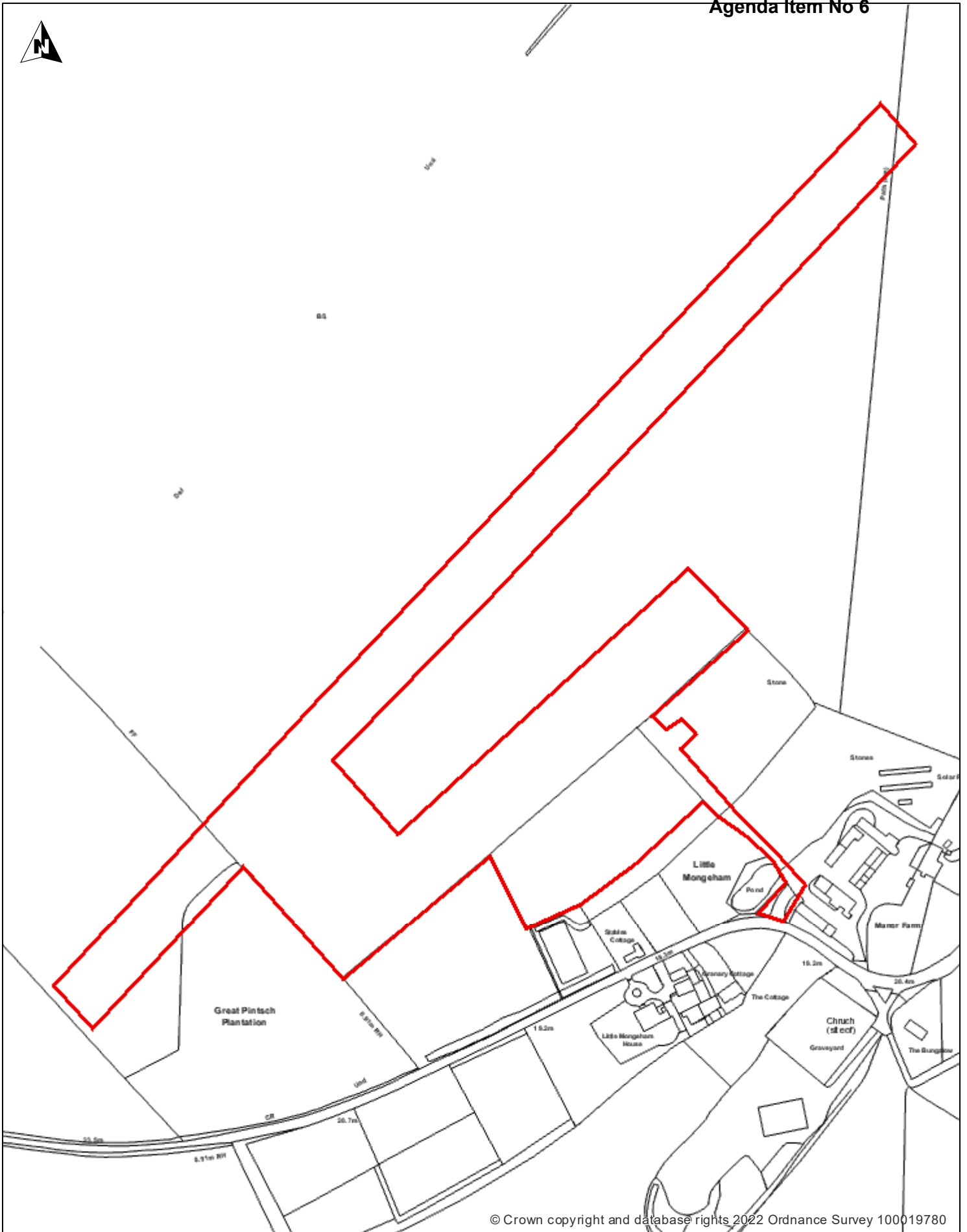
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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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21/00626
Manor Farm
Willow Woods Road, Little Mongeham
CT14 0HR

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/21/00626 - Change of use of land to an airfield to include a runway, helipad, erection of 2 aircraft hangers, flight office and toilets, workshop/plant storage, glamping for 10 pitches, associated parking and a vehicular access track - Manor Farm, Willow Woods Road, Little Mongeham**

Reason for report: Number of contrary views (668)

- b) **Summary of Recommendation**

That planning permission be refused.

- c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015)
- Saved Polices of the Local Plan (2002) (“**the Local Plan**”)

Relevant polices of the Core Strategy include:

- CP1: Settlement Hierarchy
- CP5: Sustainable Construction Standards
- DM1: Settlement Boundaries
- DM3: Commercial Buildings in the Rural Area
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision
- DM15: Protection of the Countryside
- DM16: Landscape Character
- DM17: Groundwater Source Protection
- DM19: Historic Parks and Gardens

Relevant saved polices of the Local Plan include:

- CO8: Development Affecting Hedgerows
- ER6: Light Pollution
- OS7: Proposals for Outdoor Sports and Recreation Facilities

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

Other information material to the consideration of the planning application includes:

National Planning Policy Framework

The Framework sets out the government's planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

The Framework provides a definition of general aviation airfields: licenced or unlicensed aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Specific reference is made to general aviation airfield at Framework paragraph 106: planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the government's General Aviation Strategy.

Other sections of the Framework are referred to, as relevant, in the assessment section of this report below.

Planning Practice Guidance

The Planning Practice Guidance ("**the PPG**") is a live document containing more detailed advice on how policies on the Framework should be interpreted and applied. It was first published in 2014 and is subject to frequent updates and revision.

In respect of development of airport or airfield facilities, the PPG states (ID: 54-012-20150313):

Aviation makes a significant contribution to economic growth across the country, including in relation to small and medium sized airports and airfields (aerodromes). An aerodrome will form part of a larger network. Local planning authorities should have regard to the extent to which an aerodrome contributes to connectivity outside the authority's own boundaries, working together with other authorities and Local Enterprise Partnerships as required by the National Planning Policy Framework. As well as the National Planning Policy Framework, local planning authorities should have regard to the Aviation Policy Framework, which sets out government policy to allow aviation to continue making a significant contribution.

Draft Dover District Local Plan

The draft Dover District Local Plan ("**the draft LP**") sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. The draft LP is still at an early stage in its preparation. The Regulation 18 consultation closed in March 2021. While the Regulation 19 consultation is due to be published shortly, at the time of the consideration of this application, the Regulation 18 version remains the most recently published draft. As such, and in accordance with paragraph 48 of the Framework therefore, whilst the draft

Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Relevant draft policies of the draft LP include:

- SP1: Planning for Climate Change
- DM1: Reducing Carbon Emissions
- DM2: Sustainable Design and Construction
- DM4: Sustainable Travel
- DM7: Surface Water Management
- DM9: Tree Planting and Protection
- SP8: Economic Growth
- DM24: Tourism and Tourist / Visitor Accommodation
- DM29: Highway Network and Highway Safety
- DM30: Parking Provision
- SP15: Place Making
- DM36: Achieving High Quality Design
- SP16: Protecting Designated Environment Sites
- SP17: Green Infrastructure and Biodiversity
- DM38: Biodiversity Net Gain
- DM39: Landscape Character
- DM40: Thanet Coast and Sandwich Bay SPA Mitigation Strategy
- DM41: Air Quality
- DM42: Water Supply and Quality
- SP18: Protecting the Historic Environment
- DM44: Designated and Non-Designated Heritage Assets
- DM45: Conservation Areas
- DM46: Archaeology
- DM48: Historic Parks and Gardens

Aviation Policy Framework (2013), Secretary of State for Transport

The Aviation Policy Framework generally has a wider focus on the commercial aviation industry and airports, but does make some reference to general aviation in respect of its value / benefits, relevance of maintain a network of aerodromes of varying sizes, as well as matters of ‘noise and other local environmental impacts’.

General Aviation Strategy (2015), Department for Transport

The government’s General Aviation Strategy presents its aims for general aviation, with work across four areas:

- *“thorough deregulation for general aviation (GA) so that it is policed only to the extent needed to comply with international obligations and to provide appropriate safety and security;*
- *meaningful engagement with GA by all Government departments on relevant future policies;*

- *stimulating employment in GA in terms of how many people are involved and how much they participate;*
- *supporting infrastructure that is appropriate in its extent, capability and location to deliver a mixed, modern fleet of aircraft flying between appropriately equipped aerodromes across well-defined airspace.”*

Aviation 2050: The Future of UK Aviation – A Consultation (2018), Secretary of State for Transport

This publication includes a section on supporting general aviation:

The government aims to ensure that there are appropriate and proportionate policies in place to protect and support General Aviation (GA) and its contribution to GDP and jobs. The government recognises that the needs of GA have to be seen in the wider context of civil and military aviation. In areas such as the use of airspace and the allocation of slots it is important to balance the needs of private flying, commercial GA and scheduled aviation, so that all classes of aviation are properly and proportionately considered and the benefits GA can be supported.

(Forward to chapter 7)

There is reference to some of the environment impacts of general aviation: that it can have adverse noise and other environmental effects:

This is particularly the case where arrivals, departures and circular flights can lead to periods of intense or consistent activity at aerodromes, including at weekends, that can be disturbing for some local residents. Helicopter activity can also be particularly intrusive due to the fact that helicopters tend to fly at low altitudes and can hover for some time at a single location.

(Paragraph 7.49)

General Aviation Roadmap (2021), Department for Transport

This presents a vision by the Department for Transport for GA:

“We want the UK to be seen as the best place in the world for aviation and this starts at the grassroots. It provides the entry point for careers in aviation, as pilots, engineers, scientists and other highly skilled professions; includes a number of vital businesses and services that are vital to the aviation sector; and is an enabler of innovation. We want GA to be a flourishing, wealth generating and job producing sector of the economy.”

The General Aviation Roadmap considers a network of airfields is a national asset, providing crucial connectivity both for business and emergency services, but also for leisure and sporting flying. It considers airfields offer potential for highly skilled, dynamic and innovative businesses to grow and flourish – be it for manufacturing and maintenance of aircraft, aviation services, flight training, and for research and innovation.

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the statutory development plan in determining an application for planning permission, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, 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.

d) **Relevant Planning History**

Relevant planning history for the application site comprises:

12/00353 Installation of 140 ground mounted solar panels and associated apparatus. Approved 27/06/12.

19/00468 Change of use of agricultural building to three dwellings. Prior approval refused 03/06/19 – that extent of building operations would be beyond scope of Permitted Development; and poor amenity of dwellings due to proximity to working agricultural buildings in respect of noise, flies, odour and general disturbance.

20/00331 Change of use of agricultural building to three dwellings. Prior approval refused 18/05/20 – area of curtilage and extent of building operations would be beyond scope of Permitted Development; and poor amenity of dwellings due to proximity to working agricultural buildings in respect of noise, flies, odour and general disturbance.

21/00340 Environmental Impact Assessment screening opinion in respect of creation of airfield, ancillary buildings and glamping pods. Screened negatively (16/04/21) that an Environment Statement (in accordance with Town and Country Planning (Environment Impact Assessment) Regulations 2017) is not required in relation to the development screened.

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

Consultation responses in full can be found on the online planning file. A summary has been provided below:

Great Mongeham Parish Council

Response 04/06/21 and 07/03/22. Objection:

- electric aircraft technology is not available

- use of leaded petrol is unsafe
- the use of helipad would also cause noise disruption
- little benefit to the community or employment opportunities
- noise most concentrated on pleasant summer days when residents are likely to be enjoying their gardens. Will ruin the rural tranquillity
- any flight training would radically increase movements
- considerable noise nuisance and loss of privacy to residents
- runway hazardous to walkers on public right of way
- question need for airfield
- contrary to local and national planning policy

Northbourne Parish Council

Response 17/05/21 and 10/03/22. Objection:

- little economic benefit demonstrated
- not provide a useful service to local residents or to the majority of residents in the district
- destroy a greenfield site by destroying habitats, more noise and diminishing the attractive vista
- residents' rural peace shattered by regular aircraft movements
- the application sets great store on the use of the site for electric planes, of which there are only three electric fixed wing planes registered in the whole of the UK
- no explanation for the redirection of footpath
- take-off or landing may not include trial landings
- impact on the bird life needs to be evaluated

Sutton Parish Council

Two responses, undated. Objection:

- lack of demonstrated economic benefit
- akin to allowing a light industrial unit to open in the middle of a greenfield site from both a noise and visibility perspective
- hangers visible from the road and footpath – harm to the landscape
- noise impact across the area. Detailed noise assessment needed
- question use of electric planes
- runway hazardous to walkers on public right of way
- take-off or landing may not include trial landings
- impacts on bird life
- risk to groundwater through storage of aviation fuel with an aquifer close to the surface
- area's tranquillity would be harmed
- lead pollution risks from aviation fuel
- roads not suitable for extra traffic

Sholden Parish Council

Two responses, undated. Objection:

- supports the objection made by East Kent Climate Action, with regards to carbon emissions, the dangers of aviation fuel and noise pollution
- support the objections made by Sutton Parish Council
- concerns regarding climate change, wildlife and the environment

Ripple Parish Council

Objection:

- impact on native birds and wildlife
- more detail needed on number of aircraft and movements
- more information needed on vehicle movements and car parking
- no evidence of significant consultation with local residents
- flight movements likely to be compressed into shorter windows of time
- lack of clarity of the method of operation and control of the airfield
- suggestion of electric aircraft operation is disingenuous
- more information needed regarding the storage of fuel and the necessary safety measures for emergency services

UK Civil Aviation Authority

Consultation response 12/04/21

- Encouraged by this proposal which aims to displace a high proportion of the Maypole airfield traffic. Encouraging to see long term viability of the scheme with the mixture of aviation and tourism use within the proposal and the inclusion of green aviation as a high priority.

Consultation response 24/09/21

- Regarding a public right of way located close to the proposed airstrip, refer to the CAA regulation document CAP168 (Licensing of Aerodromes) which concerns licensed aerodromes in the first instance. This offers best practice that could assist in decision making:

“Any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft.”
(Appendix 1A of CAP168)

National Air Traffic Service

- No safeguarding objection to the proposal.

Environment Agency

In consultation responses dated 24/05/21 and 18/08/21 the Environment Agency raised objection that the application did not demonstrate the risks of pollution to controlled waters are acceptable. Controlled waters are particularly sensitive in this location because the site is located on a principal aquifer and in close proximity to an SPZ3 for drinking water protection.

Further response from the Environment Agency (14/03/22) has advised, on the basis of there being no refuelling activity or maintenance of aircraft at the site, that its previous concerns have been addressed.

Officer comment: *what may comprise 'maintenance' of aircraft that could result in pollution risk to groundwater, opposed to pre-flight checks or other non-risk activities, are considered capable of being established through further information that could be submitted and secured by condition.*

Natural England

Consultation response 28/05/21

Further information is required to determine the impacts of development on the 'Thanet Coast and Sandwich Bay Special Protection Area & Ramsar', 'Sandwich Bay to Hacklinge Marshes SSSI', and 'Dover to Kingsdown SSSI & Special Area of Conservation':

- data needed in the shadow Habitat Regulations Assessment (sHRA) to demonstrate the majority of flights from the airfield will take place during summer months;
- surveys should be conducted to confirm what species could be impacted through collisions, including the trajectory taken by aircrafts gaining altitude;
- Dover to Kingsdown SSSI and SAC should be considered in the sHRA;
- noise resulting from aircrafts should be considered as a possible impact pathway in the sHRA;
- as the site could be regularly used by protected bird species, such that it could be considered 'functionally linked land' (FFL) for the non-breeding/wintering birds which are interest features for the Thanet Coast and Sandwich Bay SPA and Ramsar, a 'habitat suitability assessment' should be undertaken to determine the suitability of the proposal's location and surrounding area in respect of FLL;
- any recreational disturbance from visitors of the proposed glamping pods should be considered in the sHRA, including on FFL;
- given proximity of the site to Sandwich Bay to Hacklinge Marshes SSSI, development proposals must demonstrate how negative impacts to water quality and water levels are to be avoided and / or minimised.

Consultation response 22/10/21

- Additional information sought to determine the impacts of development on designated sites, including on: timing of flights; bird surveys or evidence that surrounding land is unsuitable to provide functional habitat for golden plover birds; aircraft trajectories; noise impacts; and FFL habitat suitability.

Consultation response 03/03/22

- Additional information sought to determine the impacts of development on: seasonality / timing of flights; bird surveys or evidence that surrounding land is unsuitable to provide functional habitat for golden plover birds; noise impacts (subject to assessment of the value of surrounding habitats); and FFL habitat suitability.
- Note the latest sHRA concludes that the fields surrounding the proposal are unsuitable to provide FLL for golden plover, but seeks further relevant information on the timing of sowing and harvesting of crops.
- A 'habitat suitability assessment' is still required to quantify the suitability of the surrounding habitat, as to whether or not it is FFL.
- For recreational disturbance: advise Dover District Council to consider this impact pathway through their strategic solution if appropriate.
- As the site is in proximity to Sandwich Bay to Hacklinge Marshes SSSI, which is designated predominantly for wetland features reliant on a high quality and stable water levels, development proposals must demonstrate how negative impacts to water quality and water levels are avoided and / or minimised.

Consultation response 20/06/22

- No objection, subject to appropriate mitigation being secured:
 - aircrafts to avoid flying over the designated sites and avoid flying at altitudes which have been evidenced to cause disturbance;
 - use of the airfield by helicopters to be for emergency vehicles only;
 - strategic mitigation to mitigate recreational disturbance.
- The sHRA provides detail on the crop rotations of the surrounding fields and it is demonstrated that suitable habitat has not been available to provide FLL to the species of the designated sites. The absence of FLL supports the conclusion that the proposed airfield will not impact species protected by the designated sites using land outside of their boundary.
- Information is provided by the applicant which suggests that aircrafts will fly at altitudes which will not disturb species protected by the designated sites and that aircrafts will avoid flying over the designated sites.
- It is confirmed by the applicant that the proposal will only be used by emergency helicopters.
- For recreational disturbance: advise Dover District Council to consider this impact pathway through their strategic solution if appropriate.
- In respect of Sandwich Bay to Hacklinge Marshes SSSI: advise that there are no hydrological connections near the proposal and therefore this impact pathway is redundant.

KCC Ecology

For matters relating to designated habitat sites, refer to consultation with Natural England reported above.

Consultation response 01/10/21

- Protected species: satisfied with the assessment of ecological baseline and proposed mitigation.
- Reptiles have been recorded on site, with proposals for avoidance and a supervised sensitive vegetation removal exercise to a suitable receptor site. Satisfied these measures are sufficient and can be secured via planning condition.
- Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, then mitigation measures need to be implemented during construction in order to protect breeding birds.
- Impacts of lighting to bats should be considered. Any lighting scheme to be controlled via condition.
- Measures to enhance biodiversity should be secured as a condition.

KCC Flood and Water Management

Consultation response 01/10/21

- Recommend the application is not determined until a complete surface water drainage strategy has been provided for review.

Consultation response 18/08/21

- The proposals seek to utilise natural infiltration from the impermeable roof areas with no further drainage details mentioned.
- The existing area including Willow Woods Road currently experiences surface water flooding and we would expect the development of the site to reduce the potential for uncontrolled run-off off-site due to the introduction of drainage systems and controls.
- We would require details of the proposed features or a form of mitigation to be utilised as we are concerned the roof run off will likely increase the rate at which the surface water will reach Willow Woods Road if left to flow naturally.
- Although this development has a relatively small roof area we would expect all measures to be taken so as not to exacerbate the existing flooding situation with control measures where possible.
- Information sought to support the proposed drainage strategy.

KCC Highways

Consultation response 21/05/21

- Further information sought in relation to the number of vehicle trips, vehicle speeds along Willow Woods Road and visibility splays.

Consultation response 09/08/21

- The proposed airfield could generate an increase in use of the existing access onto Willow Woods Road and visibility at the same needs to be appropriate.
- Whilst Willow Woods Road is subject to the national speed limit the nature of the section near the access is such that vehicles are unlikely to be travelling at such speed, and therefore surveys are required to determine speeds and the subsequent visibility requirements.
- With regard to the proposed permissive path, visibility splays are required at the connection point to Deal Road.

Consultation response 18/11/21

- Splays have been indicated to the left measuring 2.4 metres x 49 metres (34mph speeds) and to the right measuring 2.4 metres x 93 metres (38mph speeds). The splays are measured to the nearside kerb edge and are considered acceptable.
- The splays do not pass over land not within the control of the applicant or KCC Highways. Therefore, satisfied that the conditions outlined can be secured by a suitable condition.

KCC Public Rights of Way

The proposed development directly affects Public Right of Way EE420. The application does not identify or mitigate impacts the runway and intensification of the access would have on the public footpath.

The applicant should identify any serious safety implications would be addressed.

The proposed development would result in a significant loss of public enjoyment with effect to public safety, air quality and visual impact.

Where the vehicular access route crosses the footpath, a suitable crossing should be provided for users of all mobility unless the path is proposed for diversion as above.

The application highlights a permissive right of way, but this does not extinguish the definitive public right of way and should not be assumed an alternative route. Equally, the route proposed would still present public safety concerns being so close to the runway.

DDC Environmental Protection (EP)

Noise

The matter of noise from the operation of the proposed aviation use is relevant to the consideration of the planning application.

The applicant has submitted a Noise Assessment dated June 2021, an addendum to that report dated September 2021, and a second Noise Assessment dated May 2022. Other correspondence from the applicant's agent referring to noise matters has been received by the Council.

Given the nature of the application EP has obtained advice from external qualified consultants.

Schofield Lothian provided advice on the first Noise Assessment and its addendum, which sought further information.

The second Noise Assessment was reviewed by Mott MacDonald (as the lead consultant had moved from Schofield Lothian to Mott MacDonald in the time between the two reports).

EP has reviewed the Mott Macdonald report (August 2022) and endorse its conclusions that the proposed airfield development is "*likely to cause a loss of amenity for local residents and adverse effects on health and quality of life.*"

The NPPF at paragraph 174(e) states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution...

Based on this, EP raises objection to the application as the development would adversely affect existing residents by subjecting them to unacceptable levels of noise pollution.

Air Quality

Third party representations concerning air quality and health impacts of the proposed development are noted, but matters relating to composition of aviation fuel are beyond the remit of EP. In this, paragraph 188 of the NPPF is referred to:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

The site, nor the surrounding locality, is within a designated Air Quality Management Area or Clean Air Zone.

DDC Heritage

Reference to heritage is made within the submitted Landscape and Visual Impact Assessment (LVIA), which covers the potential visual impact of the proposed development.

Taking into account the scale and massing of the buildings, their location within the site, the general topography of the land, and vegetation cover, the impact this built form is considered to have on built heritage is less than stated: in my view there will be no harm to the significance of these heritage assets.

There could however be a potential impact in relation to noise on the setting of listed buildings in the vicinity of the site, Northbourne Court (a Grade II* Registered Park) and the character of nearby conservation areas.

Regard is had to Historic England GPA3: The Setting of Heritage Assets. This publication notes that ambience can contribute to the setting of heritage assets and consequently changes to the existing situation can potentially be harmful. However, it is important to note that a rural environment does not necessarily equate to tranquillity, or that changes to tranquillity necessarily would affect the setting of historic assets.

It has been raised by objectors that increased noise levels would impact on the tranquillity of the environment, harming the setting of historic buildings, sites and areas. These objectors consider that the increase of aviation traffic during the summer months, when people might be taking advantage of good weather to visit such places, would be significantly harmful and consequently have a negative impact on how those places / buildings were appreciated and experienced.

Due to the number of movements a day (even taking into account the seasonality of the function) and wider ranging flightpaths of the aircraft, I consider it unlikely that the development would cause harm to the experience of the historic environment. It is relevant the number of flights from the proposed runway can be controlled.

Recommend that conditions be used to restrict number of aircraft using the facility and number of aircraft movements to those set out in the application.

DDC Agricultural Consultant

The proposals are located within Grade 2 agricultural land.

Most of the site area comprises the airstrip itself, a helipad, and the aircraft tie-down / parking area; these areas would be grassed, and would not be irreversibly lost to agriculture, were a return to agriculture occur in the future.

The permanent development of buildings would be limited, being in a linear orientation located along the field edge near the south-western corner of the field. The remainder of the field would continue under arable cultivation.

The glamping site (0.79 ha) would be located within an adjoining grassed area which appears to have been uncultivated for many years.

Consequently, the proposed development would not involve a significant loss of agricultural land.

Southern Water

The proposed development would lie in very close proximity to a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. The Environment Agency should be consulted on this matter.

Kent Wildlife Trust

More detailed assessment work is needed in respect of the suitability of site and surrounding land for golden plover birds. This will inform potential impacts of the development on the Thanet Coast and Sandwich Bay SPA and Ramsar and any functionally linked land.

Due to the clear pathways of impact to the designated sites, these impacts should be assessed via an appropriate assessment, in consultation with Natural England.

Any potential ecological impacts across an area greater than 1km from the site should be considered.

Mitigation and enhancement should be suitable for the proposed use of the site, and mitigation and enhancement which cannot be completed on site should be delivered off site in suitable locations.

Biodiversity net gain should be secured.

Officer comment: since the response of the Kent Wildlife Trust, the applicant has engaged with Natural England and provided additional information on impacts to designated habitat sites.

RSPB

Concerns about the effects of aircraft (including helicopters) on wintering and breeding birds.

Thanet Coast and Sandwich Bay SPA and Ramsar Site is designated for its nationally important breeding population of little terns, nationally important wintering population of golden plovers and internationally important population of turnstones. The site also supports nationally important wintering populations of ringed plovers, sanderlings and grey plovers.

Sandwich Bay to Hacking Marshes Site of Special Scientific Interest (SSSI) underpins the SPA / Ramsar site and recognises the wintering and breeding interest. The presence of dark-bellied brent geese and shelducks in winter are notable features.

RSPB Lydden Valley reserve: the management of this 245-hectare reserve, much of which forms part of the designated site network, has a significant focus on breeding waders (including lapwings and redshanks) and wintering waterfowl, year-round.

The sHRA omits any mention of the proposed helipad.

Not acceptable to introduce bird-scaring or other management methods should this application be approved given the adverse effect on site integrity that this would pose to features of the Thanet Coast and Sandwich Bay SPA.

