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5 December 2023

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 14 December 2023 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 read 'Nicky', written over a white background.

Chief Executive

Planning Committee Membership:

M J Nee (Chairman)
D G Cronk (Vice-Chairman)
J S Back
D G Beaney
E A Biggs
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES** (Pages 6-15)

To confirm the attached minutes of the meeting of the Committee held on 9 November 2023.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 16-20)

5 **APPLICATION NO DOV/23/01095 - BETTESHANGER COUNTRY PARK, SANDWICH ROAD, SHOLDEN**

Erection of a 120-bed hotel (C1) building with associated spa facilities, gym, restaurant/bar, access, landscaping and parking

To consider the report of the Head of Planning and Development (to follow).

6 **APPLICATION NO DOV/22/01158 - BETTESHANGER COUNTRY PARK, SANDWICH ROAD, SHOLDEN**

Erection of a surfing lagoon and pools; hub building (to include café/restaurant/bar/lounge, shop, hiring and changing facilities and multi-use space); 15 overnight holiday pods; learning hive, yoga studio, fitness/health and wellbeing facilities, bicycle/pumptrack and associated roads, paths, car and cycle parking, together with landscaping and necessary access works and associated site infrastructure

To consider the report of the Head of Planning and Development (to follow).

7 **APPLICATION NO DOV/23/00473 - JOSSENBLOCK FARM, EAST LANGDON**
(Pages 21-33)

Erection of a dwelling and detached garage

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

8 **APPLICATION NO DOV/23/00770 - 15 THE GRANGE, SHEPHERDSWELL**
(Pages 34-43)

Erection of a dwelling and associated vehicle access

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

9 **APPLICATION NO DOV/22/01353 - DRELLINGORE BARN, STOMBERS LANE, DRELLINGORE, ALKHAM** (Pages 44-59)

Change of use and conversion of a farm building to dwelling; erection of an annexe for ancillary use/holiday let; alterations to granary building, erection of car barn, associated car parking, boundary wall, formation of new gated vehicular access, landscaping, biodiversity enhancements and installation of cesspool (existing buildings to be demolished)

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

- 10 **APPLICATION NO DOV/23/00984 - ANCHORS, HAWKSHILL ROAD, WALMER**
(Pages 60-69)

Erection of a two-storey rear extension with external cladding, solar photovoltaic panels to roof, replacement roof, balustrade and terrace over porch; erection of an outbuilding, rear path, replacement windows, drainage and formation of a vehicular access and parking (existing garage to be demolished)

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

- 11 **APPLICATION NO DOV/22/01652 - DANEFIELD HOUSE, ST MARY'S GROVE, TILMANSTONE** (Pages 70-94)

Outline application for the erection of 1 self-build dwelling (all matters reserved except access) following demolition of former dwelling

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.

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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.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 9 November 2023 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: D G Cronk
J S Back
D G Beaney
E A Biggs
N S Kenton
R M Knight
J P Loffman (Minute Nos 71-77 only)
S M S Mamjan
H M Williams

Officers: Team Leader (Development Management) - North Team
Planning and Development Manager
Senior Planner
Senior Planner
Planning Consultant
Principal Planning Solicitor
Property/Planning Lawyer
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/23/00546	Mr Michael Barnes	Mr Paul Tapsell
DOV/22/01210	-----	Mrs Brenda Baker
DOV/22/00471	Mr Nigel Brown	Mr Brynley Hawkins
DOV/21/01237	Ms Karen Banks	Councillor M P Porter

65 APOLOGIES

It was noted that there were no apologies for absence.

66 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

67 DECLARATIONS OF INTEREST

There were no declarations of interest.

68 MINUTES

The minutes of the meeting held on 12 October 2023 were approved as a correct record and signed by the Chairman.

69 ORDER OF BUSINESS

Due to the late arrival of the Planning Consultant responsible for the first two planning applications on the agenda, the Chairman proposed that the order of business should be varied to consider Agenda Item 7 (Application No DOV/23/00546 – Land east side of Short Lane, Alkham) first.

RESOLVED: That, in accordance with Council Procedure Rule 14, the order of business be varied to consider Agenda Item 7 (Application No DOV/23/00546 – Land east side of Short Lane, Alkham) first due to the Planning Consultant being delayed by a road traffic accident.

70 ANNOUNCEMENT

The Team Leader Development Management provided a policy update in respect of Agenda Items 7 (Land east side of Short Lane, Alkham) and 8 (Phase II, Land south of Mill Field, Ash). As both sites were in designated rural areas, Policy SP5 of the emerging Local Plan was a material planning consideration. The policy required developments of six dwellings or more in designated rural areas to provide affordable housing. However, given the status of the emerging Plan, it could only be given moderate weight at this time. The current policy position on both applications was therefore taken from the National Planning Policy Framework (NPPF) which allowed affordable housing to be secured on sites of ten dwellings or more or sites larger than 0.5 hectares.

71 APPLICATION NO DOV/23/00546 - LAND EAST SIDE OF SHORT LANE, ALKHAM

The Committee was shown an aerial view, drawings and photographs of the application site which was located adjacent to but outside the settlement confines of Alkham and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Senior Planner advised that planning permission was sought for the erection of eight dwellings with associated access and landscaping. As an update to the report, she advised that an additional condition was proposed requiring details of ground levels. The AONB unit had raised no objections and structural tree planting was proposed along the southern and eastern boundaries to screen the development from the AONB. She noted that the site was allocated for development in the Draft Local Plan under Policy SAP43. Given that the current policies for assessing the application were considered to be out-of-date, and the Draft Local Plan carried limited weight, the 'tilted balance' described in the NPPF became relevant. This prescribed that sustainable development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Councillor D G Beaney raised concerns that it was the only piece of land in Alkham allocated for development yet included no affordable housing which he considered unfair on Alkham residents. He lamented the fact that if the application were to come forward the following year, affordable housing would be required as the Draft Local Plan would then come into effect. He viewed it as a missed opportunity. Councillor H M Williams supported this view and queried sewerage arrangements.