More information needed to understand disturbance of flights to the SPA / Ramsar.

Up to date information needed regarding golden plovers and functionally linked land.

The RSPB considers that this application should be refused due to a lack of information provided to the Council in relation to use of helicopters; the lack of any impact assessment of the breeding features of the SSSI over which the ascent / descent flight path is shown; insufficient detail in relation to the distribution of golden plovers and a failure to consider alternative options in the .HRA.

Officer comment: since the response of the RSPB, the applicant has engaged with Natural England and provided additional information on impacts to designated habitat sites.

Designing Out Crime Officer

Would require a condition to address designing out crime matters, including:

- secure gates and boundary treatment (could include densely planted native hedging);
- natural surveillance over parking areas;
- any shutters used on the hangars (should be as close to the building line as possible, to avoid the creation of a recess);
- space on the outside of the entrance of the glamping pods and hangars (should be well illuminated during dark hours);
- external lighting (should be approved by a professional lighting engineer);
- CCTV (should be installed);
- bin stores and cycle stores (to be secure and well lit); and
- a security management plan.

Consultee and Third-Party Representations

Representations received can be found in full on the online planning file. A summary has been provided below:

Representations of Objection

860 letters of objection to the proposed development have been received, raising matters including:

- harm to local wildlife and natural habitats that surround the site;
- detriment to the natural beauty of the surrounding area;
- impacts upon climate change against a climate emergency;
- noise pollution effects to neighbouring properties and more generally;
- amenity impacts would diminish quality of life;
- increased traffic and congestion caused by the proposals;
- loss of privacy and residential amenity from overhead flights;
- impacts to horses and equestrian activity;
- not an inclusive use of the site;
- an alternative location should be found;
- safety and amenity impacts on the public footpath running through the site;
- wider safety fears with to the surrounding vicinity;
- electric aircraft are not advanced enough to make a positive impact;
- economic effect will not be great enough to justify proposals.

Chocks-Go-Away

Multiple letters and representations have been received from 'Chocks-Go-Away', a community group and organisation formed to oppose the proposed airfield on the site at Little Mongeham.

A detailed submission from Chocks-Go-Away (dated 08/07/21) provides wide ranging comments including that:

- there is no need for additional airfield in Kent;
- there is no in principle policy basis to approved the application;
- other airfield applications have been refused due to impacts on amenity and the character of the area;
- there is risk of accidents, including impacts to equestrian activities, users of the highway and public right of way, bird strike risks;
- there is increased risk of crime;
- airfield would be used by an array of aircraft, including older/more noise ones;
- greater aircraft movements and noise disturbance would be on days of good weather, thus having a greater impact on surrounding residents;
- lead emitting fuel would have a detrimental health and environmental effect;
- impact on the rural tranquillity of the area;
- inaccuracies in the submitted Noise Assessment report
- a significant increase to noise and disturbance at the site, largely different its current farm uses;
- noise harm to residential amenity and the recreational enjoyment of the landscape by visitors;
- Northbourne Estate will be directly overflown on the approach for landing, affected by noise and impacting its amenity and heritage value;
- refuelling could impact the groundwater source protection zone located at the boundary of the site;

- impact of noise on roosting habitat for a number of protected bat species;
- glamping pods will introduce built form, human activity, light pollution and noise that will disturb habitat;
- there may be a presence of dormouse on the site, requiring surveys;
- the proposal offer no biodiversity gain;
- submitted visual study materially under-represents the harm resulting from the proposal;
- the hangars and its materials used will not be in keeping with the character of the area;
- low flying aircraft will materially impact heritage assets, as the noise and visual intrusion is not in keeping with or appropriate to the setting;
- there would be loss of Grade 1 agricultural land, not lower Grade 2 as the applicant and DDC's consultant considers;
- no meaningful job creation or economic contribution by the proposed scheme;
- aero-camping inaccessible and an exclusive tourism model;
- aero-campers would not access local services/facilities;
- noise impacts will harm the amenity of the area and surrounding businesses;
- a loss of privacy for local residents, be both intrusive and unwelcome;
- there has been a lack of community involvement in the formation of the scheme.

Other letters by/on behalf of Chocks-Go-Away amplify or raise further objections including that:

- the visual impact of development is materially underrepresented;
- leaded fuel from planes presents a risk to children;
- development does not comply with Core Strategy policies CP1, CP6, DM1, DM3, DM11, DM13, DM15, DM16, DM17 and DM19, as well as saved Local Plan policy OS7;
- development is contrary to paragraphs 8 and 11 of the Framework and does not comprising sustainable development, as well as contrary to other paragraphs in sections relating to the economy, healthy and safe communities, sustainable transport, the natural environment, and heritage;
- the Noise Assessment report does not provide sufficient information to be able to accurately determine the impacts of the development;
- overhead aircraft will be dangerous to users of the highway including motorists and horses;
- harm to safety and amenity of public footpath;
- unacceptable risk to groundwater – a condition restricting all maintenance is unreasonable;
- refuelling may still take place by portable containers;
- an appropriate assessment of the impacts of the development on designated habitat sites cannot rule out disturbance on those sites;
- the development is unsustainable on heritage grounds;
- the development plan is not out of date in relation to the proposed development;
- paragraph 106f of the Framework relates only to policy making and then to 'maintaining' general aviation airfields, not provision of new airfields;
- the applicant's LVIA does not properly consider the impacts of development;
- harmful to Local Character Area (LCA) F2 Northbourne and LCA F3 Ripple;
- harm to tranquillity; and

- the applicant's Noise Assessment indicates potential for significant increases in maximum and average ambient sound levels, and decrease in levels of tranquillity. In addition to its other representations, Chocks-Go-Away has submitted a petition with 455 signatures objecting to the application on the basis that:

“developers propose to build an airfield at Little Mongeham, with an estimated 7500 take offs & landings per year from dawn to dusk, concentrated in good weather, with low flying planes bringing noise & air pollution to the surrounding area”

Representations of Support

668 letters of support have been received, which include the following comments:

- the aviation industry is under threat – more airfields are greatly required,
- the recent closure of Manston airport and Maypole airfield has led to a lack of general aviation facilities in Kent;
- would increase tourism in the local area;
- increased employment opportunities;
- the lack of pesticides used, compared to farming, will lead to increased diversity within habitats and species;
- general aviation is an important resource, affirmed by the Department for Transport;
- noise and environmental impact will be far less that envisaged by many;
- will support education opportunities for younger people.

1. The Site and the Proposal

The Site

- 1.1 The site comprises part of an existing farm and agricultural land to the north of Willow Woods Road, Little Mongeham (“**the Site**”).
- 1.2 The Site can be considered as:
 - the existing access from Willow Woods Road up to and past a group of farm buildings;
 - an enclosed grassed field measuring some 225m by 60m; and
 - a larger area of farmland to the north and north west of that.
- 1.3 Levels of the Site rise from south east to north west, with the open farmland higher than the grassed field and access.
- 1.4 The Site is approximately 1.5km from Great Mongeham to the east, with the western extent of Sholden beyond that; approximately 1.6km from East Suddal to the south west; and approximately 0.7km from Northbourne to the north. There are other more disbursed properties (many residential) along Willow Woods Road and other rural lanes in the vicinity of the Site.
- 1.5 A public right of way / footpath (part of the White Cliffs Country Trail) runs north-south from the main access through the open farmland to the east of the Site.

- 1.6 The Site is considered to be grade 2 best and most versatile agricultural land.
- 1.7 The Site is not within a conservation area or contains any designated heritage asset. It is located within flood zone 1.

The Proposal

- 1.8 Planning permission is sought for change of use of the Site to a general aviation airfield, including two aircraft hangars, and camping facility with 10 glamping pods and service / storage building (“**the Proposed Development**”).
- 1.9 Built elements of the Proposed Development are described in more detail:
- hangar 1 would measure some 83m by 15m, rising to a height of 4m through a range of shallow pitched roofs. It would accommodate up to 10 aircraft across five bays, plus a small office and equipment store;
 - hangar 2 would measure some 75m by 15m, again rising to a height of 4m through a range of shallow pitched roofs. It would accommodate up to 10 aircraft across five bays;
 - the two hangars would be positioned together, adjacent to the hedgerow along the south eastern edge of the Site or that separates the aviation activities from the camping field;
 - each hanger would be finished in green metal cladding, with a green steel sheeting roof, and green metal concertina doors along its north western façade;
 - to the north east of the hangars, adjacent to the hedge boundary is an area shown for parking of 12 vehicles that would be constructed of rolled aggregate;
 - the camping field would accommodate 10 glamping pods, each a triangular prism shape, measuring 6m by 5.5m, to an apex / ridge height of 4m. Each pod would contain a sleeping / living area, shower and toilet facilities, and a small kitchen. The glamping pods would be finished in green metal sheeting and composite cladding;
 - within the camping field would also be a service / storage building, measuring 3.5m by 5m, single storey with a pitched roof over, and similarly clad to the glamping pods;
 - a new vehicular track, constructed from rolled aggregate, would be created from the group of existing farm buildings, through the camping field, to the aviation facilities. This access track would necessitate the loss of two sections of hedgerow;
 - a low post and wire fence around the runway and operational part of the airfield would be erected.

- 1.10 The proposed runway would measure 750m in length and be mown grass, not requiring any engineering works. The south western end of the runway would require the removal of a number of trees along a field boundary.
- 1.11 In front of the hangar buildings is proposed an area for aircraft parking / tie-down.
- 1.12 A helipad is shown on the proposed layout, which would require lighting as / when a helicopter may wish to land on the Site.
- 1.13 The applicant's Planning Statement and Noise Assessment report presents matters relating to the operation of the airfield, including:
- there would be an average of 20 aircraft movements per day (take-off or landing), with a maximum of 7,500 movements a year;
 - activity would be greater in summer months, with up to 40 aircraft movements per day;
 - as the number of take-offs and landings may not be equal on a particular day, accounting for pilots wishing to stay overnight, there would be up to 30 departures on a particular day;
 - there would be no departures before 07.30 or 08.00 on Sundays, with flying able to continue until sunset; and
 - no 'private' or 'commercial' helicopters would operate from the airfield.
- 1.14 The Noise Assessment explains that should the proposed airfield wish to accommodate events with a larger number of aircraft movements (providing the Council has been notified at least one month in advance), departures may exceed 30 in a day.
- 1.15 The airfield noise management plan in the Noise Assessment includes reference to maximum aircraft take-off weight of 2,500kg; that there would be no commercial use or formal training or repetitive circuit flying; that there would be no powered paragliders; and that aerobatics would not be undertaken in the vicinity of the airfield.

2. Main Issues

- 2.1 The main issues of this planning application, for the Proposed Development on the Site, are:
- Principle of Development
 - Landscape Character and Visual Amenities
 - Heritage
 - Noise Impacts
 - Habitats and Biodiversity
 - Ground Conditions
 - Transport & Highways
 - Climate Change and Sustainable Design
 - Other Matters
 - Benefits of Development

- Planning Balance

Assessment

Principle of Development

- 2.2 The Proposed Development is considered to be an outdoor recreation facility, for which there is provision under saved Local Plan Policy OS7.
- 2.3 Policy OS7 seeks to locate development for outdoor recreation within or on the edge of the largest towns in the District; or where facilities are proposed in a more rural area (such as the Site) development should satisfy only an identified local need. The Framework too seeks to plan positively for new recreation facilities (paragraphs 93 and 98), but differs from Policy OS7 in referring only to an assessment of need for policy-making rather than the consideration of planning applications.
- 2.4 In this context regard is had to the wider policy position relating to general aviation. The PPG identifies government policy to allow aviation to continue, to maintain a network of aerodromes of varying sizes (with weight to be given to any benefits they may provide); and the Framework (paragraph 106f) recognises that airfields will need to change and adapt over time. Reference is also had to the application submission that the Proposed Development is not speculative, rather the Site has been selected in respect of the sought requirements of a group of local pilots seeking to replace a recently closed facility at between Canterbury and Herne Bay (Maypole).
- 2.5 Whilst the airfield, with aero camping provision, would offer facilities for perhaps more than just local use, this in principle is considered consistent with the Framework and the government's general aviation guidance. Thus it is the more detailed impacts of the airfield (as to its overall acceptability) that should be considered, rather than raising any in principle objection to the Proposed Development.
- 2.6 The proposed glamping pods and camping field are described by the applicant as offering accommodation principally for the aircraft owners and visiting pilots, but would be available to walkers, cyclists and aviation enthusiasts too. If ancillary to the airfield, the principle of that development would be accepted in the same policy context as the aviation facilities.
- 2.7 But if considered on its own merits, the glamping pods and campsite (in principle) would benefit from Framework paragraph 84c, which encourages tourism and leisure development in rural areas (where they respect the character of the countryside), as well as draft LP Policy 24 (Tourism and Tourist / Visitor Accommodation) that supports appropriately located camping / glamping schemes.
- 2.8 The Site is located in the countryside, outside of any defined settlement defined by Core Strategy Policy CP1. Little Mongeham is at most a hamlet in the rural area and unsuitable for development unless that development functionally requires a rural location.
- 2.9 Core Strategy Policies DM1 (Settlement Boundaries) and DM15 (Protection of the Countryside) apply the sustainable objectives of Policy CP1, restricting development outside settlement boundaries / within the countryside, subject to specific exceptions. Such exceptions include (consistent with Policy CP1) where development functionally requires such a location – that it cannot be located within existing settlement boundaries.

- 2.10 Given the size and nature of the airfield and campsite, a suitable site within settlement confines is extremely unlikely to be available. Thus the Proposed Development, as well as deriving in principle support from saved Local Plan Policy OS7 and the Framework, is compliant with Policies DM1 and DM15.

Landscape Character and Visual Amenities

- 2.11 Core Strategy Policy DM16 seeks to protect the District's landscape character. It does not preclude development where some landscape impact might occur, but requires its location, design and any mitigation be appropriate to its surroundings.
- 2.12 The physical aspects of the Proposed Development are described above, noting the runway itself would simply be mown grass. In addition, the Proposed Development would result in the loss of existing vegetation – 20m stretch of trees to accommodate the south western end of the runway; and sections of hedges to allow for the new access track.
- 2.13 Impact of noise from aircraft on the area's landscape character is considered relevant.

Landscape

- 2.14 The applicant's Landscape and Visual Impact Assessment (LVIA) describes the Site and surrounding area, with reference to the Dover District Landscape Character Assessment (2020). The Site is located with LCA F2 Northbourne, to the north of Willow Woods Road, whilst to the south is LCA F3 Ripple.
- 2.15 The LVIA presents the key characteristics of the two LCAs, considering the Site and its immediate surroundings to reflect:
- re LCA F2 a generally rolling topography; with small blocks of woodland that break up larger arable fields which are intensively farmed for mixed crops; providing some exposed or expansive views in places, whilst others are enclosed by woodland and the rolling topography; having a strong public footpath network; and presenting a rural and tranquil landscape with narrow lanes beyond the major road network; and
 - re LCA F3 extensive and panoramic views; a large-scale arable landscape; and a network of narrow rural lanes with grassy verges.
- 2.16 The LVIA refers to landscape management objectives including to conserve the traditional landscape pattern through maintenance of hedgerows; and to conserve and enhance areas of woodland. For LCA F2, objectives also seek to protect the recreational use of the landscape and conserve elements of tranquillity associated with its isolated rural character.
- 2.17 The LVIA considers the magnitude of change on the landscape (including the loss of some trees and hedgerow) to be low or at worst medium in respect of the area's recognised tranquillity, and that the significance of impact is no more than minor.
- 2.18 In respect of (i) the single storey height and positioning of the hangar buildings and aircraft tie down area, screened on two sides by trees / hedges and at a lower level than open

farmland to the north and (ii) the enclosure of the camping field and glamping pods by strong field boundaries, the applicant's LVIA conclusions of a minor impact (even with regard to the loss of some vegetation) are considered reasonable.

- 2.19 However the applicant's assessment of a minor impact on the value of the public footpath that crosses the Site and sense of tranquillity is considered understated.
- 2.20 Comments from KCC Public Rights of Way Officer identifies the relationship between the runway and alignment of the public footpath would result in a significant loss of enjoyment or amenity for its users. This impact is considered greater than of 'low magnitude' and 'minor significance' asserted by the LVIA.
- 2.21 The LVIA sets out that as the area's tranquillity is already disturbed / diminished by existing light aircraft any impact of the Proposed Development would not be significant. This assertion is not consistent with the baseline noise surveys carried out by the applicant and Chocks-Go-Away. These surveys include observations of existing general aviation in the area, but found such aircraft be at higher altitudes and quieter than those that would be associated with the Proposed Development. A review of the applicant's Noise Assessment considers the sound characteristics of departing aircraft, the change in noise levels, and increased frequency lower altitudes of aircraft movements are likely to be clearly distinguishable from the current baseline.
- 2.22 The Proposed Development would therefore have greater impact on the landscape's acoustic character.

Visual Impact

- 2.23 The LVIA identifies a zone of theoretical visual influence, which has informed the selection of two viewpoints: one from the public footpath to the east / crossing the north eastern end of the runway (VP1); the other from the north west at the Northbourne Lane / Mill Lane junction (VP2).
- 2.24 From VP1 the built development would be obscured by the Site's topography and that of the surrounding land, such that the hangars would not be seen. The camping field / glamping pods would be hidden by existing hedges.
- 2.25 From VP2 the long stretch of hangers would be visible; but seen against a continuous backdrop of trees, with green metal cladding and at a distance of some 700m, it is considered the buildings would have no more than a minor visual impact.

Tranquillity

- 2.26 The acoustic change to the area surrounding the Site would negatively affect its recognised landscape character.
- 2.27 Further to this, regard is had to Framework paragraph 185, which requires development to be appropriate for its location, including to protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

- 2.28 The Dover District Landscape Assessment recognises the rural and tranquil qualities of the area, but for that to be specifically protected (beyond landscape character) the area must also be prized for its recreational and amenity for this reason.
- 2.29 The area of noise influence surrounding the Site, as set out in the applicant's Noise Assessment, includes a number of connected public rights of way. Whilst these offer some recreation and amenity they are considered (recognising that such a network of footpaths is widely spread across other parts of the District) to not establish an area that meets the threshold of being 'prized' for recreation and amenity due to its tranquillity.
- 2.30 Within the same area is open space / playing fields associated with Northbourne Park School and Northbourne Park registered park and garden. These again provide amenity and recreation benefits for their users, but recognising that both are privately owned without (or with limited) public access, and are not wider visitor attractions, they again fall short of a threshold where the area could be considered 'prized' for its tranquillity (unlike say a country park open to the public).
- 2.31 Similarly, whilst local residents certainly cherish the amenity their properties provide, which may include value attached to the tranquillity of the area, such amenity is not unique to the area surrounding the Site and also falls short of the 'prized' threshold in the context of the Framework.

Heritage

- 2.32 The LVIA submitted with the application considers impacts of the Proposed Development upon the setting of Northbourne Court Grade II* park & garden, Northbourne Conservation Area, and listed buildings of heritage importance.
- 2.33 Advice from DDC heritage officers, taking into account the low height / massing of the buildings and their screened location within the Site, and the general topography of the land and vegetation cover, is that there would be no harm from the built form to the significance of these heritage assets.
- 2.34 In respect of noise from aircraft movements, whilst there would be some impact upon the acoustic character of the area, heritage officers consider (with the ability to control the number of flights from the runway) that this would not be so great as to harm the wider experience of the historic environment.
- 2.35 In these circumstances a position of no heritage harm is reached, and provisions of the Framework relating to where development would lead to substantial (paragraph 201) or less than substantial harm (paragraph 202) are not engaged.

Noise Impacts

- 2.36 The applicant has submitted a revised Noise Assessment (May 2022), which has been considered by external consultants ("**the Noise Review**") on behalf of Environmental Protection officers.
- 2.37 In its summary, the Noise Assessment considers, using noise data for examples of the likely range of aircraft expected to use the airfield, along with background survey work,

that no impact is likely occur if noise levels are averaged out across the daily operational period.

- 2.38 For individual flights, the applicant's Noise Assessment recognises they will be louder than existing GA movements at the closest receptor locations, sporadically punctuating the rural soundscape, such that some impact will occur. But through measures of mitigation, (including optimal flight routing, operational limitations and management measures) the Proposed Development is appropriate (as considered by the Noise Assessment) in noise terms.
- 2.39 The Noise Review considers otherwise. The Proposed Development would result in an increase in noise, measured either as the equivalent continuous level or as louder and more frequent maximum levels. This impact would fall in the range described in national noise policy (including the Noise Policy Statement for England) as between the lowest and the significant observed adverse effect levels (LOAEL and SOAEL) where noise policy says effects should be mitigated and minimised.
- 2.40 The Noise Review takes account of the mitigation measures proposed by the Noise Assessment, but considers that the proposed aviation activity would still be distinguishable from the current (baseline) sound environment to such an extent as to cause a loss of amenity for local residents and some adverse effects on health and quality of life.
- 2.41 The Proposed Development is therefore considered contrary to paragraph 185 of the Framework that requires development to be appropriate for its location, taking into account likely effects of pollution on health and living conditions – avoiding noise giving rise to significant adverse impacts on health and quality of life.
- 2.42 The Proposed Development is also contrary to the final part of Local Plan Policy OS7, requiring facilities for outdoor recreation to not cause harm to residential amenity through noise or other impacts.
- 2.43 The applicant has provided details of other airfield operations in Dover District where it considers there is no objection to flights or even support. But the Proposed Development here is being considered on its merits, against current planning policy, in the specific context of the Site.

Habitats and Biodiversity

Designated Sites

- 2.44 The planning application is accompanied by a shadow Habitat Regulations Assessment ("**the sHRA**"), which has been revised in response to consultation advice and engagement with Natural England.
- 2.45 The latest sHRA (May 2022) identifies designated sites of Thanet Coast & Sandwich Bay SPA and Ramsar, protected under the Conservation of Habitats and Species Regulations 2017, for which assessment is required as to whether or not the impacts of the Proposed Development are likely to have significant harmful effects on their conservation objectives. These objectives relate to the favourable conservation / protection of specific species of birds - little terns, turnstones and golden plovers.

- 2.46 The sHRA considers the impact of the Proposed Development on these sites in respect of four potential pathways: (i) loss of habitat or disturbance to birds utilising habitats outside the SPA / Ramsar; (ii) non-recreational disturbance to birds using the SPA / Ramsar; (iii) recreational disturbance to birds using the SPA / Ramsar; and (iv) reduced water quality.
- 2.47 The sHRA considers the Site and its immediate surrounds to be of negligible value for little terns and turnstones. For golden plovers, the sHRA provides further assessment: it considers current early season growth of oil seed rape creates sub-optimal habitat for golden plover; and records of crop rotation on relevant fields show this unsuitability of habitat has been the case over a sustained period of time.
- 2.48 For the camping field, the sHRA considers the grassland cover is also unsuitable golden plover habitat.
- 2.49 In terms disturbance to the SPA and Ramsar sites from aircraft, the sHRA presents that the majority of flights will occur in summer months, whilst greater populations of turnstones and golden plovers are found in the winter; that flight height of little terns is generally much lower than that of aircraft; and operational procedures for the Proposed Development would direct pilots away from flying over the SPA and Ramsar sites or aircraft heights would be at least 1,500ft.
- 2.50 In respect of bird strike potential for planes taking off and landing on the Site, the sHRA considers, with regard to commitments to future flight paths and the general behaviour of bird species, this likelihood to be extremely unlikely. The sHRA also considers this context would make it extremely unlikely that bird species (as important to the SPA and Ramsar sites) would be subject to significant noise disturbance from aircraft.
- 2.51 In terms of helicopter flights, the sHRA considers these would be limited to emergency helicopters on an 'as needed' basis only, as well as there being a likely absence of bird species (for which the SPA and Ramsar sites are designated) within the range over which disturbance might occur.
- 2.52 For recreational disturbance to the SPA and Ramsar sites from glamping pod visitors, the Council's established mitigation framework (Thanet Coast and Sandwich Bay SPA Mitigation Strategy, as agreed with Natural England in 2012) is relevant. In particular that a contribution towards mitigation is only required for residential development of more than 10 dwellings.
- 2.53 In line with this document, given the limited scale of the overnight / glamping development, a contribution towards the 'Thanet Coast and Sandwich Bay SPA Mitigation Strategy' is not considered necessary as the costs of administration would negate the benefit of collecting a contribution. However, the Proposed Development would still be mitigated as the Council would draw on existing resources to fully implement the agreed strategy.
- 2.54 With regard to water quality, the sHRA confirms there are no surface water pathways between the Site and the SPA and Ramsar sites; other measures are in place to protect groundwater; and suitable foul water drainage can be provided through bio tank facilities as secured through condition.

- 2.55 In its final consultation response (20/06/22), Natural England considers the assessment and mitigation measures presented by the sHRA to be appropriate to avoid impacts to the SPA and Ramsar sites, as well as with regard to ‘Sandwich Bay to Hacklinge Marshes SSSI’ and ‘Dover to Kingsdown SAC and SSSI’.
- 2.56 Natural England advises that these mitigation measures (for aircraft to be directed to avoid flying over the designated sites and / or to fly at appropriate altitudes; and for the use of helicopters to be limited) must be secured through any planning permission.
- 2.57 Such detailed information as to how these measures would work in practice and be fully effective has not been seen, but is considered necessary at this stage rather than to be submitted later as required by condition or legal agreement. Such information would then allow a formal assessment under the Conservation of Habitats and Species Regulations 2017 to be carried out by a competent authority.
- 2.58 However, in the absence of that most detailed information, the Proposed Development is considered contrary to the Conservation of Habitats and Species Regulations 2017 and the Framework and objection is raised.

Other Ecological Matters

- 2.59 An Ecological Impact Assessment relating to other wildlife matters has been submitted by the applicant. This identifies impacts of the Proposed Development including a loss of approximately 20m of tree line and 5m of hedgerow; potential impact on a population of common lizard; loss of bird habitat from removal of vegetation; potential lighting impact on foraging/commuting bats; and possible disturbance to hedgehogs, brown hare or harvest mouse.
- 2.60 To provide avoidance or mitigation, the Ecological Impact Assessment provides a number of measures including replacement planting with native species; supervised habitat clearance in the camping field to avoid harm to reptiles; creation of new suitable reptile habitat (two hibernacula); avoidance of vegetation clearance in bird nesting season; controls to ensure sensitive lighting; covering of any construction trenches / holes overnight to prevent animals falling in; and final checks for harvest mouse nests.
- 2.61 These prevention/mitigation measures along with new landscape planting around the east/west boundaries of the camping field can be secured by condition.
- 2.62 KCC Ecology agrees with the findings of the Ecological Impact Assessment.
- 2.63 Overall the Proposed Development, in this regard, is considered compliant with Framework paragraphs 174 and 176.

Ground Conditions

- 2.64 The Environment Agency (EA) identifies the Site to be adjacent to an area of groundwater source protection and above a principal aquifer. Initial objections of the EA relating to a lack of information and risk assessment have been addressed by the applicant with agreement reached that there would be no refuelling or maintenance of aircraft on the Site.

- 2.65 In term of refuelling, this is considered to comprise larger tanks and associated filling facilities (noting that objectors raise issue that hand carried vessels could still be brought onto the Site).
- 2.66 In respect of maintenance, there is a wide range of different activities / actions that can be undertaken to aircraft, from essential pre-flight checks to more extensive servicing / repairs. Should planning be granted it would be recommended that a clear and enforceable schedule of what can and cannot be carried out to aircraft on the Site be submitted by the applicant and approved in consultation with the EA.
- 2.67 With regard to foul drainage, the application shows a foul bio-tank to serve the glamping pods and similar would be required for the WC facilities in the hangar 1. It is reasonable to secure final and suitable details of this through condition.

Transport and Highways

- 2.68 Core Strategy Policy DM11 seeks to restrict development outside of defined settlements in order to help manage travel demand. Whilst Policy DM11 is not wholly consistent with the Framework that places a greater emphasis on promoting sustainable modes of travel in all locations and recognises that such solutions will vary between urban and rural area, it still makes provision to allow proposals in the countryside where justified by other development plan policies. In the case of the Proposed Development, as its principle is accepted against Local Plan Policy OS7, it is also considered compliant with Policy DM11.
- 2.69 Policy DM11 further restricts development that would generate high levels of travel to be located only in areas well served by a range of transport modes. In response, the applicant has provided details of vehicle movements of an airfield in Sussex (Deanland Airfield), recording an average of 38 weekday vehicle movements and 68 weekend movements, noting that that is a larger facility than the Proposed Development. Whilst not verified these figures provide useful reference that the Proposed Development is not considered a major trip generator.
- 2.70 The applicant has undertaken speed surveys along Willow Woods Road and has shown how adequate visibility splays for the existing access are / can be provided (to the satisfaction of KCC Highways).
- 2.71 For where the proposed permissive footpath would join Deal Road, suitable pedestrian visibility splays (1m back from the edge of the carriageway and to the Deal Road / Lane junction the north and a distance of 30m to the south) are required, as can be secured through condition.

Public Right of Way

- 2.72 The eastern corner tip of the runway would cross public right of way EE420 (forming part of the White Cliffs Country Trail). This footpath runs generally north-south to the east of the Site through land owned by the applicant.
- 2.73 It is noted that the public right of way is a footpath for walkers only and not equestrian or cycle use.

- 2.74 In terms of any safety implications, the Civil Aviation Authority (CAA) does not raise this as an overriding matter of objection or concern. Instead, the CAA has specific relevant guidance – that “*any public right of way crossing or bordering the landing area shall be adequately sign-posted with notices warning the public of danger from aircraft.*” Such signage can be secured via condition.
- 2.75 The applicant’s Planning Statement identifies numerous other airfields where there is such a similar situation.
- 2.76 Nevertheless, the relationship between the runway and alignment of the public footpath would result in the loss of enjoyment or amenity for users of the footpath. Whilst this impact is mitigated to an extent by the Proposed Development including an alternative, permissive footpath around the end of the runway, there remains an overall impact to the footpath’s amenity.

Climate Change and Sustainable Design

- 2.77 In relation to the challenge of climate change, the Framework presents that development should seek to avoid vulnerability to the range of associated impacts arising; and through design considerations minimise energy consumption.
- 2.78 Development management policies of the draft LP are more detailed, seeking a BREEAM rating of ‘Very Good’ for all non-domestic buildings (DM Policy 1); use of low embodied carbon and energy efficient building materials (DM Policy 2); minimisation of waste and promotion of recycling during construction and operation (DM Policy 2); use of sustainable modes of travel (DM Policy 4) and water efficiency measures (DM Policy 5); and provision of a sustainable drainage system (DM Policy 7) and tree planting (DM Policy 9).
- 2.79 Against this, it is considered that:
- a BREEAM rating of ‘Very Good’ is achievable for aircraft hangars, which can be secured by condition;
 - any condition requiring details of materials can take account of their embodied energy;
 - a waste and recycling plan for the Proposed Development (with camping and aviation elements) can be secured;
 - electric vehicle charging infrastructure can be installed for the car parking spaces close to the hangars (the hangars themselves will have electric power);
 - water efficiency would be considered as part of the BREEAM rating;
 - new tree planting, to replace those to be lost by the Proposed Development and then to secure an overall net increase, can be secured through landscaping conditions; and
 - sustainable surface water drainage measures can be secured.

Other Matters

- 2.80 Comments from KCC Flood and Water Management officers (August 2021) sought further details of the surface water drainage measures outlined by the applicant, so to be satisfied that roof runoff from the hangars and other buildings will sufficiently infiltrate to not cause or exacerbate any flood risk.
- 2.81 The applicant has provided some information that the underlying geology is appropriate for soakaway measures for rainwater management. It is considered reasonable in the context of the Proposed Development on the Site to secure final surface water drainage details by planning condition.
- 2.82 With regard to objections to the Proposed Development received that the composition of aviation fuel is harmful to human health, Environmental Protection officers advise that such a matter is beyond the scope of this application, with reference to Framework paragraph 188:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

- 2.83 It is noted that neither the Site, nor the surrounding locality, is within a designated Air Quality Management Area or Clean Air Zone.
- 2.84 Aircraft that would utilise the airfield would have an elevated view of the landscape, including over private residential gardens. However, given any views would be dynamic, not fixed, and generally at greater distances of separation than minimum back to back distances between new houses, any aspect afforded would not result in a significant loss of privacy or amenity. Relevant too is the variability in flying patterns / routing.
- 2.85 The Council's agriculture consultant advises the Site to comprise grade 2 agricultural land. Whilst objections received include that the Site is actually grade 1, such difference is not significant as in either circumstance the Site remains 'best and most versatile agricultural land'.
- 2.86 In this context, consultation advice is that there would not be a significant loss of such land and the Proposed Development is consistent with Framework paragraph 174b in this regard.

Benefits of Development

- 2.87 With regard to Framework paragraph 106f, the benefits of maintaining a national network of general aviation airfield in respect of "*their economic value in serving businesses, leisure, training and emergency service needs*" is recognised. Some more detail is provided in the Department for Transport's General Aviation Roadmap (2021) that general aviation can provide an entry point to careers in aviation; can sustain businesses in the aviation sector; and can be an enabler of innovation.

- 2.88 However, against this broader position, the planning application provides few commitments of how any tangible benefits of the Proposed Development would be secured.
- 2.89 The Planning Statement refers to a facility the Proposed Development hopes to offer to 'emergency' helicopters, to provide flexibility, resilience and a speedier response to incidents. But no details of interest from any emergency service have been provided.
- 2.90 If an emergency helicopter needed to land on the Site to attend to an emergency, it is assumed it would do so as it would in any other suitable field.
- 2.91 Support of the application from 'Air Search London and South East' is noted, but whilst this organisation may seek to offer assistance to public authorities from time to time, it generally carries out a wider range of activities and is not an emergency service in its own right.
- 2.92 It is unclear whether or not 'Air Search London and South East' flights would include helicopters. If helicopter flight is sought, it is noted that such noise is not considered in the Noise Assessment.
- 2.93 Other purported benefits presented by the Planning Statement include intentions to hold open days for local people to find out more about agriculture and aviation; to work with local schools to bring students to the Site to learn more about aircraft and flight (as part of curricular subjects); to reach out to young people to promote to them a career in aviation; and to provide opportunities to an air scout group and combined cadet force.
- 2.94 Such intentions could provide some benefit for people wishing / able to engage with the Proposed Development in these ways, but how this would be funded and resourced and ultimately secured / delivered by any planning permission is not clear. In these circumstances limited weight is placed those offerings.
- 2.95 The glamping element of the Proposed Development may generate some income and economic benefit, but this is considered to be no more than minor, noting that a sustainable business plan has not been seen / provided by the applicant. The application form states there would be no increase in employment as a result of the Proposed Development.

3. **Conclusion/Planning Balance**

- 3.1.1 Whilst the Core Strategy and Local Plan were adopted prior to the publication of the Framework they retain relevant policies most important for determining the application, including relating to noise and landscape character. Therefore, with regard to the degree of consistency of those relevant policies to the Framework, the development plan is not considered out-of-date and the tilted planning balance is not engaged.
- 3.2 Clear harmful noise impacts from the Proposed Development to the amenity, health and quality of life of nearby residents are identified, which should carry very significant weight as well as being contrary to local and national planning policy. There would be other harm to the visual and acoustic character of the landscape and amenity of the White Cliffs Country Trail, along with a minor loss of agricultural land.
- 3.3 Whilst the applicant has reached in principle agreement with Natural England in respect

of mitigation to avoid harm to the bird species for which the Thanet Coast and Sandwich Bay SPA and Ramsar sites are designated, without seeing final details of that mitigation and how it would work in practice, a positive assessment under the Conservation of Habitats and Species Regulations 2017 cannot be concluded.

- 3.5 Against this harm, the applicant has presented a range of measures to seek to reflect government guidance relating to the benefits that general aviation can deliver, but without any firm commitment and mechanism to secure them, they carry only limited weight. Any economic benefits have not been presented in detail by the applicant, but are considered to be no more than minor.
- 3.6 Therefore the overall balance is that planning permission for the Proposed Development should be refused for reasons relating to the impacts of noise and uncertainties surrounding mitigation measures to address effects on nearby designated habitat sites.

g) Recommendation

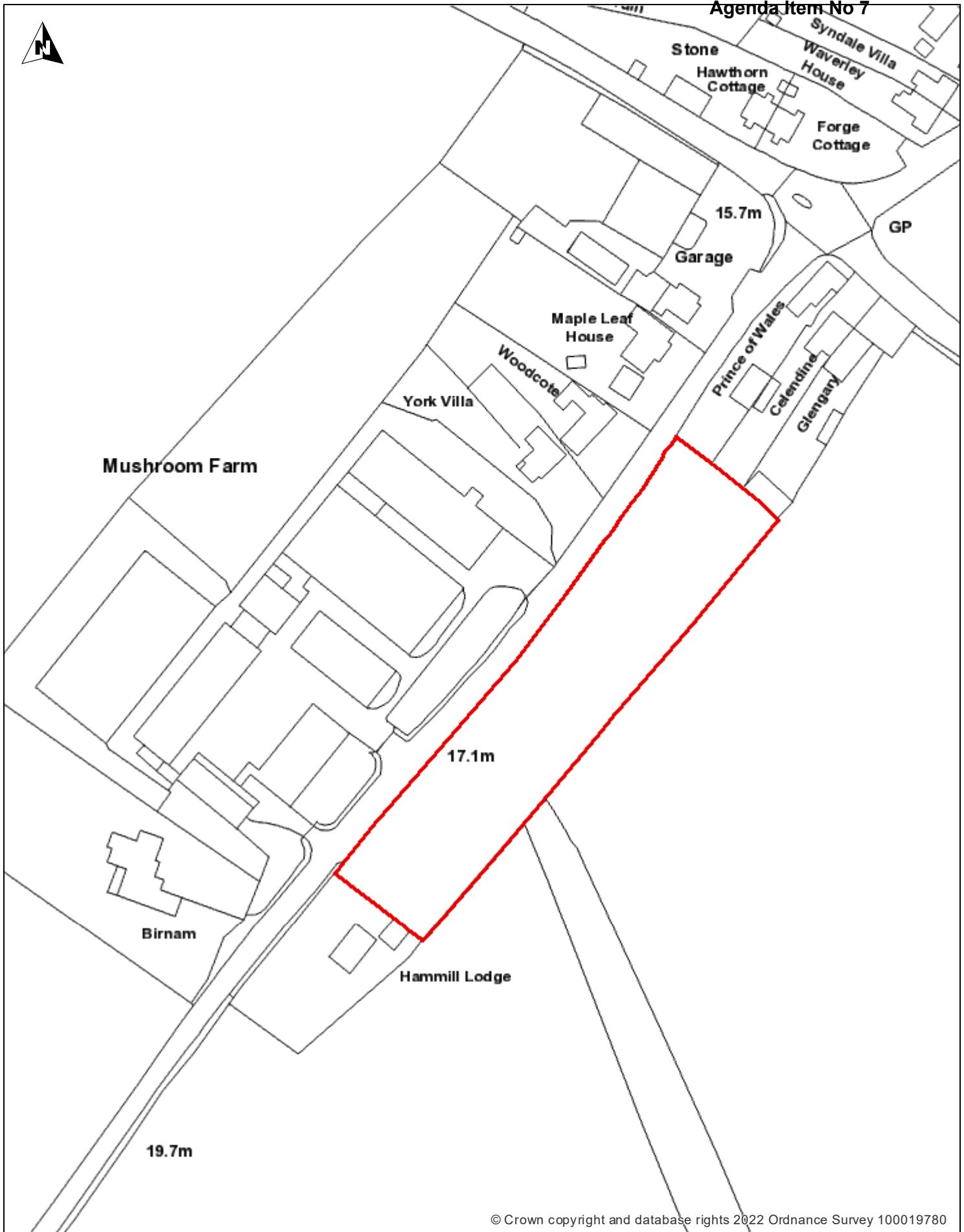
I That planning permission be REFUSED for the following reasons:

1. The operation of the proposed airfield would lead to a level of noise and disturbance to nearby residents that would be materially harmful to their amenity, health and quality of life. Development is therefore contrary to saved Local Plan Policy OS7 and paragraphs 174 and 185 of the National Planning Policy Framework.
2. Without more detailed information of how mitigation measures required to avoid likely significant effects from aircraft on the Thanet Coast & Sandwich Bay SPA and Ramsar sites would be effective, the local planning authority cannot positively conclude (through an appropriate assessment under the Conservation of Habitats and Species Regulations 2017) that development would not be harmful to the conservation objectives of the Thanet Coast & Sandwich Bay SPA and Ramsar sites. Development is therefore contrary to the Conservation of Habitats and Species Regulations 2017 and paragraph 180 of the National Planning Policy Framework.

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

Case Officer

Andrew Somerville



22/00333

Land South East Of Birnam Mushroom Farm
Hammill Road, Woodnesborough
CT13 0PR

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/22/00333 - Erection of 7 dwellings, car ports, electric vehicle charging points, cycle/bin store, formation of new vehicular access, lay-by and associated parking and landscaping - Land south-east of Birnam Mushroom Farm, Hammill Road, Woodnesborough**

Reason for report: Number of contrary views (12).

- b) **Summary of Recommendation**

That planning permission be refused.

- c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015) (“**the LALP**”)
- Saved Polices of the Local Plan (2002)

Relevant polices of the Core Strategy include:

- CP1: Settlement Hierarchy
- CP2: Provision for Jobs and Homes
- CP4: Housing Quality, Mix, Density and Design
- CP5: Sustainable Construction Standards
- CP6: Infrastructure
- DM1: Settlement Boundaries
- DM5: Provision of Affordable Housing
- DM11: Location of Development and Managing Travel Demand
- DM13: Parking Provision
- DM15: Protection of the Countryside
- DM16: Landscape Character

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“the Framework”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

Sections of the Framework are referred to, as relevant, in the assessment section of this report below.

Draft Dover District Local Plan

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. The draft LP is still at an early stage in its preparation. The Regulation 18 consultation closed in March 2021. While the Regulation 19 consultation is due to be published shortly, at the time of the consideration of this application, the Regulation 18 version remains the most recently

published draft. As such, and in accordance with paragraph 48 of the Framework, whilst the draft Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the statutory development plan in determining an application for planning permission, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

d) **Relevant Planning History**

19/00307 Erection of 20 dwellings, including 4 affordable dwellings, creation of new vehicular accesses, parking and landscaping. Refused (26/07/19) for the following reasons:

1. Unjustified dwellinghouses, outside of any defined urban or village confines. Unsustainable residential development in a rural location, resulting in additional vehicle movements and the need to travel by private car and would significantly and demonstrably harm the rural character and appearance of the locality.
2. A design and density which would fail to relate to the rural character of the surrounding area. The proposed development would be prominent and highly visible in wider views from the east and southeast. The proposed development would necessitate the loss of hedgerows and intensify the hard built development along this part of the countryside detracting from the verdant, undeveloped character of the site in these views.
3. The site is reasonably likely to provide habitat for birds and reptiles. Failure to demonstrate these protected species would not be adversely affected, or that appropriate mitigation could be secured.
4. Fails to demonstrate that the required visibility splays of 215m x 2.4m x 215m could be achieved over land within the control of the applicant and/or the highway authority or the improvements to the highway which would be necessitated by the development would be provided. A lack of car parking provision.
5. The proposed development has failed to secure the provision of affordable housing or open space.
6. The application has not been supported by a surface water drainage strategy.

21/00343 Erection of 7no. dwellings with formation of new access, parking, and associated landscaping. Withdrawn 06/05/21.

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

Representations can be found in full in the online planning file. A summary has been provided below:

Woodnesborough Parish Council

Object. Houses on plot 1 and 3 should be reduced in size and plot 2 similar to plot 5 and 6 to allow more affordable housing.

The house in plot 3 is too large and out of keeping with the rest of the development and needs to be reduced in size. The style of all houses needs to be similar to the appearance of the village dwellings, without large expanses of glass and not as proposed.

All properties need car barns and parking spaces. Extra space needed for visitor parking.

Sensitive looking solar panels should be installed with battery storage facility.

No trees on the road/overhanging the road as they could reduce visibility and lead to accidents.

All KCC Highways and EA objections/concerns need to be addressed and overcome.

The speed limit should be reduced to 30mph if development is approved.

Environment Agency

Recommend planning permission is refused, as the application does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed.

The previous use of the development site is unclear and may present a risk of contamination that could pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located within source protection zone 1/2 and is upon a secondary aquifer underlain by principle aquifer. As the planning application is not supported by an appropriate risk assessment or detailed foul drainage strategy, it does not meet the requirements set out in paragraphs 174 and 183 of the NPPF. The EA advise that any permission for housing should not be issued until confirmation that a viable foul drainage option is available.

Natural England

Further information is required to determine the impacts on designated sites. The application could have a likely significant effect on:

- Stodmarsh Special Area of Conservation (SAC)
- Stodmarsh Special Protection Area (SPA)
- Stodmarsh Ramsar site
- Stodmarsh Site of Special Scientific Interest (SSSI)
- Stodmarsh National Nature Reserve (NNR)

The LPA will need to undertake a Habitats Regulations Assessment (HRA) to ensure that the proposal will not have an adverse effect on the integrity of the sites named above. The following information is required:

- consideration of this project's implications on total nitrogen and total phosphorus nutrient loading within the river Stour catchment;
- mitigation measures to avoid the effects of these nutrient implications;
- consideration of the proposal and required mitigation measures at the appropriate assessment stage of the HRA; and
- any other likely significant effects that could arise from the development should also be assessed.

KCC Highways

Access and layout

- The applicant has submitted plans showing visibility splays in both direction of 2.4m x 124.4 and 2.4 x 126.28 however these have been offset 1m from the edge of the carriageway. The applicant will need to resubmit drawings which show the visibility splay drawn to the nearside edge with no offset towards the centre of the carriageway.
- If the splays are based on what appear to be measured speeds indicated on the site layout plan, then details of the speed survey will need to be submitted.
- The visibility splays appears to currently appear to extend over third party land outside the application red line. Highways are therefore unable to confirm if the splays are acceptable without the additional information identified above and clarification on the land over which the splays cross.
- Swept path movements for a fire tender should be demonstrated and submitted for approval to ensure the access is wide enough and there is room for it to turn safely on site ensuring there are no areas of overrun and to demonstrate it turning and exiting back out onto Hammill Road in a forward gear. Such tracking will cover smaller deliveries vehicles that are likely to access the development.

Parking

- The remote location of the site and the poor public transport access means that most if not all residents are likely to drive. The site is therefore not in a sustainable location.
- The applicant has submitted drawings which show parking for 23 vehicles which include 2 visitor parking spaces. This meets parking standards, however the layout should be revised to ensure the spaces provided are fit for purpose and can be easily accessed. Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded by walls/fences/landscaping on one side or 2.9 metres where bounded by such obstructions on both sides.
- Some parking spaces would be constrained due to the use of tandem parking.

KCC Flood and Water Management (Lead Local Flood Authority)

Development falls outside the definition of major development and falls outside of KCC's remit as statutory consultee.

Southern Water

Southern Water raises objection, as the site is in the Groundwater SPZ1 for the Sandwich public groundwater supply. Any construction or operational related contamination of the groundwater has the potential to impact the abstraction source within 50 days.

The planning application does not include any information about the proposed drainage design, or a hydrogeological risk assessment that should be undertaken for this hydro geologically sensitive area. This is to ensure development considers construction and operation risks to the Sandwich groundwater source.

Environmental Protection Officer

Confirmed no observations.

DDC Ecology

Desktop information indicates the site and surrounds have potential to support protected and designated species that should be taken account of in the determination of the application.

A Preliminary Ecological Appraisal identifies the potential for protected reptile species to be present and affected by the proposed development. More detailed surveys must be carried out, with the results and any necessary mitigation proposals submitted to inform the determination of the application.

This would ensure all ecological matters are properly considered in the decision and in accordance with government guidance, planning policy and legislation.

Third Party Representations:

10 letters of objection have been received as summarised below:

- previous reasons for refusal are applicable;
- high density housing estate out of character with existing properties and low density;
- dense, overly dominant and prominent development out of scale with the local vernacular and density;
- detrimental to rural character;
- isolated, green field site outside the settlement confines of the village and not identified in the land allocation document for development;
- impact on sustainable land policies as the site is far from public transport and local amenities, such as doctors, schools or parks/play areas. Car use essential;
- need for solar panels, ground source heat pumps;
- overlooking, loss of privacy and overshadowing;
- insufficient garden size;
- highways safety concerns due to speed, lack of lighting and pavements, and unsuitable/poor visibility;

- no provision for extra vehicle parking;
- proposal impedes ingress and egress of tenants using the centre, and parking spaces allocated to tenants will not be granted for third parties to occupy;
- land lies in Groundwater Protection Zone 1 without main drains connection;
- flooding of the site and Hammill Road;
- no account for land instability;
- negative impact on woodland trust land;
- impact on hedge from building works damage;
- removal of boundary vegetation and impact on biodiversity, wildlife and habitats;
- no habitat survey has been undertaken;
- impact on doctors and schools;
- precedent for other ribbon development, traffic increase and urbanisation of the rural area

Objection has been received from Miller Woodland Trust (who owns land contiguous with the south east boundary of the site) with comments including:

- urbanisation and out of keeping with the nature and density of existing surroundings. Hard surfacing, fences, walls, gates would jar with the unspoilt rural setting and urbanises the area;
- outside the Woodnesborough village confines;
- previous applications refused on the site;
- previous development on the site refused on the grounds of the impact on the countryside. The refusal emphasised the importance of a gap providing a transition space between existing development;
- impact on wildlife and biodiversity with destruction of species-rich biodiversity boundary vegetation;
- impact on species in the adjacent arboretum, which includes sensitive plants, bee orchids and an owl box. Nesting Quail and grass snakes in zone adjoining the site, which are sensitive to noise and disturbance;
- concerns with groundwater protection in the absence of a foul drainage strategy or risk assessment.

12 letters of support have been received as summarised below:

- enhance the area and tidy up site;
- design in keeping;
- proposal would not impact the rural surroundings;
- houses affordable for local young people;
- offers needed family homes;
- traffic speed is an issue but new houses are not problem;
- new houses help push the cause for a reduced speed limit through the village;
- solutions can be found for the Stodmarsh issue.

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

- 1.1 The site comprises a rectilinear area of land on the south eastern side of Hammill Road, measuring some 135m (south west to north east) by 30m (south east to north west).
- 1.2 The longer front and rear boundaries of the site are defined by mature hedgerows, whilst adjacent to the north east and south west are existing houses and their associated curtilages.

- 1.3 On the opposite side of Hammill Road is a group of agricultural buildings, and further to the north east a small cluster of houses and an automotive garage. Beyond this limited built form the wider landscape is predominantly open farmland, with arable and grazing pastures, fragmented by areas of woodland.
- 1.4 The site is located outside of any settlement and is within the countryside.
- 1.5 The site is located in flood zone 1, as land as least risk of flooding.

The Proposal

- 1.6 Planning permission is sought for the erection of seven dwellings, arranged in a single row lengthways across the site.
- 1.7 There would be a variety of design across the seven dwellings:
 - houses plot 1 and plot 2 would be detached, timber clad with a barn-like vernacular;
 - on plot 3 the house would be a large 2.5 storey building (with dormer accommodation in the roof) across five bays, with pitched roof and gables, white rendered elevations and tiled roof;
 - the house on plot 4 would be detached with a traditional pitched roof and gabled form, brick elevations and tiled roof;
 - houses on plots 5 and 6 would be semi-detached, pitched and gabled roof, white rendered elevations and tiled roof; and
 - the house on plot 7 is detached, two storeys, again with a pitched and gabled roof, but timber boarded.
- 1.8 Four detached car ports would be provided across the site.
- 1.9 Designated cycle parking and electric vehicle charging points would be provided.
- 1.10 Vehicular access would be from Hammill Lane in the centre of the site, which would require the removal of a section of boundary hedgerow.