The Chairman advised that connecting to the sewerage network was outside the scope of planning and it was the responsibility of the applicant to make their own arrangements with Southern Water (SW). SW would then be required to provide additional capacity in the event that there was no capacity. Providing an appropriate condition was attached, that was the extent of Planning's interest. The

Senior Planner confirmed that affordable housing was not required under the current policy, but 30% affordable housing would be required under the new policy unless there were viability issues.

The Principal Planning Solicitor clarified that, whilst developers had the right to connect to the sewerage network, and it was their responsibility to enter into an agreement with SW, there was case law that recognised the right of a Local Planning Authority (LPA) to impose a condition requiring details of foul sewage arrangements where there was a known drainage issue. He confirmed that the Committee had the powers to impose such a condition if it wished. The Senior Planner added that SW had been consulted and had raised no objections regarding foul drainage capacity. SW would require a formal application from the developer for connection to the sewer. In response to Councillor Williams who mentioned the attendance of tankers on a regular basis to pump out sewage, the Senior Planner emphasised that SW had not raised any objections or concerns about the application. Imposing a condition could therefore be viewed as unreasonable.

Councillor Beaney proposed that the application should be refused. In his view the application was premature and the development should come forward the following year when affordable housing would be required under the new Local Plan.

Councillor N S Kenton understood the discontent surrounding the development. However, he stressed that the emerging Local Plan process should not hinder applications coming forward. Members must consider the application in front of them and disregard future requirements. There were flooding and landscaping issues with the site which was probably why only eight houses were proposed. It was a well-contained site and he proposed that the application should be approved. He confirmed that, whilst the additional condition on drainage was well-meaning, it was not reasonable and he was therefore not willing to add it to his proposal. Councillors E A Biggs and R M Knight concurred, pointing out that the AONB unit was content with the proposal and mitigation measures would be in place to address flooding and landscaping. The application had been through the appropriate consultation process and was considered acceptable by Officers.

RESOLVED: (a) That, subject to a Section 106 agreement to secure the required children's equipped play space contribution and the provision, maintenance and management of the landscape buffers and relevant safeguarding conditions, Application No DOV/23/00546 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Windows/doors set in reveals
- (v) Landscaping;
- (vi) Obscure glazing to first-floor window to Unit 3;
- (vii) Tree protection measures to northern boundary;
- (viii) Refuse and cycle storage;

- (ix) Construction environmental management plan;
- (x) Details and specifications of highway works;
- (xi) Provision and retention of parking;
- (xii) Visibility splays;
- (xiii) Bound surface first 5 metres;
- (xiv) Measures to prevent discharge of surface water to highway;
- (xv) Flood mitigation measures;
- (xvi) Sustainable surface water drainage scheme;
- (xvii) Verification report;
- (xviii) Removal of some permitted development rights;
- (xix) Biodiversity method statement;
- (xx) Badger survey;
- (xxi) Lighting design strategy for biodiversity;
- (xxii) Landscaping and ecological design;
- (xxiii) Habitat management and monitoring plan
- (xxiv) Details of levels.

(b) That powers 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.

72 APPLICATION NO DOV/22/01210 - HOLLYOAK, MARSHBOROUGH ROAD, MARSHBOROUGH

Members viewed an aerial view, plans and photographs of the application site. The Planning Consultant advised that planning permission was sought for a change of use of land for the keeping of horses and the stationing of five caravans including no more than four static caravans and the erection of a communal dayroom. The Committee was advised that there were currently two static caravans on the site without planning permission. It was also clarified that although a number of bus-stops were shown as being in close proximity to the site, the number of buses serving Marshborough had been scaled back in recent years and they were principally for school children.

Members were advised that the site had a long and complex planning history which was set out in section d) and paragraphs 2.9 and 2.10 of the report. The current application sought to increase the number of static caravans on the site from one to

four, to install hardstanding and to erect a dayroom building for shared use. The static caravans would be located on the western part of the site, behind the access. In 2012 the applicant had been granted permission on appeal to station a caravan on the portion of the site that was behind the hedgerow screen on the northern boundary of the site. At the time the Planning Inspector had stated that a proposal to station the caravan in the more open part of the site which was visible from the highway would be unacceptable. A 2017 application for the siting of a caravan in the more exposed location had been refused and an appeal subsequently withdrawn. Not only did the current application once again seek to use the more exposed part of the site (previously deemed unacceptable by the Planning Inspector and the LPA), but to increase the number of caravans from one to four and to erect a building and hardstanding. Previous attempts at providing screening had failed, and doing so in this part of the site would not be possible as it would hinder the use of the access.

Councillor J P Loffman commented that the LPA had a sufficient number of gypsy and traveller pitches. The Council's policies were clear and this application, for a site that had generated concerns over a number of years, was contrary to those policies. Councillor Kenton commented that there was a long and protracted history to the site. Nothing had changed since the last appeal decision when the siting of caravans in the part of the site now proposed had been deemed unacceptable. Whilst he had no objections to the site being used for traveller accommodation, it was obvious that what was being proposed was an overdevelopment.

In response to Councillor Beaney who asked whether the applicants had been asked about planting, the Planning Consultant advised that it was difficult to ensure there was continued planting/screening once the standard condition period of five years had expired. In any case, given that the caravans would be situated directly behind the access, planting would not be possible. He added that there was nothing to stop the applicant coming back with a different scheme which would be assessed afresh. The Chairman expressed surprise at the choice of location which was so categorically unacceptable. He passed comment that, although there were sufficient gypsy/traveller sites in the district, that did not mean that people from those communities necessarily wanted to live in them.

RESOLVED: (a) That Application No DOV/22/01210 be REFUSED on the following grounds:

- (i) The proposed development would, by reason of its location, scale of development and levels of associated activity, result in an incongruous visual and conspicuous incursion into the countryside that would be poorly related, and fail to contribute, to and enhance the natural and local environment, causing harm to the intrinsic character and beauty of the countryside, contrary to Policies DM7, DM15 and DM16 of the Core Strategy, Policy H4 of the Draft District Local Plan, Paragraph 26 of the Planning Policy for Traveller Sites and Paragraphs 130 and 174 of the National Planning Policy Framework.
- (ii) In the absence of information to suggest to the contrary, the application fails to demonstrate that the proposal would minimise the impact on and provide

net gains for biodiversity and the natural environment, contrary to Policy NE1 of the Draft District Local Plan and Paragraph 174 of the National Planning Policy Framework.