2. Main Issues

- 2.1 The main issues of this planning application for consideration are:
 - principle of development
 - affordable housing
 - character and appearance of the area
 - heritage
 - open space
 - impact on residential amenities and living conditions of future occupiers
 - highways
 - ecology
 - groundwater, drainage and flood risk

Assessment

Principle of Development

- 2.2 The proposed development, outside of urban boundaries or any rural settlement, is contrary to Core Strategy Policy DM1 that limits development in the countryside unless functionally requiring such a location.
- 2.3 Where the proposed development in the countryside is not supported by Policy DM1 it is also contrary, in principle, to Policy DM15 and paragraph 174 of the Framework that seek to protect the intrinsic character and beauty of the countryside.
- 2.4 The rural location of the site, where there are limited opportunities for sustainable travel by public transport, is contrary to Core Strategy Policy DM11 and Framework paragraph 105 – that development would be greatly dependent on the less sustainable use of the private car.
- 2.5 Whilst in some circumstances the weight to be placed upon policies of the Core Strategy (and its evidence base) may be reduced, in this instance the objectives of the policies relevant to the principle of proposed development here (to protect the countryside and guard against an unsustainable pattern of development) are sufficiently consistent with those of the Framework for them to be afforded significant weight.

Affordable Housing

- 2.6 Core Strategy Policy DM5 seeks for schemes of between five and 14 homes to make a contribution towards the provision of affordable housing. However, this lower threshold (of less than 10 dwellings) is inconsistent with the Framework (paragraph 64) that requires affordable housing only from major developments other than in very specific circumstances. Given this variance and datedness of the Core Strategy, an affordable housing contribution either on site or as a contribution in lieu is not sought.

Character and Appearance of the Area

- 2.7 The application site abuts a narrow rural lane with no footpaths or streetlights and is bound by hedges and trees which gives the area a strong rural character.
- 2.8 There is a cluster of development to the north east (on the junction of Hammill Road / Beacon Lane). The pattern of development here is not consistent: the area is typically low density, sporadically located and of diverse scale and design, with each building differing from the next. Some properties sit within rectangular plots sited close together whilst others have larger plots in a staggered fashion such that not all dwellings front Beacon Lane. This defining character is unplanned, sporadic and diverse.
- 2.9 In contrast the proposed development would be of a significantly higher massing, scale and density (with small garden areas that cramp the large houses to the rear boundary). The proposed layout has a more planned suburban pattern of development parallel to the road which fails to reflect the prevailing 'scattered' character seen elsewhere.

- 2.10 Whilst there is some variation between buildings and there is some screening along Hammill Road, this does not sufficiently make up for the harmful suburbanising impact identified.
- 2.11 In this context the proposed development is contrary to objectives of good design in the Framework (including paragraph 130) and Core Strategy Policy DM15 that directs that planning permission for unessential development that adversely affects the character and or appearance of the countryside should be refused.
- 2.12 Where there is such harm to the rural character of the countryside, that harm is also considered detrimental to the wider landscape character where the buildings will be seen in short and longer distance views – thus development is contrary to Core Strategy Policy DM16 (landscape character).

Heritage

- 2.13 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- 2.14 There is a semi-detached pair of listed buildings (Forge Cottage and Hawthorne Cottage, Drainless Road) at a distance of approximately 100m from the site to the north. However, by virtue of the separation distance and intervening buildings, it is considered that the proposed development would not have any material impact upon the setting of these listed buildings. This is as considered under application 19/00307.
- 2.15 KCC Archaeology (as per consideration of application 19/00307) is of the view that development on the site could impact on the remains of archaeological interest. Consequently, in the event of grant of planning permission, it is recommended to attach a condition to secure implementation of a programme of archaeological work.

Open Space

- 2.16 In accordance with Policy DM27 of the Land Allocations Local Plan, the development (as of more than five dwellings) is expected to provide open space on site, or a contribution towards off-site provision, to meet the demand it would generate. Without any on site open space, or off-site contribution offered by the applicant and secured, development is contrary to Policy DM27 and Framework paragraph 93.

Impact on Residential Amenity and Living Conditions of Future Occupiers

Hammill Lodge to the southwest

- 2.17 To the south west of the site is Hammill Lodge. The nearest proposed dwelling (plot 7) would provide a suitable distance of separation to the common boundary and facing flank elevation of Hammill Lodge to ensure adequate residential amenities are maintained. There would not be any undue loss of privacy or outlook. It is noted that driveway to Hammill Lodge is alongside the boundary with the site.

Prince of Wales, Celendine and Glengary

- 2.18 To the houses to the north east of the site (Prince of Wales, Celendine and Glengary), the nearest proposed dwelling (plot 1) would maintain a suitable distance of separation to ensure adequate residential amenities are maintained.

Future occupiers

- 2.19 The proposed dwellings, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. Each dwelling would have some private amenity space (although noting this is smaller than characteristically nearby for other properties) sufficient for amenity purposes. The living conditions of future occupiers would be acceptable.

Highways

- 2.20 KCC Highways has confirmed, as addressed in the 'principle of development' section of the report above, that the site has a remote location, with poor public transport so that most (if not all) residents are likely to drive. It concurs that the site is therefore not a sustainable location.
- 2.21 It has not been demonstrated that safe access to the site can be provided – KCC Highways advise that visibility splays shown on the drawings are not correctly drawn and are predicated on a speed survey for which details have not been provided. Without agreement on this, objection is raised that access to the site cannot be considered safe.
- 2.22 On other transport matters, KCC Highways advise that whilst the amount of overall parking is acceptable, some spaces are awkwardly located and / or of insufficient size. Similarly, it has not been demonstrated by the applicant that the layout has adequate turning and manoeuvring space for delivery vehicles and firefighting appliances. If all other matters were acceptable, such issues could readily be resolved through a revised layout, but given the in-principle objection to the scheme this has not been progressed. Instead objection to a lack of car parking and adequate delivery/serving provision is raised on grounds of highway safety and convenience.

Ecology

- 2.23 The Preliminary Ecology Appraisal (PEA) submitted by the applicant identifies the site's potential to support foraging / commuting bats and reptiles. It advises that further reptile survey work is required, which should be carried out to inform consideration of the planning application.
- 2.24 In the absence of this survey work, objection to the development is raised. The proposed development is contrary to national policy, most particularly paragraph 98 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' and paragraph 180a of the Framework.
- 2.25 The PEA provides a range of ecological avoidance, mitigation and enhancement measures that would be accommodated should development progress, including bird and bat nesting boxes, specific stag beetle habitat, appropriate hedgerow management and planting of native species. These could reasonably be secured by condition.

Sandwich Bay and Pegwell Bay

- 2.26 The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment: The development causes uncertainty regarding the likely significant effects on Sandwich Bay and Pegwell Bay due to the potential disturbance of birds due to increased recreational activity.
- 2.27 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.
- 2.28 Following consultation with Natural England, the identified pathway for such a likely significant 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.
- 2.29 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.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Councils 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.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Groundwater, Drainage and Flood Risk

- 2.32 The site is sensitively located within Groundwater SPZ1 for the Sandwich public groundwater supply. Southern Water advise any construction or operational related contamination of the groundwater has the potential to impact the abstraction source. This is consistent with the Environment Agency's response that without information to consider this risk to groundwater, including appropriate foul drainage details, planning permission should not be granted.
- 2.33 In this situation, where the proposed development does not demonstrate construction and operation risks of pollution to controlled waters are acceptable, or can be managed, through an appropriate hydrogeological risk assessment or detailed foul drainage strategy, it is contrary to Core Strategy Policy DM17 and Framework paragraph 185.

2.34 Given the sensitivities relating to ground water protection, information on surface water drainage is also considered necessary at this stage. In the absence of any information, it is uncertain whether or not the development with appropriate surface water drainage provision is achievable – thus objection is raised with the development being contrary to Framework paragraph 167.

3. Conclusion

3.1 In light of the planning assessment above it is considered the proposed development would result in an unsustainable form of development within the countryside, which would be harmful to the intrinsic character of the area and be overly reliant on use of the private car for travel.

3.2 The development would adversely impact the rural appearance and wider landscape character of the area.

3.3 Development would fail to make any provision for public open space, contrary to the adopted development plan and the Framework.

3.4 On more technical grounds, the development has not demonstrated it can be accessed (from Hammill Road and within the site) in a suitably safe and convenient manner; and the extent of any impact on protected reptile species has not been adequately assessed.

3.5 There is further harm from development through unknown / unassessed risks to groundwater supply.

3.6 Against this harm, the benefits of development are limited to a minor boost in the supply of market housing and minor associated economic activity. On either a tilted balance (as per Framework paragraph 11) or neutral consideration, the adverse impacts of development significantly and demonstrably outweigh the benefits such that planning permission should be refused.

g) Recommendation

I PERMISSION BE REFUSED for the following reasons:

1. Within the open countryside without need or justification, with poor walking accessibility and limited opportunities for travel by public transport, the proposed development is located in an unsustainable location and would be greatly dependent on use of the private car. Development would unduly increase congestion and emissions associated with such travel and be contrary to Core Strategy Policies DM1 and DM11 and paragraph 105 of the National Planning Policy Framework.

2. The location of the development outside any settlement, along with its urbanising form and appearance, would harm the intrinsic character and landscape appearance of the countryside, detracting from its undeveloped and rural character, contrary to Core Strategy Policies DM15 and DM16 and paragraph 174 of the National Planning Policy Framework.

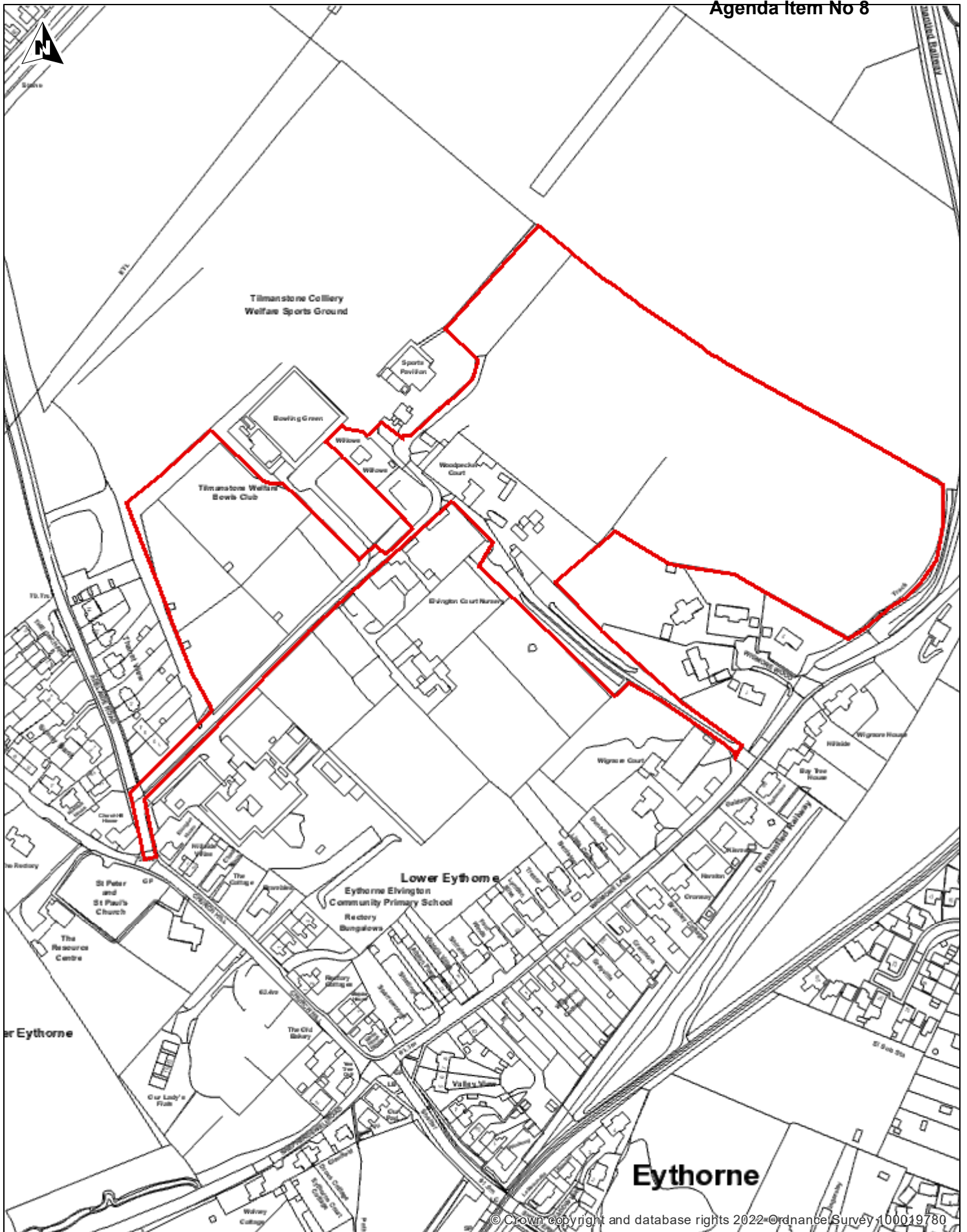
3. With the failure to make provision for open space, the development would not provide for the recreation and wellbeing of a future community. The

development is contrary to Land Allocations Local Plan Policy DM27 and paragraph 93 of the National Planning Policy Framework.

4. With the failure of development to demonstrate suitable vehicular access to and within the site, including for car parking and deliveries/servicing, the proposed access and layout arrangement cannot be considered safe and is contrary to Core Strategy Policy DM13 and paragraph 110-112 of the National Planning Policy Framework.
 5. Without detailed reptile surveys to inform consideration of the proposed development, unacceptable impacts on this protected species cannot be discounted and development is contrary to paragraph 98 of Circular 06/2005 (Biodiversity and geological conservation – statutory obligations and their impact within the planning system) and paragraph 180a of the National Planning Policy Framework.
 6. Located within an area sensitive for groundwater protection and without appropriate assessment work to consider the construction and operational risks of development, and to consider whether appropriate foul and surface water drainage can be provided, the proposed development poses an unacceptable risk to groundwater contrary to Core Strategy Policy DM17 and National Planning Policy Framework paragraphs 167 and 185.
- II Powers be delegated to the Head of Planning and Development to settle any outstanding issues in line with the matters set out in the recommendation and as resolved by the Planning Committee

Case Officer

Andrew Somerville



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22/00262

Forest School Activities And Education Centre
Woodpecker Court,45 Wigmore Lane
Eythorne, CT15 4BF

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



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

DOV/22/00262 – Erection of 2 buildings for use as catering unit and classroom, formation of car parking and turning area, installation of solar panels to existing store building, relocation of bin store, use of site for up to 60 students at any one time and occasional community use - Forest School Activities and Education Centre, Woodpecker Court, 45 Wigmore Lane, Eythorne

Reason for report: Number of contrary views (36), and Member call-in.

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1, DM11, DM15

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) - Section 66 of the above Act requires the decision maker to pay due regard to the desirability of preserving the setting of a listed building.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 93, 95, 130 and 174.

The Kent Design Guide (KDG) (2005)

National Design Guide (2019) & National Model Design Code (2021)

Draft Dover District Local Plan: The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft have little weight and are not considered to materially affect the assessment of this application. The Draft has completed the first public consultation exercise, which expired in March and at this stage only minimum weight can be afforded to the policies of the Plan.

d) **Relevant Planning History**

19/01241 – Granted, for “Retrospective application for the change of use of land and the erection of 5no. buildings for use as 2no. classrooms, tool and machine storage, toilet block, including change of use of adjacent land for educational use and erection of a woodland classroom.”

Condition 4 of this planning permission states:

“The educational facility hereby permitted shall not be used for the education, training or schooling of more than 40 students/young people at any one time.

Reason: In the interests of highway safety.”

Condition 5 of this planning permission states:

“No teaching, training or other types of schooling of the students/young people shall take place outside the hours of 0900 hours to 1500 hours on Mondays to Fridays. The use of the site hereby permitted shall not take place on Saturdays, Sundays or Public Holidays, with the exception of those occasions set out in the Schedule of Events within the Planning Statement dated 30 October 2019 - which are designated as a presentation event, 3 parents' open days and an annual open event for the local community.”

Reason: To conserve the character and appearance of the countryside.

21/01098 – Consent granted, for “Felling and remedial works comprising of; deadwooding, crown reductions, pollarding, coppicing, limb removal and creation of monoliths”.

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

The proposal has been amended from its initial submission and four rounds of consultation have taken place. Some comments are no longer relevant due to the change in the proposal, but are included for completeness.

Eythorne Parish Council: In their initial response, the PC provided a neutral response and sought a site visit from the Planning Committee. In their most recent response, the PC do not raise objections on highway grounds subject to the imposition of two conditions (provision and retention of the parking spaces and a limit on the numbers of pupils), but concludes that “increasing student numbers & allowing use outside of normal school hours can no longer be supported.”

Environmental Protection Officer: Initially raised no comments, but sought further information on the increase on the ‘community based events’. Raises no objections subject to a condition limiting the hours of opening for these events from 0900 hours to 2000 hours.

Tree Officer: No objections are raised. The proposal does not involve the loss or cutting back of trees. Under the 2021 (Tree Consent) application, the trees were professionally inspected, a number of issues were flagged and these were dealt with. The woodland was also attended 2-3 months ago, following a complaint, and there was no evidence of un-approved works to trees being carried out.

Heritage Officer: It is not considered that this application requires specialist input in respect of the built historic environment.

KCC Highways: The existing access via Adelaide Road is suitable with good visibility in both directions and is wide enough to allow 2 vehicles to pass along its entirety, but the access and parking spaces would need to be retained in perpetuity.

Officer Comments: Following the initial advice summarised above, KCC Highways state that the whole route is not wide enough for two vehicles to pass. They confirm that there are no records covering the last 4 years of accidents outside the access from Adelaide Road. KCC Highways suggest the imposition of planning conditions that would be necessary. These are set out in the latter part of the Report.

KCC PROW Officer: Initially did not wish to make comments. Upon further consultation, the Officer states: "I do not have any objections to the proposal but do have some concerns regarding cars travelling to the school along the footpath it has been brought to my attention that they can pick up speed along here. I reiterate the response from Highways in that a Traffic Management Plan is conditioned to ensure that the methods of controlling the traffic are fully outlined and adhered to. This includes vehicles entering and exiting the site, ensuring that vehicles are marshalled at the bends within the site. Pedestrians have the higher right over the route I agree again that a signage strategy is provided to ensure that drivers are aware of pedestrians, and vice versa. While I understand that this is a currently working scenario, every effort should be made with the increase in vehicle movements along the access. There should be no vehicles parked on the public right of way at any time, which will include workers to the site..."

Senior Natural Environment Officer: A previous survey in 2019 did not identify any badger setts that might be affected by the proposal.

Kent Fire & Rescue Service: Commented on the initial submission that there lacked emergency access to the proposed units.

Officer Comments: The comment is not in a form of a planning objection, but rather highlights that this is a building control matter that would need to be addressed.

Public Representations: At the time of writing this report, there have been 198 representations received from the public consultations of the application, with a number of respondents who have responded more than once. Of these, 36 are objections and 161 are in support. One neutrally worded response (with regard to reflection from the solar panels) has been received. A number of responses received also raised non-planning considerations. A summary of the planning objections raised is as follows:

- The location is unsuitable
- Impact upon air quality, the woodland and natural environments and habitats
- Loss of privacy, increase in noise and general disturbance and harm to living conditions
- Fire and Rescue hazards and lack of suitable emergency access for vehicles
- Increase in traffic, inability for cars to turn safely, harm to highway and pedestrian safety
- Harm to the visual amenity and countryside character
- Harm to the listed building and its setting
- The café is inappropriate
- Harm to welfare of animals
- There are breaches of planning control
- The bungalow is not surplus to use
- Impact on the viability of the Tilmanstone Welfare Club and Scheme
- The traffic levels were lower during the Committee Site Visit
- The applicant does not have a right for the change of use of the land

A summary of the supporting comments is as follows:

- Supports the local community
- Meets an educational need
- The work being done with the pupils is supported.
- Raises the profile of the area
- There is sufficient separation to nearby properties
- The proposal is sustainable

The KCC Interim Area Education Officer states that there has been a significant increase in the numbers of children and young people with Education Health and Care Plans and an increased demand for places in schools (such as Woodpecker Court) offering bespoke learning environments.

The Head teacher at the Eythorne Elvington Community Primary School states that the school uses the grounds and benefits from the staff delivering sessions, there is a desire to increase and improve links and the school does not have any issues with the operations of Woodpecker Court.

Astor School supports the application, the bespoke curriculum and the way the facility is operated.

The Vicar of the Bewsborough Parish (6 local parishes including Eythorne & Elvington) supports the school and the support it provides to the children and local community.

f)

1. **The Site and the Proposal**

- 1.1 The application site comprises a 2-storey, Grade II listed, detached dwelling (the applicant's house), a converted garage building, in use for ancillary residential accommodation (a relative of the applicant), a former coach house building, in use as a classroom, and 6 single storey outbuildings to the side and rear of the detached dwelling, within its 'garden'. Three of these outbuildings have recently been erected and are in use as a classroom, toilet block and a tool/machine storage building. They are of timber construction - some of which are located on pre-existing concrete slabs.
- 1.2 Within this 'garden' area are open/grassed areas, a pet/animal enclosure, a relaxation area, a parking area, a small 'assault course' – which leads from the garden along a narrow strip of land towards the access to the site from Wigmore Lane and a small 'range' on the other (south eastern) side of the parking area, along a short, narrow strip of land.
- 1.3 Not including the house and its ancillary residential accommodation, the use of the remaining land and buildings provide an alternative/additional means of education for young people.
- 1.4 The detached dwelling is the former Manor house (Woodpecker Court) and was constructed in the early 18th Century. It is finished in red brickwork under a plain tiled roof.
- 1.5 The application site also comprises an area of land in front of (west of) Woodpecker Court, which contains a further timber building in use as a

classroom and a shed. Adjoining the classroom is a small enclosure, housing animals (located to the north east of the building).

- 1.6 To the north of the 'garden' area is an area of woodland, which is protected by a Tree Preservation Order. Only part of the woodland is in 'use' by the applicant for teaching outdoor/woodland skills to the young people, the remaining parts have been made available for the public/community groups to use. Within the woodland, a 'dead wood wildlife' fence is erected, which is about 1m-1.5m high and made up of fallen branches and dead wood, and which forms a 'green' barrier to the area of land that the applicant wishes to separate between public and educational use. The fence comprises branches entwined and stacked together to form a physical barrier. Within the area to be retained for educational use only, and with access from the garden of the main site, a further timber (mobile) building for use as a woodland classroom has been recently stationed.
- 1.7 The application site also covers land that is owned by the Tilmanstone Welfare Club. This includes a small square parcel of land located opposite the front garden of Woodpecker Court, located amongst trees, and is used to accommodate a field shelter and grazing for goats. To the west of this there is a further large field that has been sub divided into 4 paddocks and used to accommodate 4 field shelters and additional animals including alpacas, goats and sheep. This land is close to Elvington Court Nursery (containing a dwelling and outbuildings) and the residential properties along Thanet View (Adelaide Road). The land now has the appearance of being in agricultural use.
- 1.8 The Tilmanstone Welfare Bowls Club and Pavilion, the Willows (bungalow) and car parking are located mostly to the west of Woodpecker Court.
- 1.9 The access to the rear 'garden' of the site is from Wigmore Lane along a narrow private drive to a small parking area within the 'garden' area. An additional access to Woodpecker Court is via a lane accessed from Adelaide Road. In addition to Woodpecker Court, the lane serves Elvington Court Nursery, the Tilmanstone Welfare Bowls Club and Sports Pavilion, Willows bungalow as well as the paddocks, pens and classroom used by the School.
- 1.10 Public Right of Way EE354 runs along this lane from Adelaide Road.
- 1.11 The proposal seeks to erect two buildings on the site, within the main 'garden' area, close to existing buildings. The first would be used as a classroom, it would be of similar design and appearance as the other classroom buildings. The second building is proposed to be used as a catering building, to replace a 'mobile' catering unit in the same location. The mobile building would be moved to another location within the site, further north within the woodland, and close to the 'dead wood' fence.
- 1.12 A new bin enclosure building is proposed to the west of the site and would be adjacent to an existing classroom building.

- 1.13 Solar panels are proposed on the roof of an existing tool and equipment building, which is among the existing buildings and classrooms in the centre of the site.
- 1.14 The proposal also seeks to vary the limitation of children approved under the previous planning permission. This seeks to increase the number of students/school children on the site at any time from 40 to 60. The increase in the number of children comes from an increase in demand for such a facility and educational service. Secondly, the proposal seeks to increase the number of 'events' on the site available to the public and community groups from 1 to 6 (1 per term).
- 1.15 Whilst the access from Wigmore Lane remains, providing access to a small car parking area in the site, the proposal includes the provision of a turning area, drop off and pick up area and further parking spaces for staff on the western part of the site, accessed from the lane front Adelaide Road. The use of this access was highlighted to be available to the school under the previous application, but the proposal seeks to change the degree to which this access is used through the turning, pick up and staff parking areas proposed.

2. Main Issues

- 2.1 The main issues are:
- Principle of development
 - Impact on visual amenity and the character and appearance of the countryside
 - Impact upon the setting of the designated heritage asset
 - Impact on residential amenity
 - Highway Safety
 - Planning balance

Update from the Deferral by Planning Committee

- 2.2 At the 11 August 2022 Planning Committee, the determination of this application was deferred pending a Members' Site Visit to enable Members to look at access, highway safety and traffic issues.
- 2.3 The Site Visit took place on Tuesday 13 September 2022 during the morning period.
- 2.4 At the meeting, the Members had concern with how vehicles waited and queued (in the Tilmanstone car park) before dropping the pupils off at the school. Members sought an additional drawing from the applicant to show whether a more suitable waiting and queuing arrangement could be achieved. Members also sought a draft Traffic Management Plan from the applicant to see whether the access issues they observed on site could be alleviated/mitigated.
- 2.5 Two additional drawings and a draft Traffic Management Plan have been submitted by the applicant. The drawings show an area of land within the application site that could operate to help vehicles queuing

before using the turning circle and how the turning circle could be used for turning and waiting.