- (iii) In the absence of securing the necessary planning obligation in respect of the Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy, the proposed development is unacceptable by virtue of failing to mitigate its impact. The proposal is therefore contrary to Policy NE3 of the Submission Draft Dover District Local Plan and Paragraphs 179 and 180 of the National Planning Policy Framework.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

73 APPLICATION NO DOV/22/00471 - 3 MIDDLE DEAL ROAD, DEAL

The Committee was shown drawings, plans and photographs of the application site. The Planning Consultant advised that planning permission was sought for the erection of four attached dwellings with undercroft parking at a site within the urban confines of Deal. As an update to the report, he advised that an additional representation had been received in respect of 5 Middle Deal Road. He added that the approved drawing numbers would be specified in the condition, and conditions would be added requiring details of energy efficiency measures and specifying that there should be no sleeping accommodation on the ground floor.

The Committee was advised that a previous application had been refused and dismissed at appeal on the basis of the design, scale and impact of the scheme. However, the Planning Inspector had concluded that the proposal would not have an unacceptable impact on 5 Middle Deal Road. The scheme had since been the subject of negotiations to reduce the scale and massing of the development. The applicant had submitted a sunlight/daylight report which indicated that there would be no significant impacts on no. 5 or on dwellings in Church Path, although there would be some loss of sunlight at certain times.

The site was in a flood zone and, as such, was subject to the 'sequential test' which aimed to steer new development towards areas at lower risk of flooding. However, given the site's location in the centre of Deal, access to public transport and other facilities, and the visual benefit of redeveloping the site, it was agreed that the proposal met the wider sustainability benefits required by the 'sequential test'. Whilst the Environment Agency had sought to impose a condition that would prevent habitable accommodation being provided on the ground floor of the building, the proposal had come forward with habitable accommodation on the ground floors of three of the houses. Rather than redesigning the scheme, the applicant had submitted a flood risk assessment prepared by an expert setting out what mitigation measures could be taken to address flooding. Modelling indicated that the site would not flood if the existing sea defences were maintained, unless there was a breach as part of a worst-case scenario. The current defences provided a standard of protection of a 1 in 300 chance of being overtopped in any year. In Officers' view the proposed mitigation measures were satisfactory and, as such, the proposal met the exception test and was acceptable on balance.

Councillor J S Back spoke in favour of the application, noting that there were two sheds between the application site and no. 5 which suggested that concerns about overshadowing/loss of daylight caused by the proposal were without foundation. Councillor Kenton commented that the development of a brownfield site was to be welcomed. With the amendments made to its scale and design, and a condition to prevent sleeping on the ground floor, the proposal was now acceptable. Councillor Beaney noted the reduced scale of the proposal and the fact it had been moved back from the footpath. Councillor Biggs viewed the scheme as an improvement on the original and welcomed it as a good addition to a residential area. In respect of flood mitigation, he sought reassurance on what information would be provided to future occupants. The Planning Consultant advised that there would be an emergency plan which would include information about the flood line, dry refuge locations, etc. Whilst there would still be a risk, it would be minimised by the mitigation measures. In response to questions, he recommended that the condition about no sleeping on the ground floor should be specified separately to the one on flood resilience measures.

The Chairman underlined his wish to include a condition requiring details of energy efficiency measures given that this was something the applicant had offered. There was a draft policy in the emerging Local Plan that could be used as the basis for agreement.

RESOLVED: (a) That, subject to the completion of the Unilateral Undertaking, Application No DOV/22/00471 be APPROVED subject to the following conditions:

- (i) Three-year time period to implement planning permission;
- (ii) Development to be carried out in accordance with the approved drawings received on 7 July and numbered 01H, 03J, 08A & 09;
- (iii) Provision and approval of details to address foul drainage and surface water run-off;
- (iv) Provision and approval of materials for the external appearance of the building;
- (v) Provision and retention of car parking spaces and cycle spaces on site;
- (vi) Provision and retention of refuse and recycling storage on site;
- (vii) Submission and approval of a landscaping scheme and retention thereof;
- (viii) Provision of boundary treatments and retention thereof;
- (ix) Provision of flood resilience measures as identified in the Flood Risk Assessment;

- (x) No sleeping accommodation on ground floors of dwellings;
- (xi) Removal of permitted development rights for extensions and roof alterations to the properties;
- (xii) Details of energy efficiency measures.

(b) That powers 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.

74 APPLICATION NO DOV/21/01237 - PHASE II, LAND SOUTH OF MILL FIELD, ASH

Members viewed an aerial view, drawings, a plan and photographs of the application site which had been allocated for the development of approximately nine dwellings in the Ash Neighbourhood Plan. The Senior Planner advised that planning permission was sought for the erection of nine dwellings with associated access and landscaping. She advised that a correction to paragraph 2.40 of the report was needed to amend the size of the site from 0.55 hectares to 0.48 hectares. She also confirmed that the site was in a designated rural area. Notwithstanding that draft Policy SP5 identified a lower threshold for development in designated rural areas, it had yet to be tested at examination and was therefore considered to attract only moderate weight. Taking into account the NPPF and Policy DM5, it was considered that affordable housing contributions should not be sought. Furthermore, given that the site area was below 0.5 hectares and fewer than ten dwellings were proposed, a contribution request from KCC's Economic Development team had been withdrawn. However, the contributions towards open space requested by the Planning Policy Team and referred to in paragraph 2.38 of the report would be secured via a legal agreement. Whilst a ten-metre buffer sought in the Neighbourhood Plan policy would not be provided, it was considered that the proposals would have an acceptable impact on the character of the countryside and landscape, subject to the landscaping scheme that would enhance the existing southern boundary hedge, and when seen within the context of the settlement in wider landscape views. In summary, the proposal was considered acceptable when applying the tilted balance approach and approval was therefore recommended.