- 2.6 In total, the drawing shows that the waiting area and the turning circle could accommodate up to 15 cars.
- 2.7 In summary, the draft Traffic Management Plan sets out how additional signage will be displayed, 4 marshals will be used to hold cars in passing places and to challenge speeding cars, as a change from current practice students will be admitted from 8.45am to prevent a build up of traffic until 9am. From 2.30pm, as taxis arrive, the car park staff will radio for students to go to the egress point. Staff will leave after 2.45pm. Staff are and will be trained to be executing the plan.

Kent Highways Advice

- 2.8 A copy of the drawings and draft Traffic Management Plan has been sent to Kent Highways. A summary of their response is as follows:

The matters arising are to assess the increase in students, as opposed to the existing use on the site. Forty pupils are already permitted, with an additional 20 pupils now proposed.

An approximate 7 additional vehicles will access the site.

The proposal represents an opportunity to provide better management of the current and proposed additional pupils.

The drawings indicate that 15 vehicles will be internally managed to ensure there is no detrimental impact on the public highway.

No objections are raised and planning conditions are suggested should the Planning Committee be minded to grant permission.

Officer Comments: The list of draft conditions has been updated to reflect the KCC Highways suggested conditions.

- 2.9 On deferring the determination of the application, the Planning Committee also sought clarification from the applicant on a number of matters set out below and raised other questions during the meeting. Responses from the applicant are set out as follows:

i) Kent Fire and Rescue Service Comments

- 2.10 The School is required to commission an independent expert fire risk assessment annually to be compliant with the Department for Education. Within a document submitted by the applicant, this year's assessment which was completed last month makes reference to the proposal to locate a new classroom building and catering building. The locations for these buildings would fall within the 45 metre requirement for an appliance.

ii) Signage

2.11 If signage was required for the application to proceed, the School owns the land adjoining the approach road "Adelaide Road", up to the start of the PROW. The School leases the land running alongside the rest of the approach road (west of the approach road) from the Tilmanstone Welfare Club up to the Primary School. If desired, signage could be affixed to or on top of fences. Signage would be displayed in consultation with Kent Highways/PROW.

iii) Land Ownership

2.12 Full Title Information has been submitted by the applicant. This shows the extent of the ownership of the School land and it is confirmed by the applicant's solicitor that the parking spaces and turning head and land beyond the PROW is owned by the School or the applicant personally.

iv) Access into Woodpecker Court/School

2.13 The students do not exit the vehicles on the bend (by the gate closest to the house). Currently they alight at the Tilmanstone Welfare car park and go through a gate into the woods to access the site, thus not obstructing traffic flow. The ingress for the new proposal will be from the turning circle onto a path that goes through the woods leading into the School grounds.

v) One-Way System

2.14 A one-way system was considered. Woodpecker Court is significantly lower than the access road that is Adelaide Road. The driveway that leads up to it has a camber where it meets the road, with a small kerb, that causes many vehicles to ground out. Only taller 4 x 4 style vehicles do not ground out. Therefore, the use of the one-way system by most cars/vehicles would not be an option.

vi) Disabled Toilet

2.15 The disabled toilet is located in the same block as the rest of the toilets, as per the 2019 application. A Grant has enabled the School to provide a temporary portable disabled toilet that will be located next to the classroom at the rear of the site, to enable visitors to the Community Farm and events to have convenient access to a toilet. It will also support the School to meet Open Farm regulations required by DEFRA further supported by Animal Activities Licence, with access to hand washing. Currently, the School has free standing foot pump sinks for hand washing

Assessment

Principle of Development

2.16 In respect of Policy DM1, the proposal is considered to be ancillary to an existing development and use and therefore it would be in conformity with this policy and acceptable in principle.

2.17 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high

levels of travel outside confines. The confines of the village extend to the houses opposite the access to the application site along Wigmore Lane (but do not take in the access to the site) and cross the access to the lane leading to the paddocks, the 'Willows', the Bowls Club land, Elvington Court Nursery and Woodpecker Court from Adelaide Road.

- 2.18 Whilst the proposed development and increase in the number of pupils and staff attending the school and activities will increase the demand for travel outside the village confines, it is considered that the application site is not so materially removed from the village confines so as to be remote from it and; as such, there will be travel to and from the site that would cross into/overlap with the village confines.
- 2.19 Policy DM11 is worded to allow development outside the settlement confines if justified by other development plan policies. As the proposal is considered to be in conformity with Policy DM1, it is considered that the proposal is only partly and in moderate conflict with the aims of Policy DM11 to reduce travel outside the settlements and the objectives behind Paragraph 105 of the NPPF to actively manage patterns of growth.
- 2.20 For the purposes of applying the appropriate weight to the Development Plan and those policies important for the determination of the application, it is accepted that some of the detailed policies applicable to the assessment of this particular application (including Policies DM1 and DM11) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.21 As the policies are out of date with the NPPF, what is known as the 'tilted balance' applies, as set out in Paragraph 11 of the NPPF, where there is a presumption in favour of planning permission for sustainable development being granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 2.22 In conclusion, whilst there is moderate conflict with the aims of Policy DM11 and Paragraph 105 of the NPPF, there is an NPPF requirement under Paragraph 95 that decisions should give "great weight" to the needs of schools. As such, and weighing these in the balance, it is considered that the principle of the proposal is acceptable in this location.

Impact on Visual Amenity and Character and Appearance

- 2.23 The impact of the proposal on visual amenity and the character and appearance of the countryside needs to be considered against the use of the land and the existing development.

- 2.24 The main educational function takes place within the rear garden area of Woodpecker Court – the main building on the land. The garden land is well defined and physically contained by boundary enclosures. The proposed buildings are contained within this garden area and form part of a consolidation of buildings on the site. They are sympathetic with the existing form, design and appearance of other nearby buildings and would not stand out on their own and would not encroach into the open countryside. The garden is not overtly visible from public vantage points and as such its use and the proposed buildings will have a minimal impact upon visual amenity and the character and appearance of the area.
- 2.25 The proposed bin store is modest in scale and would be located against an existing classroom. It is well designed and would not encroach into the more open countryside and surrounding area. As such, the bin enclosure is considered to meet the requirements for good design within the NPPF.
- 2.26 The proposed solar panels would be on a roof slope of an existing building in the centre of the site and would not be visible from public vantage points. As such, these are considered acceptable.
- 2.27 The proposed turning, drop off and car parking areas would be visible from public vantage points within the open countryside. The car parking would take place on an existing area that is grassed. Both the parking area and turning area would be seen within the context of an existing access/private way leading to the existing pavilion and hard surfaced car parking area. The turning area and car parking area would not take up a significant amount of the existing land – some of this land is already in use as one of the animal enclosures (pig pens). With suitable hardsurfacing or even cellular matting, these areas would not appear untoward, intrusive within this context or significantly harmful to warrant a refusal of planning permission.
- 2.28 The additional numbers would appear to be able to be suitably accommodated on the site, as the amount and extent of development on the site is consolidated and not significant, and there appears to be sizeable areas of open land for the pupils' recreation and leisure.
- 2.29 The increased use would extend into the woodland area. There has been some removal of trees and other works of management - which appear to be covered by the consent granted in 2021 (set out above). With this exception, there appears to be no other material increase or noticeable visual impact or change in the prevailing character and appearance of the woodland since the previous permission was granted in 2020. The intention behind the education in this area is to teach forest school/tree management skills within the woodland which should not have any material bearing upon its appearance. The applicants own the woodland and allow the public and community groups access to it
- 2.30 It is considered therefore that on the whole, having taken into account the increased areas of hardstanding for the parking and turning areas,

the proposal meets the requirements of Policy DM15 and paragraph 174 of the NPPF.

Impact upon Designated Heritage Asset

- 2.31 The listed building is the main, detached two storey dwelling at the front of the site, with an access from the drive leading from Adelaide Road. It also has an access from Wigmore Lane, via a private lane, which serves the educational facility. The occupier of the house operates the educational facility, and is the principal applicant.
- 2.32 The proposed development only affects the parts of the site that are some distance (to the west and east) from the main house and the ancillary residential accommodation (in the converted garage) – with intervening development/structures between them. As such, it is considered that the proposed development would not affect the setting of Woodpecker Court. Having considered the duty under Section 66 of the Principal Act, it is considered that the new buildings, uses and other development do not materially affect the setting of the designated heritage asset, and have a neutral impact.

Impact on Residential Amenity

- 2.33 There is a close boarded timber fence some 2.5m high along the boundary with Elvington Court Nursery. Along the boundary with the residential properties in Wigmore Road, to the east, there are rows of landscaping that form a dense planting screen within the application site and within the garden of the adjacent residential property. There are only glimpsed views of parts of the rear garden area of the adjacent property from the application site. It is considered therefore that the neighbouring residential properties are suitably safeguarded from overlooking and loss of privacy.
- 2.34 As the educational use of the land only takes place within normal school days and hours, it is considered that noise and disturbance arising from the additional development and numbers of pupils will take place during less sensitive times and days of the week – which would allow the residents of nearby properties to continue to enjoy a reasonable degree of peace and quiet at weekends and during the evenings.
- 2.35 With regard to the additional community events proposed, one per term, it is not considered that this increase is material enough to cause undue harm to the living conditions of the occupiers of nearby properties.

Highway Safety

- 2.36 The increase in the number of pupils attending the school (from 40 to 60) and increase in staff numbers from 10 to 20 will increase the vehicular movements to and from the site and the levels of activity on the site. Condition 4 (restricting the number of pupils) was imposed on the previous planning permission, to safeguard highway safety. On advice from Kent Highways, the condition was imposed and its effect aimed at the use of the access to the site from Wigmore Road.

- 2.37 In KCC's response, at that time, there was a preference for drop off and pick-ups to use the access and lane from Adelaide Road as a more appropriate solution than vehicles using the access from Wigmore Lane.
- 2.38 Under this current application, there are no objections from KCC Highways to the use of the access from Adelaide Road, parking and turning areas, providing that the parking and turning areas are retained for these purposes.
- 2.39 The 2019 planning permission for the change of use of the land with the conditions attached did not prevent or limit the use of the access from Adelaide Road. As such, there are no current planning controls over the number of vehicles using the access for the purposes of dropping off and picking up children.
- 2.40 As such, it is considered that as there is the ability for vehicles to turn on site and leave the access onto Adelaide Road in a forward gear, the increase in the number of pupils and staff is not likely to give rise to a significant increase in harm to highway or pedestrian safety.
- 2.41 The context of the use of the land and access from Adelaide Road, and the comments from Kent Highways, do not negate the views of local people that the increased use of the access and parking area are a cause for concern; however, the proposal is not considered to directly or automatically give rise to conditions that would unduly harm pedestrian and highway safety.

Planning Balance

- 2.42 The proposal would not be in conflict with policy DM1 and is only in moderate conflict with policy DM11 and policy DM15. The conflict with DM15 could be mitigated through a condition on how the additional areas of land take would be treated.
- 2.43 The requirements of Paragraph 95 of the NPPF are to give "great weight" to the needs of schools. As such, it is considered that for this application to be unacceptable any harm identified would have to overcome the great weight in favour of extending the school and improving its provision and service. As there is only limited harm identified it is considered that the planning balance is strongly in favour of granting planning permission.

3. Conclusion

- 3.1 The application was deferred pending a Members' Site Visit and during this period for a series of queries to be addressed by the applicant. The Site Visit has taken place and the responses to the queries are set out in this Report.
- 3.2 The previous Report to the Committee has also been updated to align with further information received and advice from officers.
- 3.3 The proposal is for the erection of two buildings, the relocation of a bin enclosure building, solar panels, increased areas of hard surfacing for

turning and parking, an increase in the number of pupils on the site at any time from 40 to 60 and an increase in open/community events from 1 per year to 6 per year.

- 3.4 It is considered that the proposal is acceptable in principle and there is only a limited degree of conflict with planning policy and harm arising from the proposal. Given the weight to be afforded to the need for the school to expand and improve their facilities, it is considered that the proposal should be supported.

g)

Recommendation

- I Planning permission be GRANTED with the imposition of the following conditions:
- i. Permission to be implemented within 3 years.
 - ii. Development should be in accordance with the layout plan and drawings
 - iii. Materials of the buildings to be as those submitted with the application
 - iv. Materials of the new hard surfacing areas to be submitted for approval.
 - v. Provision of the parking and turning areas on the site, prior to the proposed increase in the number of pupils, and their retention thereafter.
 - vi. No more than 60 pupils to be allowed on the application site at any one time.
 - vii. The open events for the local community shall only take place between 0900 hours and 2000 hours on any day.
 - viii. The previous condition 5 (imposed on 19/01241) on the hours and days of the operation of the use to be re-imposed with the increase from 1 open community event to 6 per school year.
 - ix. A Traffic Management Plan should be submitted for approval. This shall include signage and the use of traffic marshals and other ways to control traffic movements along the PROW and within the site.
 - x. Only deliveries, service, school and staff vehicles shall use the access from Wigmore Lane.
 - xi. The vehicles used to construct the buildings shall only access the site from Wigmore Lane.
 - xii. Upon implementation of the development hereby permitted, a written record of the number of people (pupils, staff and visitors) attending the site each day shall be kept. This record shall be made available for inspection on request at any reasonable time by an Officer of the Local Planning Authority, provided the request is made within six months of the date or dates that are intended to be inspected.
 - xiii. External lighting on the site shall be switched off when the site is not in use, unless it is fitted with a motion activated detector such that lighting remains switched off until such times when it is activated by movement. The timer on the detector shall be set to ensure that the lighting remains on for no more than one minute.

- xiv. Prior to the increase in the number of students/pupils on the site hereby permitted, a Community Inclusivity Plan shall be submitted to the local planning authority for its written approval. This Plan shall demonstrate the means by which the operation of the school engages with the local residents and community around it and shall include contact names and details in cases of emergency, complaints or reporting incidents, means by which reports and complaints are handled, and information as to when planned maintenance will take place involving the use of chainsaws and bonfires.
- II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester

- a) **DOV/22/00262 – ERECTION OF 2NO. BUILDINGS FOR USE AS CATERING UNIT AND CLASSROOM, FORMATION OF CAR PARKING AND TURNING AREA, INSTALLATION OF SOLAR PANELS TO EXISTING STORE BUILDING, RELOCATION OF BIN STORE, USE OF SITE FOR UP TO 60 STUDENTS AT ANY ONE TIME AND OCCASIONAL COMMUNITY USE.**

Forest School Activities And Education Centre Woodpecker Court 45 Wigmore Lane Eythorne CT15 4BF

Reason for report: Number of contrary views (34), and Member call-in.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1, DM11, DM15

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) - Section 66 of the above Act requires the decision maker to pay due regard to the desirability of preserving the setting of a listed building.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 93, 95, 130 and 174.

The Kent Design Guide (KDG) (2005)

National Design Guide (2019) & National Model Design Code (2021)

Draft Dover District Local Plan: The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft have little weight and are not considered to materially affect the assessment of this application. The Draft has completed the first public consultation exercise, which expired in March and at this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

19/01241 – Granted, for “Retrospective application for the change of use of land and the erection of 5no. buildings for use as 2no. classrooms, tool and machine storage, toilet block, including change of use of adjacent land for educational use and erection of a woodland classroom.”

Condition 4 of this planning permission states:

“The educational facility hereby permitted shall not be used for the education, training or schooling of more than 40 students/young people at any one time.

Reason: In the interests of highway safety.”

Condition 5 of this planning permission states:

“No teaching, training or other types of schooling of the students/young people shall take place outside the hours of 0900 hours to 1500 hours on Mondays to Fridays. The use of the site hereby permitted shall not take place on Saturdays, Sundays or Public Holidays, with the exception of those occasions set out in the Schedule of Events within the Planning Statement dated 30 October 2019 - which are designated as a presentation event, 3 parents' open days and an annual open event for the local community.”

Reason: To conserve the character and appearance of the countryside.

21/01098 – Consent granted, for “Felling and remedial works comprising of; deadwooding, crown reductions, pollarding, coppicing, limb removal and creation of monoliths”.

e) Consultee and Third Party Representations

The proposal has been amended from its initial submission and three rounds of consultation have taken place. Some comments are no longer relevant due to the change in the proposal, but are included for completeness.

Eythorne Parish Council: In their initial response, the PC provided a neutral response and sought a site visit from the Planning Committee. In their most recent response, the PC do not raise objections on highway grounds subject to the imposition of two conditions (provision and retention of the parking spaces and a limit on the numbers of pupils), but concludes that “increasing student numbers & allowing use outside of normal school hours can no longer be supported.”

Environmental Protection Officer: Initially raised no comments, but sought further information on the increase on the ‘community based events’. Raises no objections subject to a condition limiting the hours of opening for these events from 0900 hours to 20 hours.

Officer Comments: This information has been provided to the Officer and a response is awaited.

Tree Officer: No objections are raised.

Heritage Officer: It is not considered that this application requires specialist input in respect of the built historic environment.

KCC Highways: The existing access via Adelaide Road is suitable with good visibility in both directions and is wide enough to allow 2 vehicles to pass along its entirety, but the access and parking spaces would need to be retained in perpetuity.

KCC PROW Officer: Does not wish to make comments.

Kent Fire & Rescue Service: Commented on the initial submission that there lacked emergency access to the proposed units.

Officer Comments: The comment is not in a form of a planning objection, but rather highlights that this is a building control matter that would need to be addressed.

Public Representations: At the time of writing this report, there have been 196 representations received from the public consultations of the application. Of these, 34 are objections and 161 are in support. One neutrally worded response (with regard to reflection from the solar panels) has been received. A summary of the objections raised is as follows:

- The location is unsuitable
- Impact upon air quality, the woodland and natural environments and habitats
- Loss of privacy, increase in noise and general disturbance and harm to living conditions
- Fire hazard
- Increase in traffic, harm to highway and pedestrian safety
- Harm to the visual amenity and countryside character
- Harm to the listed building and its setting
- The café is inappropriate
- Harm to welfare of animals
- There are breaches of planning control
- The bungalow is not surplus to use

A summary of the supporting comments is as follows:

- Supports the local community
- Meets an educational need
- The work being done with the pupils is supported.
- Raises the profile of the area
- There is sufficient separation to nearby properties
- The proposal is sustainable

The KCC Interim Area Education Officer states that there has been a significant increase in the numbers of children and young people with Education Health and Care Plans and an increased demand for places in schools (such as Woodpecker Court) offering bespoke learning environments.

The Head teacher at the Eythorne Elvington Community Primary School states that the school uses the grounds and benefits from the staff delivering sessions, there is a desire to increase and improve links and the school does not have any issues with the operations of Woodpecker Court.

Astor School supports the application, the bespoke curriculum and the way the facility is operated.

The Vicar of the Bewsborough Parish (6 local parishes including Eythorne & Elvington) supports the school and the support it provides to the children and local community.

f)

1. **The Site and the Proposal**

- 1.1 The application site comprises a 2-storey, Grade II listed, detached dwelling (the applicant's house), a converted garage building, in use for ancillary residential accommodation (a relative of the applicant), a former coach house building, in use as a classroom, and 6 single storey outbuildings to the side and rear of the detached dwelling, within its 'garden'. Three of these outbuildings have recently been erected and are in use as a classroom, toilet block and a tool/machine storage building. They are of timber construction - some of which are located on pre-existing concrete slabs.
- 1.2 Within this 'garden' area are open/grassed areas, a pet/animal enclosure, a relaxation area, a parking area, a small 'assault course' – which leads from the garden along a narrow strip of land towards the access to the site from Wigmore Lane and a small 'range' on the other (south eastern) side of the parking area, along a short, narrow strip of land.
- 1.3 Not including the house and its ancillary residential accommodation, the use of the remaining land and buildings provide an alternative/additional means of education for young people.
- 1.4 The detached dwelling is the former Manor house (Woodpecker Court) and was constructed in the early 18th Century. It is finished in red brickwork under a plain tiled roof.
- 1.5 The application site also comprises an area of land in front of (west of) Woodpecker Court, which contains a further timber building in use as a classroom and a shed. Adjoining the classroom is a small enclosure, housing animals (located to the north east of the building).
- 1.6 To the north of the 'garden' area is an area of woodland, which is protected by a Tree Preservation Order. Only part of the woodland is in 'use' by the applicant for teaching outdoor/woodland skills to the young people, the remaining parts have been made available for the public/community groups to use. Within the woodland, a 'dead wood wildlife' fence is erected, which is about 1m-1.5m high and made up of fallen branches and dead wood, and which forms a 'green' barrier to the area of land that the applicant wishes to separate between public and educational use. The fence comprises branches entwined and stacked together to form a physical barrier. Within the area to be retained for educational use only, and with access from the garden of the main site, a further timber (mobile) building for use as a woodland classroom has been recently stationed.
- 1.7 The application site also covers land that is owned by the Tilmanstone Welfare Club. This includes a small square parcel of land located opposite the front garden of Woodpecker Court, located amongst trees, and is used to accommodate a field shelter and grazing for goats. To the west of this there is a further large field that has been sub divided into 4 paddocks and used to accommodate 4 field shelters and additional

animals including alpacas, goats and sheep. This land is close to Elvington Court Nursery (containing a dwelling and outbuildings) and the residential properties along Thanet View (Adelaide Road). The land now has the appearance of being in agricultural use.

1.8 The Tilmanstone Welfare Bowls Club and Pavilion, the Willows (bungalow) and car parking are located mostly to the west of Woodpecker Court.

1.9 The access to the rear 'garden' of the site is from Wigmore Lane along a narrow private drive to a small parking area within the 'garden' area. An additional access to Woodpecker Court is via a lane accessed from Adelaide Road. In addition to Woodpecker Court, the lane serves Elvington Court Nursery, the Tilmanstone Welfare Bowls Club and Sports Pavilion, Willows bungalow as well as the paddocks, pens and classroom used by the School.

1.10 Public Right of Way EE354 runs along this lane from Adelaide Road.

1.11 The proposal seeks to erect two buildings on the site, within the main 'garden' area, close to existing buildings. The first would be used as a classroom, it would be of similar design and appearance as the other classroom buildings. The second building is proposed to be used as a catering building, to replace a 'mobile' catering unit in the same location. The mobile building would be moved to another location within the site, further north within the woodland, and close to the 'dead wood' fence.

1.12 A new bin enclosure building is proposed to the west of the site and would be adjacent to an existing classroom building.

1.13 Solar panels are proposed on the roof of an existing tool and equipment building, which is among the existing buildings and classrooms in the centre of the site.

1.14 The proposal also seeks to vary the limitation of children approved under the previous planning permission. This seeks to increase the number of students/school children on the site at any time from 40 to 60. The increase in the number of children comes from an increase in demand for such a facility and educational service. Secondly, the proposal seeks to increase the number of 'events' on the site available to the public and community groups from 1 to 6 (1 per term).

1.15 Whilst the access from Wigmore Lane remains, providing access to a small car parking area in the site, the proposal includes the provision of a turning area, drop off and pick up area and further parking spaces for staff on the western part of the site, accessed from the lane front Adelaide Road. The use of this access was highlighted to be available to the school under the previous application, but the proposal seeks to change the degree to which this access is used through the turning, pick up and staff parking areas proposed.

2. Main Issues

2.1 The main issues are:

- Principle of development
- Impact on visual amenity and the character and appearance of the countryside
- Impact upon the setting of the designated heritage asset
- Impact on residential amenity
- Highway Safety
- Planning balance

Principle of Development

- 2.2 In respect of Policy DM1, the proposal is considered to be ancillary to an existing development and use and therefore it would be in conformity with this policy and acceptable in principle.
- 2.3 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The confines of the village extend to the houses opposite the access to the application site along Wigmore Lane (but do not take in the access to the site) and cross the access to the lane leading to the paddocks, the 'Willows', the Bowls Club land, Elvington Court Nursery and Woodpecker Court from Adelaide Road.
- 2.4 Whilst the proposed development and increase in the number of pupils and staff attending the school and activities will increase the demand for travel outside the village confines, it is considered that the application site is not so materially removed from the village confines so as to be remote from it and; as such, there will be travel to and from the site that would cross into/overlap with the village confines.
- 2.5 Policy DM11 is worded to allow development outside the settlement confines if justified by other development plan policies. As the proposal is considered to be in conformity with Policy DM1, it is considered that the proposal is only partly and in moderate conflict with the aims of Policy DM11 to reduce travel outside the settlements and the objectives behind Paragraph 105 of the NPPF to actively manage patterns of growth.
- 2.6 For the purposes of applying the appropriate weight to the Development Plan and those policies important for the determination of the application, it is accepted that some of the detailed policies applicable to the assessment of this particular application (including Policies DM1 and DM11) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.7 As the policies are out of date with the NPPF, what is known as the 'tilted balance' applies, as set out in Paragraph 11 of the NPPF, where there

is a presumption in favour of planning permission for sustainable development being granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

2.8

In conclusion, whilst there is moderate conflict with the aims of Policy DM11 and Paragraph 105 of the NPPF, there is an NPPF requirement under Paragraph 95 that decisions should give “great weight” to the needs of schools. As such, and weighing these in the balance, it is considered that the principle of the proposal is acceptable in this location.

Impact on Visual Amenity and Character and Appearance

2.9

The impact of the proposal on visual amenity and the character and appearance of the countryside needs to be considered against the use of the land and the existing development.

2.10

The main educational function takes place within the rear garden area of Woodpecker Court – the main building on the land. The garden land is well defined and physically contained by boundary enclosures. The proposed buildings are contained within this garden area and form part of a consolidation of buildings on the site. They are sympathetic with the existing form, design and appearance of other nearby buildings and would not stand out on their own and would not encroach into the open countryside. The garden is not overtly visible from public vantage points and as such its use and the proposed buildings will have a minimal impact upon visual amenity and the character and appearance of the area.

2.11

The proposed bin store is modest in scale and would be located against an existing classroom. It is well designed and would not encroach into the more open countryside and surrounding area. As such, the bin enclosure is considered to meet the requirements for good design within the NPPF.

2.12

The proposed solar panels would be on a roof slope of an existing building in the centre of the site and would not be visible from public vantage points. As such, these are considered acceptable.