Councillor Loffman stated that, whilst the site was appropriate for development, the number of dwellings proposed was excessive. He had strong reservations about the scheme and believed the badger corridor needed to be bigger. The Chairman expressed concerns about the location of the development which was on a prominent site and very visible in the landscape. To provide effective screening, he proposed that a condition should be imposed to secure planting on the ridgeline as he was concerned that residents might be tempted to erect fencing along the ridgeline to retain the view. Without question, he was in favour of whatever measures were necessary to support badgers. He suggested that Officers could resolve the final details of landscaping in negotiation with the applicant, having heard the concerns raised by the Committee. Councillor Biggs suggested that stock fencing would be suitable to use with planting.

RESOLVED: (a) That, subject to a legal agreement to secure financial contributions towards open space, Application No DOV/21/01237

be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of the approved plans;
- (iii) Samples of external materials;
- (iv) Details of any external lighting;
- (v) Parking provision and retention;
- (vi) Development to be carried out in accordance with tree survey and tree protection plan;
- (vii) Details of biodiversity enhancements;
- (viii) Implementation of measures to secure the protection of protected species;
- (ix) Obscured glazing to north-east elevation of Plot 11;
- (x) Landscaping scheme;
- (xi) Details of finished floor, eaves and ridge levels, shown on a cross-section through the site;
- (xii) Detailed surface water drainage scheme;
- (xiii) Verification report pertaining to the surface water drainage scheme;
- (xiv) Restricting infiltration of surface water within the site to parts where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability;
- (xv) Implementation of a programme of archaeological work in accordance with a written specification and timetable;
- (xvi) Construction environmental management plan;
- (xvii) Restriction of meter boxes, vents and flues.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions, legal agreements and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

75 PLANNING FEES AND CHARGES 2024/25

Members received the report which presented details of the proposed planning fees and charges for 2024/25.

RESOLVED: That the report be noted.

76 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals.

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

The Committee noted that no action had been taken.

The meeting ended at 7.39 pm.

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 Plan (2015)
The Adopted Minerals & Waste Local Plan (forming the Early Partial Review of 2020 and the Kent Mineral Sites Plan 2020)
Ash Neighbourhood Plan (2021)

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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23/00473

Jossenblock Farm, The Street, East Langdon, CT15 5JF

LANGDON

Scale: 1:1,250

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



a) **DOV/23/00473 – Erection of a dwelling and detached garage – Jossenblock Farm, The Street, East Langdon**

Reason for report – Number of contrary views (6)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan: The Submission 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 (Regulation 20) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Policies SP1, SP2, SP4, SP14, PM1, PM2, TI1, TI3, NE1, NE2, NE3, HE1, HE2.

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 110-112, 124, 130, 174, 180, 197, 199, 202

National Design Guide & National Model Design Code (2021)

d) **Planning History**

No relevant planning history.

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

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Natural Environment – Advise that an appropriate amount of ecological survey work has been undertaken to inform the determination of the application. Recommend conditions to sufficiently mitigate the impact of the development and provide biodiversity enhancements.

DDC Heritage– The proposed development in terms of design, scale and location is generally appropriate but raise concerns regarding the treatment of the entrance to the driveway which should be reduced to a few courses of bricks to delineate from the road surface, the proposed pantile garage tiles, should be amended to plain/Kent peg tiles, and brick colour, should be revised to a mid red colour and finish. The proposal is at the low end of less than substantial impact on the conservation area, as per paragraph 199 of the NPPF. Subject to amendments, no objections.

DDC Trees – Raise no objections, provided that the trees to be retained (T1, T2, T3 and T7) are protected in accordance with the recommendations set out in the Pre-development Tree Survey and Report.

Langdon Parish Council – The application lies outside the settlement boundary of East Langdon, contrary to policy DM1. The new site is within the conservation area of East Langdon, a heritage location which is centred around the village green. The proposed

development would lie within the garden of Jossenblock Farmhouse, a historically significant Grade II* Listed Building.

Most of the listed properties which lie within the conservation area have extensive grounds which give a green and open rural feel to the area, as do the grounds of Jossenblock Farm. The only recent development in the vicinity at Church Farm Mews was on a brownfield site and using an existing access from the highway. The Parish Council has concerns with the visual impact and proximity to the listed building, as well as the adjacent listed property, East Side Farmhouse, contrary to DM15 and DM16.

The creation of a driveway and access layby into the site from the eastern edge of the village green would have a detrimental visual impact on the wider view of the conservation area. The siting and profile of the proposed double garage would be clearly visible above the boundary fence.

Third party Representations: 6 letters of objections and 3 letters of support have been received. The letters of objection are summarised below:

- The proposal would be detrimental to the setting of the Grade II* Listed Jossenblock Farmhouse, the adjacent Listed Building and the East Langdon Conservation Area.
- The proposal will erode the open green spaces in the conservation area.
- The access will detract from the visual amenity of the conservation area.
- This new build will jar with its surroundings.
- Previous development at Church Farm Mews was on brownfield site and added to the visual amenity of the area in a way this proposal does not.
- The view of the proposed garage roof from the green will be detrimental.
- The proposal would increase vehicular movements and add parking pressure to the locality.
- The proposal would be detrimental to ecology and biodiversity.

The letters of support are summarised below:

- The proposal is well designed and in keeping with surrounding properties.
- The dwelling is far enough away from the Listed Building and will not adversely affect significance.
- Single developments such as this, spread around the village, can be absorbed so as to not detract from overall aesthetic of the landscape and community, which is preferable to multi home developments.
- The proposal will not detract from the conservation area, it is well screened by vegetation.
- Any traffic and noise impacts will be negligible.
- The majority of trees on the plot are to remain.
- Concerns that this proposal is the beginning of urban sprawl are unfounded.

f) 1. The Site and Proposal

1.1 The application site forms part of the curtilage of Jossenblock Farm, a Grade II* listed Farmhouse and grounds with a total area of 2.6 acres. The site is located in the East Langdon Conservation Area, adjacent to the village green within the historic portion of East Langdon and is also located adjacent to the Grade II Listed East Side Farmhouse and its associated curtilage listed outbuildings. The site falls outside of, but adjacent to the defined settlement confines in the current and the draft local plan.

- 1.2 The site is a rectangular parcel of land located to the south west of the grounds of Jossenblock Farm, adjacent to the street and village green beyond to the west. The site formerly contained dense vegetation cover which has since been cleared and several trees which are not subject to a Tree Preservation Order (TPO). The application is supported by a Tree Survey which plots the 7 trees on site, ranging from category U to category B. The application involves the removal of 2 category C trees and 1 category U tree to facilitate the development. The remaining trees are proposed to be retained.
- 1.3 The application proposes the erection of a two storey 4 bedroom detached dwelling with detached garage. The dwelling is proposed to be located adjacent to the eastern boundary of the proposed plot, roughly to the centre and will comprise an L shaped footprint. To the frontage/south of the dwelling will be an area of hard surfacing finished in shingle to provide a parking and turning area for several cars. Vehicular and pedestrian access will be provided to the south of the western boundary onto unnamed road adjacent to the village green. Adjacent to the access will be a single storey detached garage, with its rear boundary forming part of the front/western boundary treatment. The dwelling will be provided with a private rear garden to the north and west of the plot. The site location plan and proposed site layout are shown in Figures 1, 2 and 3 below.



Figure 1: Site Location Plan

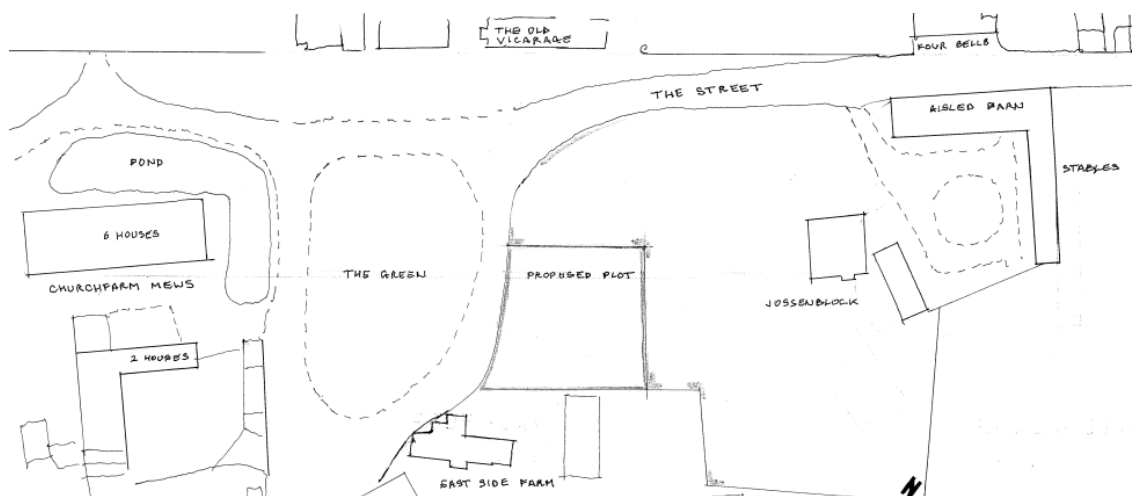


Figure 2: Site Location Plan 2

Figure 4: Sketch drawing of proposed dwelling

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Heritage Impact and Visual amenity
- Trees
- Residential amenity
- Highways
- Ecology

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 falls outside of, but adjacent to, the settlement confines of East Langdon and is therefore located within the countryside for the purposes of planning. Policy DM1 states that development will not be permitted on land outside rural settlement confines unless it is justified by another policy, functionally requires a rural location or is ancillary to existing development. The proposal does not meet any of the circumstances where development outside of the confines would exceptionally accord with Policy DM1 and, therefore, the development is contrary to this policy.
- 2.4 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside, except in certain circumstances. The proposal would involve the loss of countryside and would not meet any of the applicable exceptions and would therefore be contrary to Policy DM15. Policy DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless justified by other policies. The development would generate a need to travel and is not justified by other plan policies and is therefore contrary.
- 2.5 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 policies for the supply of housing in the Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per annum. As a matter of judgement, it is considered that Policy DM1 is in tension with the NPPF, out-of-date and, as a result, should carry only limited weight. As a whole, it is considered that the main policies within the Core Strategy for determining the application are to a greater or lesser extent in tension with the NPPF, and as such, the 'titled balance' (paragraph 11, NPPF) is engaged for this purpose. At the present time, the council has a demonstrable 5-year housing land supply of 5.38 years and has not failed to deliver the housing delivery test requirement

(delivering 88%), therefore the presumption in favour of sustainable development is not engaged for any other reason.

- 2.6 The NPPF seeks to achieve sustainable development. Paragraph 8 of the NPPF outlines that achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental. Paragraph 79 sets out that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain rural communities.
- 2.7 The Submission Draft Local Plan is at an advanced stage and is a material consideration in the determination of applications, with policies attracting weight in the planning balance. Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel, Draft Policy SP2 seeks to ensure new development is well served by facilities and services and creates opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.8 Draft Policy SP4 sets out the appropriate locations for new windfall residential development which seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are identified. Policy SP4 outlines two categories of settlement. The first (tier 1) are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining confines. East Langdon is classified as a tier 1 settlement, where residential development or infilling of a scale that is commensurate with that of the settlement is permitted within or immediately adjoining the boundaries, subject to applicable criteria. This includes the development being of a scale appropriate to the size of the settlement and the facilities that serve it; being compatible with the layout, density, fabric and appearance of the settlement; does not result in the coalescence or merging of separate settlements, conserves and enhances landscape character and biodiversity and does not result in the unacceptable intrusion into open countryside, among others. The proposed development would immediately adjoin the settlement confines of East Langdon at its western boundary. Whether the proposal will meet the applicable criteria of Draft Policy SP4 will be assessed in the following sections.
- 2.9 As the titled balance is engaged, the social and economic benefits of the housing need to be balanced against the environmental issues, including the impact upon the countryside and a judgement made as to whether the development as a whole is considered to be sustainable development.