2.13

The proposed turning, drop off and car parking areas would be visible from public vantage points within the open countryside. The car parking would take place on an existing area that is grassed. Both the parking area and turning area would be seen within the context of an existing access/private way leading to the existing pavilion and hard surfaced car parking area. The turning area and car parking area would not take up a significant amount of the existing land – some of this land is already in use as one of the animal enclosures (pig pens). With suitable hardsurfacing or even cellular matting, these areas would not appear untoward, intrusive within this context or significantly harmful to warrant a refusal of planning permission.

2.14

The additional numbers would appear to be able to be suitably accommodated on the site, as the amount and extent of development

2.15 on the site is consolidated and not significant, and there appears to be sizeable areas of open land for the pupils' recreation and leisure.

The increased use would extend into the woodland area. There has been some removal of trees and other works of management - which appear to be covered by the consent granted in 2021 (set out above). With this exception, there appears to be no other material increase or noticeable visual impact or change in the prevailing character and appearance of the woodland since the previous permission was granted in 2020. The intention behind the education in this area is to teach forest school/tree management skills within the woodland which should not have any material bearing upon its appearance. The applicants own the woodland and allow the public and community groups access to it

2.16

It is considered therefore that on the whole, having taken into account the increased areas of hardstanding for the parking and turning areas, the proposal meets the requirements of Policy DM15 and paragraph 174 of the NPPF.

2.17 Impact Upon Designated Heritage Asset

The listed building is the main, detached two storey dwelling at the front of the site, with an access from the drive leading from Adelaide Road. It also has an access from Wigmore Lane, via a private lane, which serves the educational facility. The occupier of the house operates the educational facility, and is the principal applicant.

2.18

The proposed development only affects the parts of the site that are some distance (to the west and east) from the main house and the ancillary residential accommodation (in the converted garage) – with intervening development/structures between them. As such, it is considered that the proposed development would not affect the setting of Woodpecker Court. Having considered the duty under Section 66 of the Principal Act, it is considered that the new buildings, uses and other development do not materially affect the setting of the designated heritage asset, and have a neutral impact.

2.19 Impact on Residential Amenity

There is a close boarded timber fence some 2.5m high along the boundary with Elvington Court Nursery. Along the boundary with the residential properties in Wigmore Road, to the east, there are rows of landscaping that form a dense planting screen within the application site and within the garden of the adjacent residential property. There are only glimpsed views of parts of the rear garden area of the adjacent property from the application site. It is considered therefore that the neighbouring residential properties are suitably safeguarded from overlooking and loss of privacy.

2.20

As the educational use of the land only takes place within normal school days and hours, it is considered that noise and disturbance arising from the additional development and numbers of pupils will take place during less sensitive times and days of the week – which would allow the residents of nearby properties to continue to enjoy a reasonable degree of peace and quiet at weekends and during the evenings.

2.21 With regard to the additional community events proposed, one per term, it is not considered that this increase is material enough to cause undue harm to the living conditions of the occupiers of nearby properties.

Highway Safety

2.22 The increase in the number of pupils attending the school (from 40 to 60) and increase in staff numbers from 10 to 20 will increase the vehicular movements to and from the site and the levels of activity on the site. Condition 4 (restricting the number of pupils) was imposed on the previous planning permission, to safeguard highway safety. On advice from Kent Highways, the condition was imposed and its effect aimed at the use of the access to the site from Wigmore Road.

2.23 In KCC's response, at that time, there was a preference for drop off and pick-ups to use the access and lane from Adelaide Road as a more appropriate solution than vehicles using the access from Wigmore Lane.

2.24 Under this current application, there are no objections from KCC Highways to the use of the access from Adelaide Road, parking and turning areas, providing that the parking and turning areas are retained for these purposes.

2.25 The 2019 planning permission for the change of use of the land with the conditions attached did not prevent or limit the use of the access from Adelaide Road. As such, there are no current planning controls over the number of vehicles using the access for the purposes of dropping off and picking up children.

2.26 As such, it is considered that as there is the ability for vehicles to turn on site and leave the access onto Adelaide Road in a forward gear, the increase in the number of pupils and staff is not likely to give rise to a significant increase in harm to highway or pedestrian safety.

2.27 The context of the use of the land and access from Adelaide Road, and the comments from Kent Highways, do not negate the views of local people that the increased use of the access and parking area are a cause for concern; however, the proposal is not considered to directly or automatically give rise to conditions that would unduly harm pedestrian and highway safety.

Other Matters

2.28 The final consultation of this application expires on 12 August 2022. The reason for this consultation was due to the proposed increase in community events from 1 to 6 and to clarify the de. Should any new information/responses be submitted following the Planning Committee decision and prior to the expiration of the consultation period, and this information is considered by the Head of Planning and Development to be material to the decision that has been made, the application will be reported back to the next available Planning Committee.

Planning Balance

- 2.29 The proposal would not be in conflict with policy DM1 and is only in moderate conflict with policy DM11 and policy DM15. The conflict with DM15 could be mitigated through a condition on how the additional areas of land take would be treated.
- 2.30 The requirements of Paragraph 95 of the NPPF are to give “great weight” to the needs of schools. As such, it is considered that for this application to be unacceptable any harm identified would have to overcome the great weight in favour of extending the school and improving its provision and service. As there is only limited harm identified it is considered that the planning balance is strongly in favour of granting planning permission.

Conclusion

- 2.31 The proposal is for the erection of two buildings, the relocation of a bin enclosure building, solar panels, increased areas of hard surfacing for turning and parking, an increase in the number of pupils on the site at any time from 40 to 60 and an increase in open/community events from 1 per year to 6 per year.
- 2.32 It is considered that the proposal is acceptable in principle and there is only a limited degree of conflict with planning policy and harm arising from the proposal. Given the weight to be afforded to the need for the school to expand and improve their facilities, it is considered that the proposal should be supported.

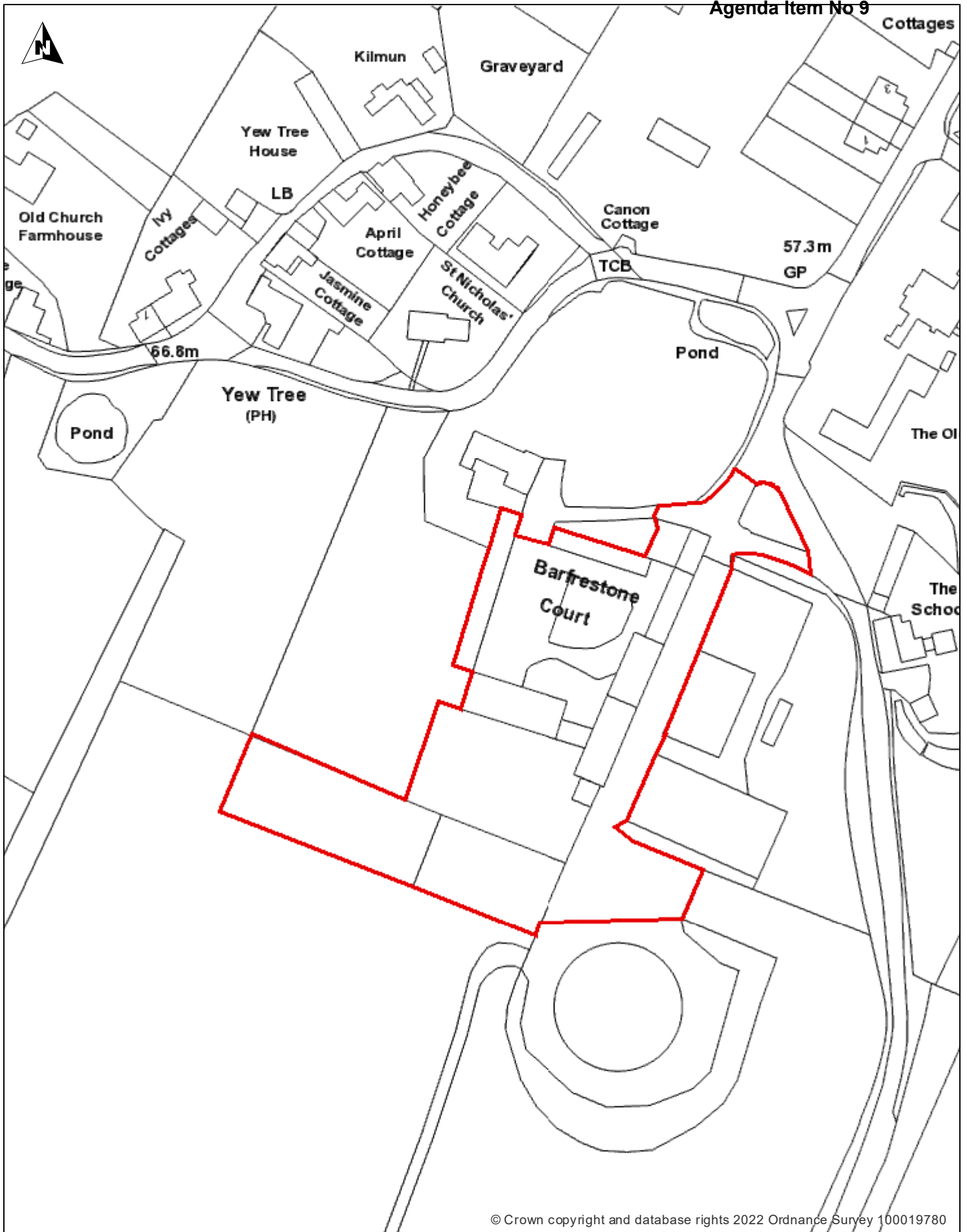
g)

Recommendation

- I Planning permission be GRANTED with the imposition of the following conditions:
- i. Permission to be implemented within 3 years.
 - ii. Development should be in accordance with the layout plan and drawings
 - iii. Materials of the buildings to be as those submitted with the application
 - iv. Materials of the new hard surfacing areas to be submitted for approval.
 - v. Retention of the parking and turning areas for the duration of the school use of the site.
 - vi. Only 60 pupils to be allowed on the application site at any one time.
 - vii. To limit the hours of opening for the public/community events from 0900 hours to 2000 hours.
 - viii. The previous condition 5 (imposed on 19/01241) on the hours and days of the operation of the use to be re-imposed with the increase from 1 open community event to 6 per school year.
- II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee, and to determine whether any new information/responses received before the expiration of the

consultation period (12 August 2022) are material to the Planning Committee's decision so as to require the application to be held in abeyance and reported back to the Planning Committee.

Case Officer: Vic Hester



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22/00493

Barfrestone Court Farm
Barfrestone Road, Barfrestone
CT15 7JJ

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/22/00493 - Change of use of land/buildings to mixed use agricultural and wedding/events venue, installation of hard surfacing and associated parking provision – Barfrestone Court Farm, Barfrestone Road, Barfrestone**

Reason for report – Councillor call-in due to concerns relating to the impact on the residential amenity of surrounding residents and the traffic generated as a result of the proposal and number of contrary views (36).

- b) **Summary of Recommendation**

Planning permission be granted, subject to safeguarding conditions.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM3 – Commercial Buildings in the Rural Area

DM4 – Re-Use or Conversion of Rural Buildings

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 – Protection of the Countryside

DM16 – Landscape Character

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 84, 85, 104, 110-112, 124, 130, 167, 174, 180

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

- d) **Relevant Planning History**

DOV/02/01201 - Re-building of barns and reinstatement of Oast House as 3 units of holiday accommodation – Refused – Appeal Allowed with conditions

DOV/19/01308 - Erection of first floor extension with alterations to windows and doors to an agricultural building – Refused

19/01309 - Alterations to agricultural building to include inserting a first-floor extension with 3no rooflights & door openings to front elevation. 3no dormer windows & shutters to rear elevation. Internal works include insertion of a staircase & first floor structure - Refused

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

Environmental Health - Environmental Protection have been asked to comment on the above application. Prior to receiving this application Environmental Protection commented on a Premises Licence application for the same venue under the Licensing Act 2003. Following a formal hearing, operational controls were agreed, those controls were:

• Recorded music changed to a termination of 00:00am • Alcohol provision changed to a termination of 00:00am • During regulated entertainment, the doors of the barn facing the courtyard (north facing) shall remain closed other than for access and egress. • During regulated Entertainment patrons who wish to smoke shall be directed to use the area on the south side of the barn which can be accessed through the south exit of the barn.

The current application is for a change of use from an agricultural barn to wedding venue. The application will allow the wedding venue to operate 7 days a week, 365 days a year, however the wedding frequency information within the Design and Access statement is noted.

One concerning factor that was not mentioned as part of the Licensing application was the use of the external garden area to have a marquee and extended events. A marquee by its nature is acoustically ineffectual, reducing noise aspects by 10dB maximum in some circumstances. Given the rural nature of the location we would be concerned by external amplified music at any time.

When reviewing this application Environmental Protection do not object to the application, we do however request controls to ensure that a level of residential amenity is maintained. We are minded to ensure that the application does not move to where significant observed adverse effect is experienced. Residents' comments are noted, which report noise issues with previous events at the development site. While these are noted, no complaints were received about these events by the local authority and so limited weight can be taken from them. When requesting controls, we accept the offers made within the application information but wish to move further, we therefore request the following conditions:

1. The site shall only be used for the purposes of a wedding venue (as applied) between the hours of 11:00am and 00:30am on each operational day. All operations associated with the weddings and associated events shall be conducted within these hours.
2. All performances of music in external areas, even within a temporary structure, shall be acoustic only i.e., no amplification of voice or instrument.
3. Weddings or associated events held at the development site between the 1st September and 30th June shall only take place on 1 day within any 1-week period (Monday to Sunday). Between 1st July and 31st August shall only take place on 2 days within any 1-week period (Monday to Sunday). This gives an expected total of 60 possible events per year as outlined in the application financial information.

4. Records of weddings or associated events held at the site shall be recorded by the operators of the site and the records be available for review within 96 hours of a receipt of a request in writing from the local planning authority.

5. Prior to first operation of the site as applied, a noise limiting device shall be installed within the internal wedding venue. All sources of amplified music associated with wedding events shall be played through the noise limiting device. The device shall not be bypassed at any time. The device shall be set prior to first operation by the local planning authority through the local Environmental Protection Team and the site operator. Any sound level set shall be maintained by the operator of the site. The noise limiter shall be maintained and replaced as required for the life of the development.

It is our view that if the controls requested are put in place any disturbance to nearby residents will be significantly minimised, however if justified complaints are received this department has other powers to tackle such issues.

Eythorne Parish Council - *Members of EPC had mixed feelings on the application, it was felt the residents' objections raised over noise concerns should be taken into account and the increase in traffic with this being in a small hamlet. Other members mentioned that as DDC's Licensing committee had already agreed to a licence to supply alcohol for consumption on and off the premises between 12.00 & 0.00 every day, and to allow music, with an extension for New Year's Eve. A condition was also put in place that the North facing courtyard doors are to remain closed. If this has been agreed by this Committee, members could not see why it should not apply to a wedding or other function. The issue of the PROW through the farm has been dealt with and access will be improved. Members understand why there are objections about the possibility of noise and additional traffic but conditions on the number of events and a routing agreement should safeguard neighbours. Some objectors suggest that it would be detrimental to the historic church, but members felt additional use would be a financial benefit which in turn would preserve this lovely & unique building for the future.*

Heritage Officer - *Principle listed building, the farmhouse, was listed in 1963 so even if the owner carried out the work 20 years ago as he indicated consent would have been required. Planning history shows a case in 1991 where from the existing plans it is apparent that the glazed doors were not in place at that time. Subsequently, I need a LBC for the glazing to the ventilation slits and the glazed door to the rear. They will need to provide full construction plans to show how the glazing relates to the structure and indicate how fixed, plus all the usual.*

In essence, I am not adverse to the change of use however I am concerned that there are portaloos proposed and suggest that such a function should only be a very temporary measure. I would like to see greater detail of the finish of the land both to the rear where the marquee is to be positioned and the parking area within the inner courtyard as we do not appear to have any detail of the surface treatment of either.

KCC Highways Final Comment - *The applicant has provided plans which demonstrate the visibility splays which can be achieved based on the 30mph speed limit on Barfrestone Road. The plans also show the boundary of Barfrestone Court Farm and land which is within the applicant's control. The splays should be measured 2.4m into the entrance of Bafrestone Court from the carriageway edge which does not appear to have been done. However, having carried out my own assessment, the visibility can be achieved by cutting back some vegetation around the pond on the bend (which is under the applicant's control). I would therefore wish to see a condition requiring the provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at*

the access with no obstructions over 1.05 metre above carriageway level within the splays.

Sufficient parking and manoeuvring areas are available within the site such that there is unlikely to be any impact on the highway. The relatively remote location of the site means that most if not all trips will be made by vehicle, and the use of minibuses, taxis and car sharing should therefore be encouraged. I would therefore wish to see a condition requiring the submission and implementation of proposals to promote and encourage such sustainable travel. Taking all of the above into account I raise no objection the proposals in respect of highway matters subject to the following being secured by condition:

- Number of events limited to 2 per week
- Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces and manoeuvring areas shown on the submitted plans (150_010.PL1.2).

Original Comment - The application is seeking a change of use for an agricultural barn to provide a wedding venue, to include a total of 150 guests. The design and access statement mentions a separate marquee which has the capacity to accommodate an additional 200 guests should the customer require it however it is unclear if these facilities will be used in conjunction with each other. The applicant will need to clarify if at one time, the venue has the potential for the barn and the marquee to be at full capacity, leading to potentially 350 guests.

The application seeks to utilise the existing access from Barfrestone Road however given the current use movements are significantly less than that for an events venue it will be necessary for the applicant to submit plans demonstrating the visibility splays that can be achieved in each direction of the access. These are required to be drawn 2.4 metres x 43 metres (based on the 30mph speed limit) with no obstruction above 1.05 metres within the splays should be illustrated. The splays should be measured 2.4 metres back from the highway, and to the nearside carriageway edge in either direction. The splays should only include land within the control of the applicant or KCC Highways.

The submitted plans show parking allocation for a total of 72 cars however none of these are allocated for staff parking. It is recommended that the parking layout is revised to allow for staff parking and parking for 3 mini buses. The 6 proposed disabled spaces are situated in area 4 on site plan but this area is a distance from the main venue and on ground that is not suitable for the mobility impaired. It is my suggestion that these are relocated to area 2 for easier access. Each parking space provided needs to be 2.5m x 5m with a clear 6m reversing distance behind to allow for manoeuvring and the disabled bays are required to be 3.6m x 5.5m which includes a hatched area to the rear and one side.

EV parking details will need to be submitted. Due to the Governments proposals to increase the use of Ultra Low Emission Vehicles, it is appropriate that all new developments incorporate ULEV charging points. KCC has recently reviewed its car parking standards, and a draft proposal has been endorsed and we are waiting for this to be formally adopted. Our requirements for ULEV's will be as follows: For all non-residential uses - 10% Active Charging Spaces and 10% Passive Charging Spaces of total car parking allocation.

Further details will need to be provided regarding waste collection for the venue. It is necessary to know if this is going to be a roadside collection or if the refuse vehicle will be permitted to enter the site to collect from a bin storage area as vehicle tracking for a refuse vehicle may be required.

KCC PROW Updated Comment - *Given the increase in vehicles up to 150, I ask that a traffic management plan is conditioned to ensure that the methods of controlling the traffic are fully outlined and adhered to. This includes vehicles entering and exiting the site, ensuring that vehicles are marshalled within the site during events.*

Pedestrians have the higher right over the route and incorporation of a signage strategy should be ensured. The signage should be of a nature that drivers are aware of pedestrians, and vice versa. While I understand that this is a currently working scenario, every effort should be made with the increase in vehicle movements along the PROW. There should be no vehicles parked on the PROW at any time as this is an obstruction of the highway. If these conditions can be met and the definitive line of the public right of way is restored, I have no further reason to pursue my objection.

Original Comment – *The proposed development directly affects Public Right of Way EE334, the location of which is indicated on the attached extract of the Network Map of Kent. The application makes no reference to PROW EE334, which is directly affected by the proposals. As the application is currently presented, I must object to it for the above reason. I would ask that the applicant submit an amended application reflecting the existence of the right of way and indicating how it will be dealt with.*

Southern Water - *There are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness.*

Public Representations:

One letter of objection has been received in response to the amended proposal and the concerns are summarised below.

- Queries the acceptability of the visibility splays on the revised plan.
- Concern regarding flooding of the pond near the access, which floods as it requires clearing out. Suggests that if permission is received for this venue, DDC should consider putting a condition on the permission that the pond is cleared out in order that flooding could be prevented in the future.

36 letters of objection have been received in response to the original scheme and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Previous events at the venue have resulted in noise and disturbance to the surrounding area and residential neighbours and the proposal will increase this.
- The proposal would result in detrimental noise and disturbance impacts, particularly given the high regularity of the proposed weddings and as guests exit the venue at night.
- Question the likelihood of keeping doors closed as stated.
- The proposed marquee is not soundproof.

- The village and venue are accessed via narrow rural lanes with limited passing places. The proposed use would generate a high volume of traffic and vehicular movements at similar times which would result in disruption to traffic flows to/from the village and could result in hazardous occurrences between vehicles and other road users, particularly given the nature of the surrounding roads.
- Concern regarding freedom of access to the village, particularly for emergency vehicles, arising from increase in traffic flows associated with the proposed use.
- The surrounding roads are not suitable for the amount of traffic this proposal will generate.
- It is stated that traffic will be diverted away from the village, which is not considered possible to enforce. People will take the shortest route the venue, usually via sat nav.
- There is no mains drainage/sewerage to the property.
- There is a PROW running through the site, which the proposed use may adversely affect/obstruct.
- The proposal will result in a loss of peace and tranquillity to the locality.
- The proposal will adversely affect the rural character of the area and Conservation Area.
- The proposal does not propose any new buildings, but no obvious steps have been taken to manage the visual impacts of the temporary structures and car park.
- The proposed car park and temporary toilets etc. will be visible from the PROW running through the site and from various points within the village, which will be detrimental to the visual amenity and rural character of the village.
- The proposal will result in light pollution, which will be detrimental to the local environment and wildlife.
- The proposal would be detrimental to the setting of the Grade I Listed Norman St Nicholas Church.
- Opposition to the scale of the proposal.
- The proposal would change the character of the hamlet and result in urbanisation.
- The site is a working farm and the proposal could result in a danger to the public.
- Disagree that the proposal would provide a financial benefit to the local economy.
- The benefits of the proposal on the local economy have not been substantiated.
- The proposed hard surfacing to access the venue would result in additional surface water run off, which is likely to exacerbate flooding issues at the pond adjacent to the entrance, which is the lowest point of the valley.
- Consider that the proposal does not meet the requirements of Policy DM1, DM4, DM11, DM13 and DM15 and should be refused.

11 letters of support and 2 letters of representation have been received in response to the original scheme and the material considerations are summarised below.

- Consider the proposal to be a good idea and would benefit the local community.
- The proposal will not impact on life in the village.
- There is ample parking on site.
- The traffic generated would be negligible through the surrounding villages.
- The farm is integral to our community and the barn has hosted art festivals in the past.
- The farmer is an asset to our community and consider that he will continue to be respectful to local residents.
- Support this local business.
- The proposal has a reasonable music cut off time.
- Support the proposal on the understanding that these wedding events will be properly managed.

- The proposal would benefit the local church and neighbouring small businesses such as hotels, pubs and taxi services bringing much needed revenue to the local area.
- The proposal will result in an increase in jobs in the area.
- The proposal will be a positive addition to the local area.

f) 1. The Site and the Proposal

- 1.1 The application site is located within the hamlet of Barfreestone, outside the defined village and settlement confines (there are no settlement confines for Barfreestone), and within the countryside for planning purposes. The site is also partially located within the Barfreestone Conservation Area, which includes the courtyard of buildings and area to the north and terminates at the rear of the main barn building. The application site forms part of Barfreestone Court Farm and relates to the Barfreestone Court complex and surrounding land. This includes the barn building and associated buildings fronting the courtyard, the courtyard, the adjacent access route to the east of the courtyard and a somewhat L shaped parcel of land to the rear of the barn building. The existing farmhouse is Grade II Listed and correspondingly the application buildings which are the subject of this application are curtilage Listed.
- 1.2 The courtyard is formed of a number of traditional farm buildings which frame the central partially hard surfaced, partially grassed courtyard. The barn building to the south of the Courtyard is the primary building, of the greatest scale, containing a central entrance which projects forward of the front elevation with large timber doors, and a gabled canopy above. The remainder of the building is a simple, rectangular building with ventilation slits set at intervals, set under a pitched roof. To the east of the barn building is an attached building of a reduced scale and simple design which largely reflects the parameters of the main barn building. The buildings to the east of the courtyard comprise two storey brick, and timber clad buildings, and the buildings to the west and north are simple, single storey brick-built buildings set under pitched roofs and containing a range of door and window openings. Beyond the courtyard to the north is the Grade II Listed Farmhouse, a traditional early 18th century farmhouse. Running alongside the courtyard to the east is an unmade access route which also comprises PROW EE334, with large open sided farm buildings to the east and leading to a circular farm structure to the south. Beyond this structure and to the west is an open field. To the rear of the barn building is an enclosed grassed/landscaped area, which is currently being utilised for the keeping of horses.
- 1.3 The application proposes to change the use of the existing buildings and land into a mixed use agricultural/wedding and events venue use. The main barn building and attached building to the south of the courtyard and the enclosed external area to the rear of these buildings are proposed to be used as a wedding/events venue to host civil ceremonies, wedding receptions and other functions. No works or external alterations are proposed to the buildings to facilitate this, and it is proposed for a marquee and hired toilet facilities to be sited in the enclosed external area to the south on an event by event basis. The remaining buildings to the courtyard will remain in agricultural storage use, as clarified by the site location plan.
- 1.4 The courtyard to the frontage of the barn building will accommodate parking for approximately 12 vehicles, including 6 disabled spaces, together with a taxi drop off/collection point to the centre of the courtyard. It is proposed to hard surface

the access route to the east of the courtyard buildings which also forms PROW EE334 with a porous hard surfaced material to formalise the existing access route and provide improved access. No change is proposed to the route or accessibility of the PROW. To the rear of the enclosed external space to the rear of the barn building it is proposed to provide a parking area for 55 vehicles including 3No. minibus parking bays and 11No. staff parking spaces accessed via the hard surfaced access route. This parking area is proposed to be fitted with heavy duty rubber grass mats. It is proposed that a member of staff will be present at the access to the farm to manage and direct in and outgoing vehicles for two hour arrival and exit windows. The proposal does not seek provision for guests to stay at the farm overnight.