Visual and Heritage Impact

- 2.10 The application site is located within the curtilage of the Grade II* listed building, Jossenblock Farm, the wider setting of the Grade II listed East Side Farm and within the East Langdon Conservation Area. As the application property is located within the setting of listed buildings and within a conservation area the local planning authority must have regard for Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving the building and any features of special architectural or historic interest which it possesses. The NPPF also

requires authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.11 As the site is located outside confines Policies DM15 and DM16, as well as draft Policy NE2 are relevant to the assessment of the impact of the proposals on the character of the countryside. NPPF Paragraph 174 is applicable and seeks development to contribute to and enhance the natural and local environment, recognising the intrinsic character and beauty of the countryside.
- 2.12 East Langdon is a small village located approximately 4.3m from Dover which comprises two distinct sections; the historic portion of the village located to the south-west and the more modern portion of the village located to the north east. The application site is located within the historic portion of the village which comprises largely organic, historic development including several listed buildings, many of which are set within large plots and associated with former farmsteads, centred around the village green.
- 2.13 The proposed dwelling would involve the subdivision of the grounds of the Grade II* listed Jossenblock Farmhouse to provide the proposed plot and single dwelling. The grounds of Jossenblock Farmhouse are extensive, and the proposed plot comprises a relatively modest portion of its overall grounds, located to its south western corner. The omission of this part of the grounds from the curtilage, given its limited size relative to the grounds, its location and the separation distance which will be retained to and around Jossenblock Farmhouse, is not considered to result in an unacceptable compromise, or be detrimental to the significance of the listed building or its setting. The size and siting of the proposed plot is considered to be suitably reflective of plot sizes relative to built development within the locality and will relate to the more organic, loose pattern of development in this part of East Langdon.
- 2.14 The location and orientation of the dwelling to the proposed plot, facing south, will match the orientation of the adjacent listed East Side Farmhouse to the south and will locate the development away from the road and the trees to be retained on/adjacent to the site. This location and orientation of the proposed dwelling is considered to be appropriate and compatible with the surrounding area and will minimise the prominence and presence of the development from the unnamed road and village green, thereby largely retaining the open and landscaped character immediately adjacent to this area. The dwelling is also proposed to contain a catslide roof element to the western side elevation, which will further reduce the built form and impact of the development from this vantage point. This location and the separation distance provided to Eastside Farm is considered to prevent harm to the setting of this listed building.
- 2.15 The proposed garage building, which will form part of the western boundary through its rear elevation, will be of a modest, compact scale, matching the height of the boundary treatment to its eaves and set under a gabled roof. Through its modest scale and simple form, this building is considered to form an unassuming feature which will not be detrimental to the character and appearance of the conservation area.
- 2.16 The traditional arts and crafts design approach of the dwelling is considered to compliment the predominant traditional and rural design of development in the

locality. The form of the dwelling will be broken up through its L shaped footprint and hipped/cat slide roofs, which together with the design detailing proposed, will provide visual interest to the elevations. The proposed material palette is reflective and relates well to the design approach of the dwelling and the palette materials in the surrounding area. Through this, the dwelling is considered to provide a good quality design which is appropriate and compatible with its sensitive location and position within the conservation area and within the setting of listed buildings. The street scene elevation plan (to the west) and the front elevation (to the south) are included in Figures 5 and 6 below.

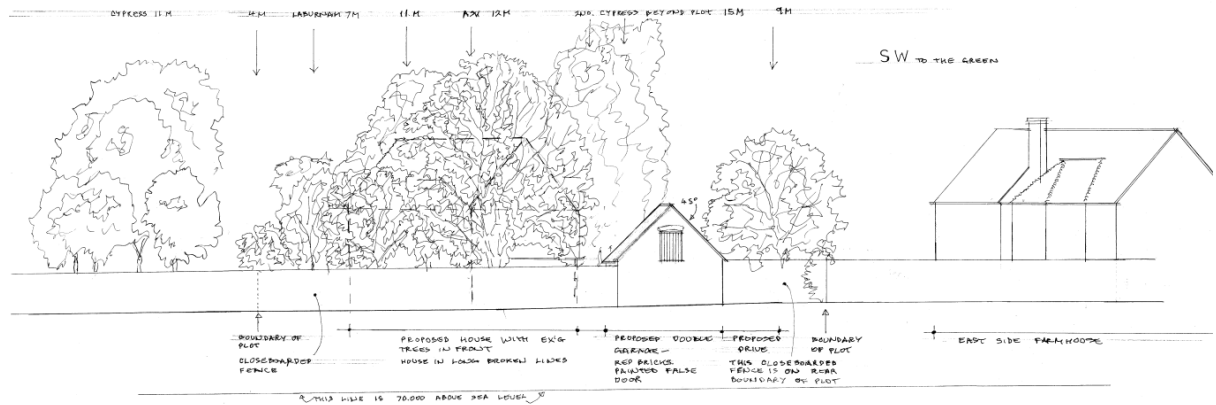


Figure 5: Proposed Street Scene (to unnamed road to the west)

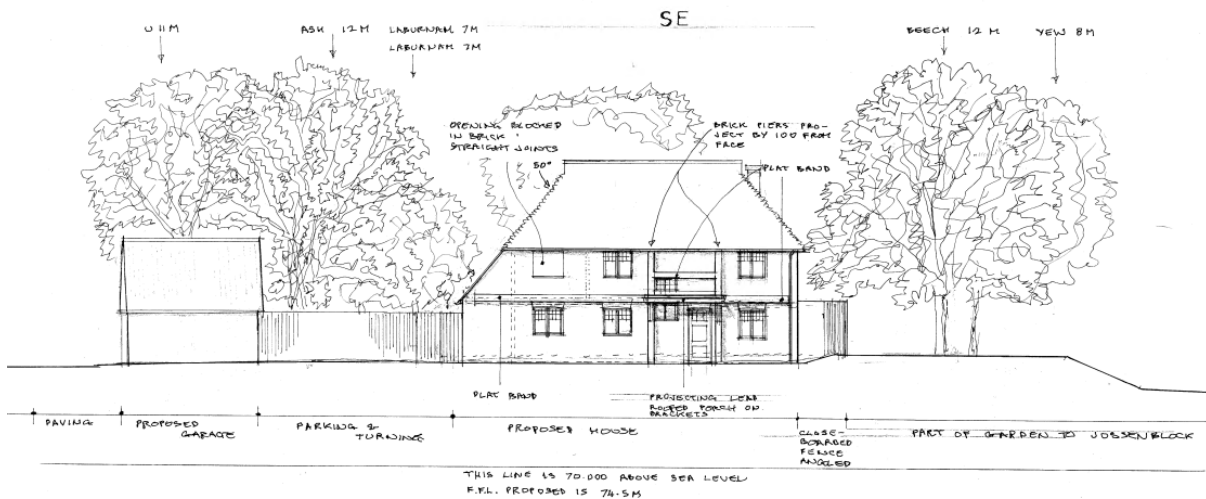


Figure 6: Proposed Front Elevation (to the south)

2.17 In terms of hard and soft landscaping, the provision and location of the hardsurfacing will be discreetly located from public views. This hardsurfacing will comprise shingle to the main parking and turning area, with a limited number of brick courses set back from the entrance and tarmac to the front. This will provide an appropriate finish for this rural location and incorporate sufficient measures to prevent the displacement of shingle upon the highway. The development will be provided with a moderate rear garden which will be soft landscaped and incorporates several retained trees, some of which are mature and have high

amenity value in the locality. This will soften the development and aid its integration into its environment. The existing western boundary comprises high close boarded fencing and 2m high close boarded fencing is proposed which will form a minor alteration to the existing situation.

2.18 DDC Heritage have reviewed the proposal and have suggested amendments to details and materials of the proposal, which have been incorporated through the application process. Following this, no objections have been raised and the proposal is considered to be on the low end of a less than substantial impact on the conservation area.

2.19 Overall, the proposal is considered to form a comfortable development which will integrate with the surrounding built environment and have an acceptable impact on the East Langdon Conservation Area, and the setting of the adjacent listed buildings. Through this the proposal is considered to be compatible with the layout, density, fabric and appearance of the existing settlement. The proposal would therefore accord with the applicable criteria of Draft Policy SP4 in this regard, accord with Draft Policies HE1, HE2 and PM1 and the NPPF.

Trees

2.20 The application site contains several trees which are not subject to a TPO. The application is supported by a Tree Report, Tree Constraints Plan and a Tree Protection Plan. The Tree Constraints Plan demonstrates that both within and immediately adjacent to the site are: 1 category B tree, 5 category C trees and 1 category U trees. Of these 2 category B trees and 1 category U trees are proposed to be removed to facilitate the development. Tree protection measures are proposed including protective fencing and ground protection measures for the retained trees during construction works. The proposed Tree Protection Plan is included in Figure 7 below.

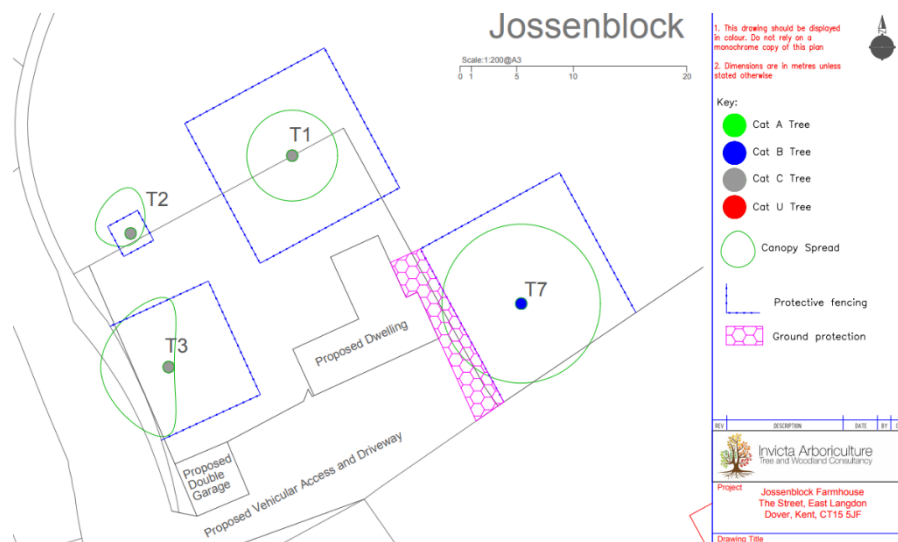


Figure 7: Proposed Tree Protection Plan

2.21 The proposed approach to trees is considered to provide an appropriate balance between retaining the verdant character and visual amenity of these trees to the local area and facilitating the proposed development. The location of the dwelling

to the centre of the eastern boundary will provide sufficient space and separation to these trees to prevent damage. In addition, the location of proposed windows, with the majority of windows serving primary rooms facing south and north, will provide sufficient clearance to prevent future pressure to fell or significantly prune the trees. DDC's Tree Officer has raised no objections, subject to the retained trees being protected in accordance with the recommendations set out in the Tree Report, which will be secured by condition.

Residential Amenity

- 2.22 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. Given the location and size of the proposed dwelling and the separation distance to adjacent properties, the proposal is not likely to result in harm to residential amenity. Approximately 23m separation distance will be provided to the nearest adjacent dwelling Eastside Farm, which is located to the west and not immediately in front. Given the position and separation, which will exceed the 21m guidance distance which has historically been used to assess impacts of overlooking, the proposal is not considered to result in harm. Sufficient separation distance will be provided to all other adjacent neighbours.
- 2.23 In terms of the living conditions of the future occupants, the proposed dwelling will be provided with a comfortable internal layout and will exceed the applicable Nationally Described Space Standards. All primary habitable rooms will be provided with a good standard of light, outlook and ventilation. The dwelling will be provided with an enclosed rear garden, which will incorporate suitable refuse storage and a cycle storage shed. The proposal is therefore considered to provide an acceptable standard of residential amenity for existing adjacent properties and the future occupants of the proposed dwelling, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.24 The proposed dwelling will be provided with a large front driveway which is capable of accommodating several cars, together with a detached garage. This will exceed the required 2 off street car parking provision for this village location in accordance with Policy DM13 and Draft Policy TI13. The development will incorporate sufficient secure covered cycle storage.
- 2.25 The vehicular access is taken from the one way (from the north) unnamed road adjacent to the village green. The access will be set back 2m from the edge of this road and will be provided with sufficient visibility in a northwards direction to take account of the direction of traffic and low speeds present. As such, the access is considered to be provided with sufficient vehicular and pedestrian visibility. The proposed development is therefore considered to be acceptable in terms of highway safety.