- 1.5 The application has been supported by a Design and Access Statement and Travel Plan which sets out the intentions of the proposal, how the venue will be managed and mitigation measures for associated impacts of the proposal. In addition to this, an Economic Impact Statement has been provided to support the proposal.
- 1.6 The proposal has been amended during the course of the application to address highway and residential amenity concerns, together with clarifying the retention of the PROW. The application now proposes the maximum number of guests to be 150, has altered the parking and access arrangements and provided visibility splays in line with KCC Highways requirements and agreed to the conditions required by Environmental Health to control associated noise and disturbance. It is now proposed that weddings and associated events at the application site between 1st September and 30th June will only take place on one day within each 1-week period (Monday to Sunday) and between 1st July and 31st August, will only take place on 2 days within each 1 week period (Monday to Sunday) with a total of 60 possible events each calendar year. The site shall only be used for the purpose of a wedding and events venue between the hours of 11:00am and 00:30am on each operational day.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - Impact on visual amenity, the intrinsic character and beauty of the countryside and heritage impact
 - Impact on residential amenity particularly regarding noise and disturbance
 - Highway safety and amenity

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 the plan, unless material considerations indicate otherwise.
- 2.3 The application site lies outside the settlement confines and within the countryside for planning purposes. As such, Policy DM1 applies which states that development will not be permitted unless specifically justified by other development plan policies, or it functionally requires such a location, or it is

ancillary to existing development or uses. Policy DM4 is relevant and allows for the conversion or re-use of structurally sound, permanent rural buildings for commercial use outside of the settlement confines provided they contribute to local character, are suitable in terms of scale and character and acceptable in other planning respects. The supporting text also states that commercial uses that generate employment will generally be preferable to other uses. Policy DM3 allows for new commercial development within the rural area, but states this should be within the settlement confines unless it can be demonstrated that no suitable site exists, in which case it should be sited adjacent to the settlement unless there is a functional requirement for it to be located elsewhere. Policy DM11 does not permit development outside the urban boundaries and rural settlement confines which would generate travel unless justified by other local plan policies.

- 2.4 The National Planning Policy Framework takes a somewhat less restrictive approach to development of this type. Paragraph 84 says that decisions should enable the growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings; support is also given for sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 says it must be recognised that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements, and sites that are physically well-related to existing settlements, should be encouraged where sustainable opportunities exist.
- 2.5 The main barn building which is proposed to be the main focus of the wedding/events venue and attached building to the east are existing structurally sound, permanent rural buildings and therefore fall within the criteria of Policy DM4. The buildings are traditional courtyard farm buildings of architectural and historic merit and are curtilage Listed by virtue of their relationship and association with the Grade II Listed Farmhouse to the north. It is therefore considered that these buildings contribute to the local character, and the change of use could result in benefits associated with securing the continued use and future preservation of these buildings. It is considered that the application site provides an appropriate setting for the proposed wedding/events venue offer, which requires a large site and sufficient parking provision, thereby providing a level of justification for the development functionally requiring the proposed location. The site is also well related to Barfrestone, forming part of the cluster of built development which makes up this small hamlet. The proposal does not propose the erection of any further permanent buildings, with the associated structures and works relatively light-touch, largely temporary structures which would be ancillary to the main barn and grounds.
- 2.6 An Economic Impact Statement was submitted as part of the application to support the proposal. This details that the existing agricultural business is seeking to diversify to address decreasing profits arising from the agricultural use of the site and provide a more sustainable overall business. In addition, it details expected direct benefits to the local economy from associated ventures such as catering, photography, decorations/flowers, entertainment hire etc. and secondary benefits through the use of local accommodation, taxi services, local pubs, restaurants and hairdressers etc. associated with the wedding/event use. It also states that the nearby St Nicholas Church would financially benefit from being used for wedding ceremonies. The statement concludes that the proposal would result in a significant benefit to the districts local economy, tourism and could result in increased employment, alongside providing a revenue stream to

maintain the Listed and Curtilage Listed Buildings to the application site. The economic contribution of each event would be variable, however it is recognised that the proposal is likely to generate income to local businesses which have goods and services specifically of interest for such a use and result in economic and employment benefits to the local area. This would accord with the objectives of the NPPF to support new business ventures through the conversion of rural buildings and would meet the objectives of the economic dimension to sustainable development.

- 2.7 The proposal would accord with Policy DM4, forming the conversion of structurally sound, permanent rural buildings for a commercial use and provides a level of justification for functionally requiring this location outside the settlement confines. As such, the proposal would be compliant with Policy DM1 and DM11, justified on the basis of Policy DM4. In addition, the proposal would be consistent with the relevant approach and objectives for this type of development within the National Planning Policy Framework. The development is therefore considered to be acceptable in principle, subject to the detailed assessment of all other material planning considerations.

Landscape and Heritage Impact

- 2.8 The site is within a sensitive location, within the countryside, where Policies DM15 and DM16 apply and is partially located within the Barfrestone Conservation Area. In addition, the application buildings are Curtilage Listed and the development will have the potential to have an impact upon the setting of the Grade II Listed Farmhouse.
- 2.9 Policy DM15 directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria, including that the proposal is justified by a need to sustain the rural economy or community and the development would not result in the loss of ecological habitats. Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape unless it is in accordance with allocations made in the development plan, or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level. Paragraph 174 of the NPPF seeks for development to contribute to and enhance the intrinsic character and beauty of the countryside. Paragraph 130 sets out that developments should function well and add to the overall quality of the area, are visually attractive and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.
- 2.10 As the application properties are Curtilage Listed Buildings, sited in a Conservation Area the Local Planning Authority must have regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses. Paragraph 197 of the National Planning Policy states the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their consideration, and paragraph 199 states that great weight should be given to designated heritage assets conservation.
- 2.11 The application site and buildings form part of the working farm, Barfrestone Court Farm, to the southeast of the small Hamlet of Barfrestone. The site contains a number of historic, traditional farm buildings sited around a central

courtyard which are used for agricultural storage purposes, including the main barn building and attached building to the south to which the change of use to a wedding/events venue is proposed, with surrounding land. These buildings are located within the setting of, and form Curtilage Listed Buildings to the Grade II Listed Farmhouse. To the east of the site are further farm buildings and to the south and west are enclosed fields with hedgerows, with a hedgerow separating the proposed external area from the proposed parking area. Glimpsed views of the main barn building and attached building are visible from Barfrestone Road to the east, and the site is visible from PROW EE334 which is included in the application site and runs alongside the courtyard buildings to the east and into the field beyond. Intermittent views through landscaping/hedgerows and due to the topography of the land which falls to the east are also possible of parts of the site from Barfrestone Road to the west. The surrounding area has a rural, landscaped, and agricultural character. Many of the buildings within Barfrestone are traditional, historic buildings typical of rural areas.

- 2.12 The application site is located within the Open Arable Chalk Farmland with Parkland Landscape Character Area, specifically E1 Shephardswell Aylesham Parklands as identified in the 2020 Landscape Character Assessment. This landscape is classified as a rural and tranquil landscape which contains undulating topography of distinct gentle ridges and valleys and containing small estate villages linked to the historic parklands.
- 2.13 The proposal does not propose any internal or external alterations to either the main barn building or the attached smaller building to the east to which the change of use to a wedding/events venue is proposed and will therefore not alter the appearance, internal layout or historic fabric of these curtilage Listed Buildings. It would be in the interest of the wedding venue properties to maintain these buildings and grounds and the proposal would provide a further income to achieve this. The proposed development would therefore likely result in greater maintenance of these buildings and would provide a way of protecting and utilising these heritage assets as they were originally constructed, contributing to their future preservation, which weighs in favour of the proposal.
- 2.14 The existing central courtyard to the frontage of the main barn building is predominantly hard surfaced and used for parking of vehicles, with a smaller area of grass/landscaping. The proposal does not seek to alter this arrangement and proposes the use of the area to the frontage of the single storey building to the west for parking with adjacent taxi drop off provision which, whilst formalising this area to a degree, is comparable to the existing arrangement. Similarly, the unmade access route to the east of the courtyard is an established access utilised by farm vehicles etc. The proposal to hard surface this route would formalise this access, however a hard surfaced access is not considered to be out of character for a main route within a small farm complex and would be a modest addition to the existing areas of hardsurfacing, which would improve the condition of the access. The hardsurfacing is proposed to be a porous hardsurfacing such as road planings, fine crush or gravel. This would minimise additional surface water run-off and is considered to be suitably appropriate for its rural farm complex context. The final details of the hardsurfacing materiality will be conditioned to ensure it is appropriate and of sufficient quality should permission be granted.
- 2.15 The use of the external area to the rear of the barn building as an external garden area for the proposed wedding venue is not considered to meaningfully alter the nature or appearance of this area which is an existing enclosed landscaped area. The provision of temporary toilet facilities, marquees on an event-by-event basis

and the rubber matting will introduce further structures/materials to this area. These would not form permanent structures/works, and are relatively light touch, reversible elements which are considered to appear and identify as ancillary features/outbuildings. The toilet block and marquee would comprise a relatively modest scale and volume within their context which will reduce their visual impact, and the rubber matting and parking area would predominantly be apparent when cars are parked, which will be for limited periods. Views of these structures and works from the surrounding roads would be limited by virtue of the topography of the land, which falls from west to east, the provision of existing established hedgerows and landscaping and the presence of the existing buildings, which will largely screen these features/structures. From the wider landscape, the application site and buildings are largely visually discreet and as such, the built form and use of these elements will have a limited impact in this regard. These elements will have the greatest visibility from the PROW, however given their largely ancillary, temporary identity and nature, and the fact they will not permanently be in situ/use, these are not considered to be unduly harmful or out of character with the farm complex, the Conservation Area and the setting of the surrounding Curtilage Listed Buildings, or the main Listed Building, which is located some distance away, with the courtyard buildings sited in between, to warrant refusal of the application. Further details of the toilet facilities and marquee and the temporary use of this provision will be secured by condition.

- 2.16 The proposed use of the site will alter the character of the farm complex beyond its existing agricultural character. The proposal seeks a limited number of weddings per year, not exceeding 2 weddings per week during high season, and proposes a relatively moderate provision of guests for this type of use. This will constrain the impact of the proposed mixed use, with the agricultural use continuing to be predominant. The wedding/events venue use will be set back within the wider farm complex to the rear buildings within the courtyard, situated to a moderate portion of the site, with meaningful separation distance to adjacent roads and the main cluster of buildings to the hamlet to the north. The site can comfortably accommodate the proposed use with limited external alterations and works and is largely visually discreet from the surrounding landscape. In addition, farm diversification for uses such as this is not an uncommon feature of the countryside. Given this, the proposed development is not considered to be unduly detrimental to the tranquil nature of this part of the countryside or harm the character and appearance of the countryside and landscape to a degree that would be contrary to Policies DM15 and DM16 or result in unacceptable harm to the Conservation Area. The Heritage Officer has not raised any objections to the proposal. The proposal will utilise existing curtilage Listed Buildings of historic and architectural merit with no external or internal alterations proposed, contributing to their future preservation, and is not considered to be unduly harmful to their setting and that of the main Listed Farmhouse, or the Grade I Listed Church beyond to the north. The proposal is therefore considered to be suitably compatible with its environment and setting and will accord with the National Planning Policy Framework.

Impact on Residential Amenity

- 2.17 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users. The use of the site as a wedding venue has the potential to generate adverse noise and disturbance impacts to surrounding adjacent neighbouring properties from both traffic movements and the convivial nature of the proposed use, particularly given the rural location of the site. Concern regarding this has been raised by several

members of the public and local community who have commented on the application.

2.18 The closest residential property to the proposed wedding venue is The Old Schoolhouse to the east of the site, located approximately 90m away. To the north, the Old Rectory is located a similar distance of approximately 95m away. The main cluster of buildings/dwellings to Barfrestone are located to the north of the site, a greater distance away. The main barn building is part of a courtyard of buildings, with buildings to the north, east and west of this building, and the proposed external area and car park, which is likely to be the greatest source of noise and social activity are located to the rear of the main barn building. The presence of these buildings will provide a barrier to noise impacts to a degree, and the venue is set back within the site which together with the separation distance to surrounding adjacent neighbours will limit the noise and disturbance impacts of the proposal to some extent.

2.19 The site currently benefits from a premises licence which includes a range of operational controls such as recorded music and alcohol provision termination at 00:00am and the north facing doors of the barn to remain closed except for access and egress during regulated entertainment. Licenses are reviewed periodically and provide an opportunity to deal with noise issues, should these arise. In addition to these controls, the applicants proposed measures to manage noise and disturbance associated with the proposed use, which is detailed within the Design and Access Statement. Environmental Health have reviewed the proposed application and whilst they have not objected to the proposal, controls are required to ensure that the development does not result in unacceptable impacts to the residential amenities of surrounding adjacent neighbours. As such, Environmental Health accept the offers made by the applicants, but go further than the noise management proposed.

2.20 These controls include:

- The site only being used for the purposes of a wedding venue between the hours of 11:00am and 00:30am each operational day.
- All performances of music in external areas, even within temporary structures such as the proposed marquee, shall be acoustic only, with no amplification.
- Weddings or associated events held at the site between 1st September and 30th June shall only take place on 1 day within a 1 week period (Monday to Sunday). Between 1st July and 31st August events shall only take place on 2 days within any 1 week period (Monday to Sunday), resulting in a maximum of 60 possible weddings/events per year.
- A noise limiting device to be installed within the internal wedding venue prior to the first operation of the proposed use and thereafter retained, with all amplified music played through the noise limiting device. The sound level of the device shall be set by the Local Authority prior to its first use, with the set sound level thereafter maintained.
- Records of weddings or associated events shall be recorded by the operators and available for review.

These controls as required by Environmental Health have been agreed by the applicant and will be secured by condition should consent be granted. In addition to these controls, it is also considered necessary to condition that the north facing doors of the barn remain closed except for access and egress for the duration of weddings and events. The ventilation slits to the building are fitted with fixed glass and are therefore not openable.

- 2.21 Movements to and from the site are likely to be distributed throughout the day and whilst there may be a peak of departures from the site in the evenings when weddings finish, given the car park is set back within the site, to the rear of the barn and courtyard buildings, with meaningful separation to the nearest adjacent neighbours, this is not considered to result in a significant degree of noise and disturbance to warrant refusal of the application. The Council's Environmental Health Officer has raised no objection in terms of noise and disturbance through movements to and from the site and conditions would be secured to restrict the times for delivery and collections from the site to between 0800 and 1800 Monday to Sunday to minimise the potential for noise transfer to and from the site.
- 2.22 The agreed controls and conditions are considered to provide a sufficient and appropriate level of management which will limit and mitigate the associated noise and disturbance impacts of the proposal. These controls, together with the location of the proposed venue within the site, and its separation distance and relationship with surrounding adjacent neighbours, together with the limited number of wedding events during the course of a year, and on a week-by-week basis, is considered to prevent unacceptable harm arising from noise and disturbance to the surrounding adjacent neighbouring properties.
- 2.23 Details of the proposed external lighting would be requested by condition to ensure that it does not result in any significant light pollution or disturbance to neighbouring property occupiers and biodiversity.
- 2.24 The proposal does not propose any external alterations to the existing buildings and proposes the erection of temporary hired toilet facilities and a marquee on an event-by-event basis, together with the provision of a car park to the rear of the external area. The additional structures will be on a temporary basis of modest built form and volume and are located a considerable distance from any residential accommodation. As such, these elements will not result harm to residential amenity arising from their position or built form.
- 2.25 The proposed development is therefore considered to be acceptable in terms of the residential amenity of adjacent neighbours, in accordance with paragraph 130 of the NPPF.

Highways

- 2.26 The application site is rurally located, in an area where there are no pavements and the surrounding roads to access the site and village are single lanes with no street lighting. Barfrestone is served by a limited bus service which appears to operate one bus a day in each direction on Wednesday, Thursday and Saturday. As such, it is considered reasonable to conclude that the site is unsustainably located. A number of objections have been raised on the basis of the rural location of the proposed wedding venue use, the nature of the surrounding road network and the subsequent increase in vehicular movements and associated impacts.
- 2.27 It is acknowledged that the proposed use would result in an increase in vehicular movements to and from the site. The application is supported by a travel plan which includes measures to minimise the impact of the proposal on the surrounding highway network, particularly to the hamlet of Barfrestone. This includes the encouragement to utilise public transport and car sharing, the

provision of a minibus service to provide pick-ups and drop offs where the majority of guests are travelling from. Guests arriving by vehicle will be advised to approach the venue via Shepherdwell via the website/invites and site signage and the provision of a dedicated taxi drop off zone within the central courtyard. Arrivals to the site are likely to be distributed throughout the day which would limit their impact and departures in the evenings would be limited to guests and staff as conditions would be placed on times for deliveries and collections

- 2.28 KCC Highways have been consulted, who required clarification, further information and amendments to address their concerns and considerations, which have been submitted through the application process. In terms of the rural location of the proposed use, KCC Highways raise no objection on this basis provided the use of mini-buses, taxis and car sharing is encouraged, which the applicant has proposed, and a condition requiring the submission and implementation of proposals to promote sustainable travel is included, which will be secured should consent be granted.
- 2.29 The applicant has confirmed that the maximum number of guests for each event will be 150, which can be controlled by condition, and has amended the parking provision in line with KCC Highways requirements to include allocation of disabled spaces in the front courtyard, parking for mini-buses, staff and the provision of EV parking spaces. KCC Highways have reviewed this revised layout and consider that sufficient and appropriate parking and manoeuvring areas will be provided within the site which is unlikely to result in any impact on the highway in this regard. Waste is proposed to be collected via roadside collection as the existing arrangement, and no objection has been raised on this basis.
- 2.30 In terms of the suitability of the access, amended plans have been provided to demonstrate the visibility splays which can be achieved on the basis of the 30mph speed limit on Barfrestone Road to the access of the site. KCC Highways have carried out their own assessment of the visibility splays from this access and confirm that sufficient visibility can be achieved by cutting back some vegetation around the pond on the bend. A condition requiring the provision and maintenance of 43m x 2.4m x 43m visibility splays at the access with no obstructions over 1.05m above the carriageway level within the splays is required, which will be secured by condition. Further conditions are required such as the limitation to the number of events per week, and the provision and permanent retention of the proposed parking spaces and manoeuvring areas shown on the amended plan, which the applicant has agreed and will be secured.
- 2.31 Having regard to the detailed comments received from KCC Highways, it is considered that the highway impacts arising as a result of the traffic generated by the proposed change of use could be managed to a sufficient degree by attaching suitably worded conditions as recommended above. Therefore, it is not considered that the proposed change of use would cause unacceptable harm to the surrounding highway network or free flow of traffic.

Public Right of Way

- 2.32 The application site includes the PROW EE334 located to the east of the courtyard buildings and continuing into the open field beyond to the south. The application proposes to hardsurface this access route. KCC PROW originally objected to the application as it made no reference to this PROW. Amended plans were sought to clarify the matter, which included the route of PROW EE334 and confirmation was received from the applicant that no changes are proposed

to this PROW. KCC PROW have provided revised comments which require a traffic management plan to be conditioned to ensure that methods of controlling the traffic are outlined and adhered to. It is stated that pedestrians have the higher right over the route and a signage strategy should be provided so that drivers are aware of pedestrians utilising the route and vice versa, and that no vehicles should be parked on the PROW at any time. The applicant has agreed to these conditions, which shall be secured should consent be granted. Subject to these conditions, the proposed impact upon the PROW is considered to be acceptable.

Drainage

- 2.33 There are no public foul or surface water sewers in the area to serve the proposed development. Southern Water has advised that the applicant examine alternative means of foul and surface water disposal. The proposed development does not include significant external works, with the existing buildings and courtyard retained as existing. The proposed hard surfacing of the access route to the east is an existing access with associated surface water run-off, and the hardsurfacing is proposed to be a porous material, which is not considered to significantly alter or increase run off to this area. The car park to the rear will be surfaced by heavy duty rubber matting which is perforated and will therefore be permeable and again result in no significant alteration or increase in surface water run off to this area. In terms of the foul waste associated with the development, the toilet facilities to serve the proposed use will be hired, with the company providing the hire responsible for emptying them. The applicant has advised that the toilet facilities would be emptied at the companies premise if hired short term, or they would come to the site to empty and service them if hired over a longer period, with the foul waste taken away by the company and disposed of. As such, this element will not result in any drainage impacts to the local environment. This arrangement will be secured by condition, and subject to this, the impact of the development upon drainage is considered to be acceptable.

3. Conclusion

- 3.1 The development is located outside the settlement confines; however, it is justified on the basis of the conversion of existing permanent rural buildings for a commercial use, with a level of justification provided for functionally requiring this location given the nature of the proposed use which can be comfortably accommodated. The application proposes limited external works, which will largely comprise temporary structures, and proposes no external or internal alterations to the Curtilage Listed Buildings. The proposed wedding venue is set back within the application site, in a largely discreet location, which does not have wide visibility within the surrounding public realm and landscape and a limited number of weddings are proposed per year. Through this, the development is not considered to be unacceptably detrimental to the character and appearance of the countryside landscape, and Conservation Area or the setting of nearby Listed Buildings. The additional activity and movements associated with the proposal have the potential for increased noise and disturbance, however subject to a number of conditions to control this impact, together with the location of the venue within the site and the limited number of events proposed per year, it is considered that this increase would not be significantly harmful. The development would generate an increase in vehicular movements to this rural area, however mitigation is proposed through the encouragement of shared forms of travel, and no objections are raised to the

proposal on highway grounds by KCC Highways subject to conditions, which will be secured. The drainage impact and impact on the PROW through the site is considered to be acceptable. The proposed use would help to sustain the Curtilage Listed Buildings which are the subject of this application through their continued use and maintenance, and it would provide additional economic benefits to the area through the increased variety of facilities in the area, associated secondary benefits to local businesses and possible increased employment. When considering the proposal, no adverse impacts of granting permission have been identified that would significantly and demonstrably outweigh the benefits of the proposal. The development is therefore considered to form sustainable development in accordance with the applicable Local Plan Policies and the NPPF, and it is recommended that planning permission is granted.

g) Recommendation

I PERMISSION BE GRANTED subject to the following conditions:

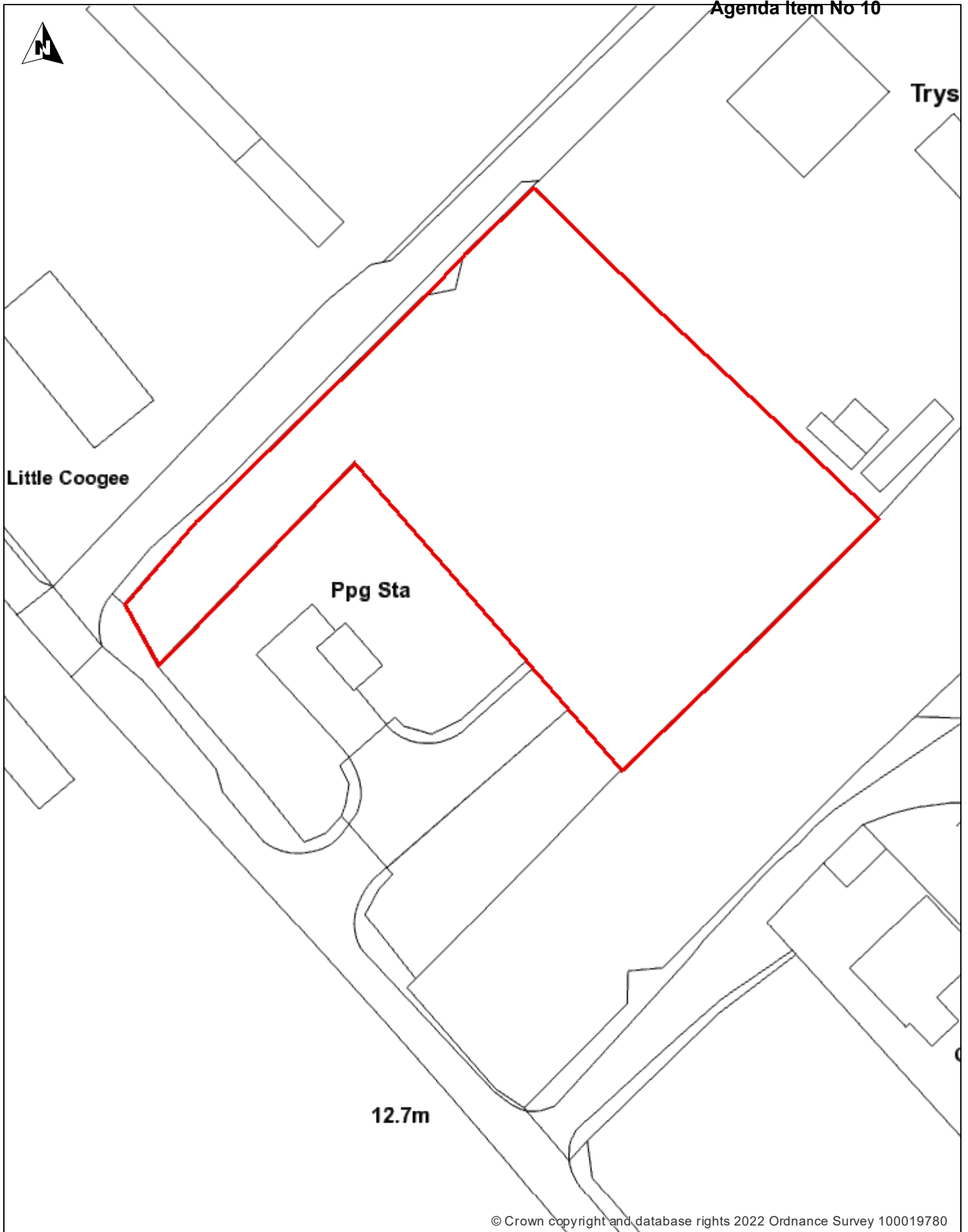
- 1) 3-year commencement;
- 2) In accordance with the approved plans and details;
- 3) Site to be used as wedding/function venue only between hours of 11:00am and 00:30am each operational day;
- 4) Restriction of use of site for wedding/functions venue to 1 day within a 1 week period 1st Sep-30th June and 2 days within a 1 week period 1st July – 31st August;
- 5) No amplified music in external areas;
- 6) Noise limiting device installed within internal venue prior to first use of site and thereafter maintained;
- 7) North facing doors of barn building to remain closed except for the purposes of access and egress;
- 8) Records of wedding or function events to be recorded and available for inspection;
- 9) Maximum number of guests at any one time 150;
- 10) No deliveries or collections from site before 8am or after 18:00pm;
- 11) Prior to first use of site details of measures to promote sustainable travel to and from the site, building upon submitted travel plan, to be approved and implemented;
- 12) Visibility splays of 43m x 2.4m x 43m at site access to Barfrestone Road provided and thereafter maintained with no obstructions over 1.01m;
- 13) Approved vehicular parking spaces, EV charging points and manoeuvring areas provided and thereafter retained;
- 14) Cable provision for EV spaces;
- 15) Traffic Management Plan in relation to PROW EE334 and maintenance of pedestrian priority provided and implemented;
- 16) No parking of vehicles on PROW EE334;
- 17) Details of external lighting to be approved and thereafter maintained;
- 18) Details of proposed material finish of hard surfacing to the access to parking area;
- 19) Parking area to rear to comprise heavy duty grass matting;
- 20) Toilet facilities and provision of marquee temporarily hired on an event by event basis and not permanently situated on site;
- 21) Hire company of temporary toilet facilities responsible for disposal of foul waste, which is to be removed from site to be disposed

II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the

Planning Committee.

Case Officer

Jenny Suttle



22/00170

Land South West Of Trystar
Ellens Road, Deal
CT14 9JJ

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/22/00170 – Outline application for a self-build project, for a low impact 3 to 4-bedroom dwelling, using sustainable design and construction methods (with all matters reserved) - Land south-west of Trystar, Ellens Road, Deal**

Reason for Report: Number of contrary views (8)

- b) **Summary of Recommendation**

Planning Permission be Refused.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (2010)

CP1, DM1, DM11, DM13, DM15 and DM16

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (early), however the policies of the draft plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Planning Policy Framework (2021) (NPPF)

Paragraphs 2, 7, 8, 11, 79, 130, 174

Kent Design Guide

National Design Guide

- d) **Relevant Planning History**

04/00052 - Outline application for the erection of a dwelling (all matters reserved) - Refused

21/00003 - Outline application for the erection of a detached dwelling (with all matters reserved) – Refused for the following reasons:

Unsustainable and unjustified residential development in a rural location, with additional vehicle movements and the need to travel by car. Intensification of built form in an area compromising low density sporadic development harmful to the rural character and appearance of the area.

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

Deal Town Council – No objection

Southern Water – No details of disposal of foul drainage provided, information provided for the applicant to find alternative means as there are no public foul and surface water sewers in the area to serve the development.

Kent Highways – The development does not warrant involvement from Highway Authority

Waste Officer – No comments received

Third Party Representations - A total of 8 individuals have commented in support of the proposal with 2 giving the following reasons:

- Great example to others who wish to follow self-build route
- In keeping with other properties in the area

1 The Site and Proposal

1.1 The application site comprises a vacant parcel of land which lies outside of the settlement confines of Deal. The site is surrounded by four dwellings within a radius of 100m (from the centre of the site). To the east lies a single storey dwelling named Trystar, to the west is the pumping station, to the northwest is the dwelling named 'Little Coogee'. Immediately to the southeast is the open stretch of undeveloped land whilst at a distance of approximately 30m from the site boundary is a dwelling named 'April Cottage' and further away to the northeast is another property named 'Cambrian'. All the properties in the vicinity are modest and single storey.

1.2 Access to the site is from Ellens Road, which is a single track metalled rural lane to Alexandra Drive, which runs to the northeast from Ellens Road, and abuts the site on the northeast boundary.

1.3 This application seeks outline planning permission for the erection of a 3/4 bed detached dwelling (all matters reserved). The application is not accompanied by indicative plans other than a block plan with a suggested position of a new dwelling.

1.4 The design and access statement refers to the following:

- The applicants have owned the site for 20 years and have been using as a recreational area for their family planting native hedges and kept honey bees, family get togethers including camping, growing fruit bushes and sapling trees and currently farm small scale vermi composting bins
- The applicant and their family have lived locally for many years. They propose to build the property as a self-build dwelling on a serviced plot of land (as defined in para. 26, 08/02/21 National Custom and Self Build Act 2015) and is supported by Government policy as set out in the Right to Build. They confirm that they have been registered on the Council's Self-Build Register since September 2018.
- They intend to build a quality affordable dwelling using sustainable design and construction methods incorporating green and renewable energy technology. Preferred construction methods would be to use timber or steel framework with hemp or straw bale infill to ensure excellent thermal properties. The overall design and finish will be in keeping with the local vernacular.
- It is envisaged that the garden would incorporate small-scale green projects such as natural beekeeping and vermiculture.

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on visual amenity and countryside
- Residential amenity

- Travel Impacts and Highway Safety
- Other matters

Assessment

The Principle of the 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 the plan unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, 'unless specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses.' This 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.
- 2.4 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. As stated above, the proposed site is located outside of the settlement confines and is not justified by other development plan policies. The site is located approximately 1 kilometre from the nearest settlement confines of Deal, which would provide the facilities and services and also allow connections to the wider area. While there is access via a footpath to the northeast of Alexandra Drive, this path is not lit, and would not be an appropriate access for pedestrians at night. Furthermore, Ellens Road has no pavements, and no streetlights and would also be unsuitable for use by pedestrians at night. It is therefore considered that occupants of the proposed dwelling would not be able to reach these facilities by more sustainable forms of transport, including walking and cycling therefore relying solely on a car for accessing local facilities and services. The development would not accord with Policy DM11, the degree of harm arising from the infringement with Policy DM11 is considered to be moderate. It is therefore considered that, for the purposes of this application, DM11 should be afforded significant weight.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development may only have a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.6 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.7 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy. It is considered that these policies are also the most important policies for determining the application.

- 2.8 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.9 Having regard for the most recent Housing Technical Paper (2021), the Council are currently able to demonstrate a five-year supply. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.10 Policy DM1 and 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 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF, Paragraph 110 aims to actively manage patterns of growth to support the promotion of sustainable transport. The NPPF also looks to "*create safe and suitable access to the site for all users.*" Given the particular characteristics of this application and this site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives of the NPPF and would not provide safe and suitable access for pedestrians. Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intention of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.
- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the site's appearance within open countryside does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.13 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the DPD and incorporates

any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.

- 2.14 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.15 Therefore, while it is considered that policies DM1, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF (2021), for the reason above some weight can still be afforded to the specific issues they seek to address., having regard to the particular circumstances of the application and the degree of compliance with the NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date. Having considered the Development Plan in the round, it is considered that the 'tilted' balance set out at Paragraph 11 of the NPPF (2021) should be engaged and applied. As the harm in terms of an unsustainable dwelling in the countryside with no supporting evidence setting out the benefits does not outweigh the harm identified then the application should be refused on these grounds.

Impact on Visual Amenity and Countryside

- 2.16 Paragraph 130 (f) of the National Planning Policy Framework sets out that 'planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' The National Planning Policy Framework continues at paragraph 130 (c) setting out that 'planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change'.
- 2.17 The site is outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policies DM15 and DM16.
- 2.18 As this is an outline application, with all matters reserved, no formal details have been submitted regarding its design and scale and as such this cannot be considered as part of the assessment. The submission only says that the intention is to adopt methods of sustainable construction, for it to be of 'low impact' and for the design to follow the Kentish vernacular with 3 or 4 bedrooms. However, the landscape surrounding the proposed site is relatively flat. Due to the landscaped

boundaries of the wider site and the siting of the proposal within the site, the proposed dwelling would be unlikely to be highly prominent within the landscape provided that it is of modest proportions both in terms of footprint and bulk and scale. The dwellings in the vicinity are single storey. Dependent on the final design and form, it could therefore be argued that the proposed dwelling would not be visually dominant within the street scene, countryside or wider landscape and could, subject to further details, be considered acceptable in terms of its limited visual impact.

- 2.19 Regard must be had to whether in light of this harm, the proposed development could be acceptable by meeting any of the four criteria listed under Policy DM15 which includes (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 it would apply to a sufficient degree to set aside the harm identified. Furthermore, no overriding justification has been provided that demonstrates why it needs to be in this location and why it cannot be accommodated elsewhere.
- 2.20 The topography of the land is relatively flat. By virtue of the siting of the proposal and some screening along the site boundaries, dependent on its built form and design, the proposed dwelling might not be highly prominent in the wider landscape and would be seen together with an isolated cluster of dwellings i.e. whilst the proposed development would erode the character of this part of the countryside by virtue of the introduction of domestication; in respect of the wider landscape, the harm caused may not be considered unacceptable, although this has not been demonstrated in the submission. Therefore, dependent upon the built form and scale of the development it is not considered that it would be likely to cause harm to the wider landscape. As such, the proposed development would not be contrary to policy DM16 of the Core Strategy. In the event that Members of the Planning Committee considered the site to be acceptable for a residential dwelling they might wish to consider imposing a condition to control the scale of the development to single storey only to reduce the visual impact within the landscape.
- 2.21 Overall, the proposal would introduce domestication (within a small cluster of dwellings) to the detriment of the character and appearance of this part of the countryside. The proposal would therefore be contrary to policy DM15 of the Core Strategy and Paragraph 174 of the NPPF.

Residential Amenity

- 2.22 Paragraph 130 (f) of the National Planning Policy Framework sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.23 The application site shares boundaries with Trystar to the northeast. Whilst details of the siting, scale and design of the dwelling would be dealt with, should the application progress to reserved matters stage, the indicative plans submitted suggest that the dwelling could be sited a sufficient distance from other nearby dwellings to avoid overshadowing/loss of light or an overbearing impact. At reserved matters stage, the design of the dwellings would be considered to ensure the

development would result in no unacceptable harm to privacy and would accord with the objectives of Paragraph 130 of the NPPF.

- 2.24 In respect of the amenity of the proposed occupants, careful consideration would need to be given, should the application progress to reserved matters stage to ensure future occupants of the development would enjoy a high standard of amenity as set out in Paragraph 130(f) of the NPPF.

Impact on Travel and Highways

- 2.25 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines and urban boundaries, unless justified by other development plan policies. The proposed dwelling would give rise to additional (albeit modest) travel in a location beyond settlement confines where the Plan restricts such development and as such would be contrary to policy DM11. Furthermore, as there is no pedestrian footpath along Ellens Road, and the nearest bus stop is approximately 1.2 km from the site, occupants of the proposed dwelling would rely on a private vehicle to access facilities and services within Deal.
- 2.26 The Kent Design Guide states in Chapter 3 – Designing for Movement, *“It is particularly important to ensure that pedestrian and cycle routes are safe, secure and convenient; if they are not, people will feel forced back onto the roads resulting in conflict over the use of road space.”* Given the road is a single-track road and unlit, it is not considered that this would be suitable and safe for travel by foot. Given the nature and distance of the walking route, it is very likely that the proposal would encourage travel by car, thereby working contrary to the principles of sustainable travel (paragraph 110) and reduction of pollution objectives of the NPPF. Furthermore, the site is remote from other settlements and villages and surrounded by open countryside and would not enhance or maintain the vitality of the local communities.

Other Matters

- 2.27 The applicant has explained that their name is on the Council’s Self-Build Register since 2018. The purpose of this is for Councils to supply sufficient serviced plots for people on their registers by way of ‘development permissions’ to meet the demand on a rolling basis. Notwithstanding this, the purpose of the scheme is to provide opportunities for people to build their own homes. There is no provision to relax planning policies to allow development where it would not normally be acceptable in planning terms.

3. Conclusion

- 3.1 The application site lies outside of the 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 it is considered to be unacceptable in principle, contrary to Policy DM1 of the Core Strategy. By virtue of its location, the proposal would constitute an unsustainable form of development. The benefits put forward by the applicant in terms of the building having sustainable design credentials has not been substantiated in the submission. Together with the fact that the applicant is on the Council’s Self Build Register is no reason to override the significant and demonstrable harm caused. The proposed development would not benefit from the provisions of paragraph 11 of the NPPF which requires that “decisions should apply a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole". Therefore, the proposal would be contrary to DM1, DM11 and DM15 of the Core Strategy and paragraphs 110 and 174 of the NPPF and as such the proposal should be refused.

g) Recommendation

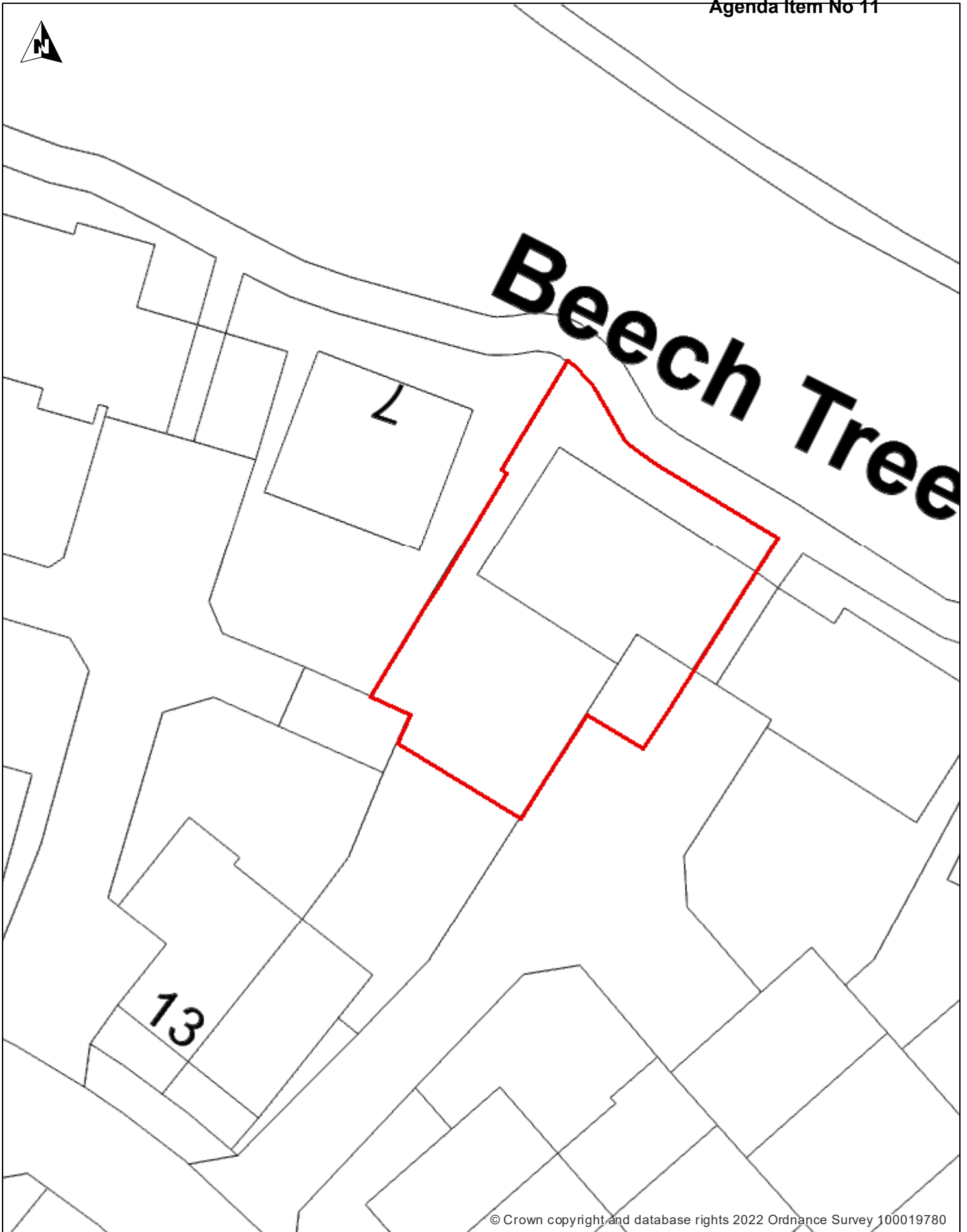
I Planning permission be REFUSED, for the following reasons:

The proposal would constitute unsustainable and unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car. It would intensify the built form in an area, which comprises low density sporadic development, detracting from and causing harm to the rural character and appearance of this part of the countryside contrary to policies DM1, DM11 and DM15 of the Core Strategy (2010) and paragraphs 110 and 174 of the National Planning Policy Framework (2021).

II Powers be delegated to the Head of Planning 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



22/00971

8 Beech Tree Avenue
Sholden
CT14 0FB

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/22/00971 - Erection of a hip to gable roof extension with two front dormers and a rooflight and four high-level rooflights in the rear roof slope - 8 Beech Tree Avenue, Sholden, Deal**

Reason for report – Number of contrary views – Initially 9 objections. Following amendments and re-consultation none were withdrawn.

- b) **Summary of Recommendation**

Planning permission be GRANTED subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010):

DM1, DM13

Draft Dover District Local Plan:

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft have little weight and are not considered to materially affect the assessment of this application. The Draft has completed the first public consultation exercise, which expired in March and at this stage only minimum weight can be afforded to the policies of the Plan.

National Planning Policy Framework (NPPF) (2021):

Paragraphs 2, 7, 8, 11, 130

National Design Guide & National Model Design Code (2021)

Kent Design Guide (2005)

- d) **Relevant Planning History**

10/01065 - Erection of 230 Residential Dwellings – Granted subject to conditions including withdrawal of permitted development rights for extensions, garages or other buildings, fences, gates, walls or other means of enclosures.

21/00046 - Erection of a first-floor side extension. – Refused – Appeal Dismissed

21/00742 – Erection of a first-floor side extension over existing car port with false pitched roof – Refused

PE/22/00038 –Pre-Planning Advice for loft conversion and dormers – Informal Advice given.

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

Representations can be found in full in the online planning file. A summary has been provided below:

Sholden Parish Council - objected to the original scheme summarised as follows:

- *Sholden Fields was designed into a well laid out development.*
- *Any alterations to this property will be detrimental to other close residents affecting their quality of life.*
- *Comments by other residents are totally supported.*
- *Sholden has now been overdeveloped with lack on infrastructure*

The Parish Council were reconsulted on the revised scheme and no further comments were received

Third-Party representations

Following the publication of the initial scheme 10 representations were received of which 12 were objections and 1 of support.

Objections are summarised below:

- Loss of privacy caused by dormer windows in the rear elevation
- Hip to Gable alters the mass of the house
- Change in the character of the well planned and laid out estate
- Poor front Dormer design
- Noise and disturbance during build.
- Encourage additional vehicles with insufficient parking
- Will set a precedent for remaining properties on the estate to add gable ends and increase the size of their property which will impact on neighbouring properties.
(**Officer comment:** Every application is assessed on its own merits)
- Loss of vistas of the woodland planned in the original layout
- (**Officer comment:** A right to a view is not a material planning consideration).

The supporter felt that views were not interrupted, car parking was available, and the proposal would provide more family accommodation.

Following receipt of amended plans which sought to address design and privacy issues a re-consultation was carried. Several original objectors accepted that the revised scheme gave improvements in terms of privacy only - but wished their objections to stand on other grounds.

KCC PROW – Have no comments to make on the application

1. The Site and the Proposal

The Site

- 1.1 The site comprises a detached house in the modern estate of Sholden Fields built pursuant to a 2010 permission. The estate lies off the main A258 access road to Deal. The application property is a two-storey brick and tile roofed dwelling which is 'linked' via a single storey garage barn and shared walkway to a mirror image dwelling and garage to the southeast. The principal elevation of the house and others along Beech Tree Avenue front onto a pedestrian path and look over an area of open space to woodland beyond. The street scene along Beech Tree Avenue comprises a varied 'wave form' of rooflines with detached houses and linked detached houses with the single storey car barns mentioned above. Access to car barns and parking areas that serve no 8 and its neighbour to the northwest are from the rear.

- 1.2 The estate here has a uniformity and rhythm to its built form, which incorporates gaps, providing regular through views and vistas between buildings. These views and vistas from Colmanton Grove allow pleasant glimpses at eye level of woodland beyond.
- 1.3 When viewed from the footpath to the north and the green and woodland opposite, those gaps and spaces between buildings give relief and provide interludes to the built form edge.
- 1.4 In terms of roof design, there is a mix of untouched roofs, roofs with rooflights and dormer windows of varying designs.

The Proposal

- 1.5 The proposal, as amended now envisages:
 - A change of the roof form from hipped to a fully gabled roof. There would be no increase in the overall height of the roof, which is 8 metres, but the overall height of the chimney would increase marginally to be above the ridge line. Materials are stated in the application documentations as being 'to match'
 - Two flat roofed dormer windows would be installed in the front roof plane looking towards the woodland which forms the northeast boundary of the estate. The dormers would be arranged in the roof plane and aligned symmetrically above ground and first floor windows with a roof skylight being inserted centrally between the dormers. Materials for the dormer are indicated to be "lead or grey fibreglass to match surrounding dormers". The proposal originally included 2no. dormer windows in the rear roofslope but these have been removed following officer concerns.
 - The amended scheme now proposes three high level rooflights set with a cill level at 1.8 metres above adjacent finished floor level in the rear roof plane in place of the originally proposed 2 no. dormer windows.
 - The purpose of the external alterations is to facilitate a loft conversion into an additional bedroom.

2 Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - The impact on the character and appearance of the locality
 - The impact on residential amenity
 - Impact on highway safety

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination

to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 The proposed development is within the urban boundary of Sholden. As such it is acceptable in principle, and therefore DM1 compliant subject to its detailing and any other material considerations.

Impact on the Character and Appearance of the Area

- 2.4 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 130).
- 2.5 The main visual change to the form of the building would be the shape of the roof which would change from a hipped roof to a gabled roof. In this context it should be noted that there are 8 large houses fronting Beach Tree Avenue between Colmanton Grove and Shoulden Drive which have roof forms in the following irregular sequence, Gable/Hip/Hip/Hip/Gable/Gable/Gable/Hip, with the application property being the third in the row from the southwest. In design terms the overall architectural appearance of a gabled roof form is part of the general design concept of roof types found on this estate. The change of hip to gable, although altering the original roof type, would not increase the mass of the building unusually or so much so that it would look out of place, nor would it spoil the rhythm and form of the row. Overall, the change, although visible would have a minimal impact on the general appearance and character of the area.
- 2.6 The loss of views mentioned in several objections would be minimal. Whilst private views are not a material planning consideration, the main public vistas through to the woodland edge of the estate can be seen from three points along Colmanton Grove where low-level car barns remain. It should also be noted however, that one of these gaps already has a gabled roof as part of the original design concept of the estate and the current proposal would reflect that.
- 2.7 Potential loss of these vistas over the three sets of linked garages on the Avenue, were a significant factor in the refusal of the two previous applications for this property. These vistas were mentioned positively by the appointed inspector determining the 2021 appeal. These vistas would remain with this proposal, would be largely undisturbed and would not be materially harmed by the proposed development.
- 2.8 In the case of the two proposed dormers and a single rooflight on the front facing elevation they are similar to others in the street scene. Whilst positioned higher on the roof plane they are suitable in terms of their scale and proportions and would be well positioned in their relationship to other windows and the front door at ground and first floor level giving balance and symmetry to the front facade.
- 2.9 The rear rooflights have little if any effect or impact on the character and appearance of the area or the building.
- 2.10 In light of the above, I do not consider that the proposed alterations would have any undue adverse impact on the street scene or the character and amenity of the area.

Impact on Residential Amenity

- 2.11 There would be no loss of residential amenity caused by the dormers and rooflight on the front roof plane as these elements look towards the public realm only.
- 2.12 In the case of the three rooflights on the rear (southwest) facing roof plane they are shown on the submitted drawings as having a cill level at a minimum of 1.8 metres above adjacent finished floor level. The result of this positioning is that views out from the windows are above eye level thus ensuring no overlooking of neighbouring privacy or harm to their amenity. This position can be ensured by condition.
- 2.13 Insofar as potential overshadowing is concerned it is noted that the orientation of the ridges of the row of adjacent houses is on a southeast-northwest line with the rear garden of the respective properties looking southwest. As a result of this orientation there would be some minor overshadowing of the side of the house to the northwest although this would only be evident early morning. There would be no undue overshadowing of the main rear garden of this property.

Impact on Highway Safety

- 2.14 Should planning permission be granted the house will change from a 4 to a 5-bedroom house. Adopted parking standards for 4 + bedroom houses in a suburban environment is 1.5 spaces per unit. The dwelling has two tandem spaces with casual parking in the immediate area available. In this context therefore there is no requirement for additional parking spaces.
- 2.15 It should be noted, in referring to car parking in the appeal decision for application 21/0046 which was for similar internal accommodation, although of a different design and form, the appointed inspector noted "*The Council also found that the additional bedroom created by the development would not generate demand for additional parking provision. From my assessment I have no reason to disagree and consider that there would be no harmful change to the living conditions of nearby occupiers or to highway safety arising from the proposal*".

Other Matters

- 2.16 The material planning considerations put forward by representations have been carefully considered and addressed above. In the case of potential noise and disturbance during any build period this would be for a temporary period, but, in any case, if a statutory nuisance did occur this would be controlled under environmental health legislation.

3. Conclusion

- 3.1 The development is of an acceptable type, design and appearance and would cause no undue harm to the overall character and amenity of the street scene or amenity of the surrounding area, would have no undue adverse impact on residential privacy and amenity, would not adversely affect parking provision or highway safety and is therefore considered to accord with the aims and objectives of the Development Plan and the NPPF 2021 Revisions.
- 3.2 I therefore recommend planning permission be granted subject to conditions.

g) Recommendation

I Planning permission **be** GRANTED, subject to the following conditions:

- 1) 3-year time limit for commencement
- 2) Compliance with the approved plans
- 3) Ensure that the rear dormer windows have a cill level at a minimum of 1.8m above adjacent finished floor level.

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

Case Officer

Lucy Holloway