Ecology

- 2.26 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The application is supported by a Preliminary Ecological Appraisal (PEA). The PEA concluded that no evidence of species, or habitat suitable for any protected or notable species was found. A range of enhancement and mitigation measures such as bird and bat boxes, provision of wildflower seeding

and bat sensitive lighting is recommended. DDC's Natural Environment Officer has advised that an appropriate amount of ecological work has been undertaken and recommends suitable safeguarding conditions to accommodate mitigation and enhancement measures. Subject to these conditions, the proposal is considered to have an acceptable impact on ecology and biodiversity.

- 2.27 There is not a need to consider the likely significant effects on European Sites as the application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA Mitigation Strategy. It is therefore not subject to the required mitigation for additional recreational pressures arising from new residential development, in accordance with Draft Policy NE3.

3. Conclusion

- 3.1 The application site is located outside of the settlement confines and within the countryside for the purposes of planning and is therefore contrary to Policies DM1, DM11 and DM15. The application site is located immediately adjacent to the confines for the tier 1 settlement of East Langdon and would accord with the applicable criteria of Draft Policy SP4.
- 3.2 The proposal is subject to the titled balance, as set out in paragraph 11 of the NPPF, as the basket of policies which are most important to the application are out of date. This requires that planning permission should be granted unless the adverse impacts of granting planning permission would 'significantly and demonstrably' outweigh the benefits.
- 3.3 In this instance, the application would have an acceptable impact on the character and appearance of the area, the designated heritage assets, residential amenities of adjacent properties, highways and ecology. The proposal would also be acceptable and in accordance with Draft Policy SP4 which forms the direction of travel for development in the district. The development would provide a modest contribution towards the housing supply in the district and modest social and economic benefits associated with the construction and occupation of the dwelling. It is therefore concluded that the disbenefits of the development would be significantly and demonstrably outweighed by the benefits. As such, it is recommended that planning permission is granted.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions:
1. Time limit
 2. Approved plans
 3. Material & samples of bricks and tiles
 4. Timber windows/doors
 5. Refuse and cycle storage
 6. Provision and retention of parking
 7. Visibility splays
 8. Trees retained & protection measures
 9. Removal of PD rights
 10. Method statement for potential bats in trees
 11. Ecological enhancement measures

- 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

Jenny Suttle



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23/00770
 15 The Grange, Shepherdswell, CT15 7QB
 SHEPHERDSWELL WITH COLDRED

Scale: 1:1,250

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



a) **DOV/23/00770 – Erection of a dwelling and associated vehicle access – 15 The Grange, Shepherdswell, Dover**

Reason for report – Number of contrary views (7)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13

Draft Dover District Local Plan: The Submission 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 (Regulation 20) the policies of the draft can be afforded weight, but this depends on the nature of objections and consistency with the NPPF. Policies SP1, SP2, SP4, SP14, PM1, PM2, TI1, TI3, NE1, NE2.

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 110-112, 124, 130, 174, 180

National Design Guide & National Model Design Code (2021)

d) **Relevant Planning History**

Not applicable.

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

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Trees – Raise no objections, provided that the details/recommendations, in particular tree protection, as set out in the Pre-Development Tree Survey/Report dated 28th July 2023 are adhered to. With regard to Section 5.2 of the report, it is agreed that the application site is not subject to a Tree Preservation Order. Though the Councils records a TPO Elm Tree within the garden, there are no Elm trees present. The original Elm may well have been removed and replaced by the existing Beech tree that given its overall size and dimensions is considered unlikely to be in excess of 50 years of age.

Southern Water – requires a formal application for a connection to the public foul sewer to be made.

KCC Highways – The development proposal does not meet the criteria to warrant involvement from the Highways Authority

Shepherdswell Parish Council – Supports the application but has two concerns. The possibility of overlooking The Terrace from the upper east facing windows. Vehicles could be prevented from looking right when existing from The Terrace if vehicles are permitted to park at the front of the dwelling.

Third party Representations: 7 letters of objections have been received. The letters of objection and are summarised below:

- Additional parking pressure in the local area.
- The exit drive will take away one of the limited on street parking spaces in the area.
- Westcourt Lane has a high volume of traffic. The proposal and the presence of parked cars will result in additional hazards to users of Westcourt Lane.
- The existing planting impacts the line of sight when exiting the Terrace and the proposals do not mitigate this.
- The proposed driveway will not be afforded sufficient visibility.
- The addition of the driveway will cause additional hazards to pedestrians.
- The proposed dormers will infringe on neighbouring privacy
- The construction of the dwelling will cause nuisance, disruption and additional traffic.
- Works vehicles will result in additional parking pressure during construction which could give rise to highway safety concerns.
- Concern regarding machinery obstructing the entrance to The Terrace.
- The site has an existing TPO and the proposed dwelling will be closer to this protected tree than other properties in the Grange with a TPO tree.
- The high hedge between the property and the Terrace needs to be maintained.

e) 1. The Site and Proposal

- 1.1 The application site relates to the side garden of 15 The Grange, located within the settlement confines of Shepherdswell. The application proposes the subdivision of the plot and the erection of a 1.5 storey 2 bedroom chalet style dwelling and associated parking and landscaping which would front and be accessed via Westcourt Lane.
- 1.2 15 The Grange forms part of a comprehensive late 20th century residential cul-de-sac development comprising 19 detached dwellings, set within generous plots, which front and take their access from The Grange. The properties to the south of The Grange, including the application site, rear/side gardens abut Westcourt Lane. 15 The Grange is set within a large plot and abuts the footpath link to the west, Westcourt Lane to the south and The Terrace to the east.
- 1.3 The Terrace comprises a row of two storey period terraced dwellings of a regular design fronting westward onto the Terrace. The remainder of Westcourt Lane is characterised by frontage development of predominantly two/1.5 storey detached dwellings of a variety of sizes, styles and designs, set within good sized plots, with some dwellings set back from Westcourt Lane.
- 1.4 The application proposes to approximately halve the existing plot and erect a moderate sized 1.5 storey chalet dwelling. The dwelling is proposed to be set back from Westcourt Lane by approximately 5-6m, with turning and off street parking to the frontage/east side of the dwelling, together with a footpath and low level planting. The dwelling will be provided with a rear and side garden and it is proposed to retain the existing Beech tree adjacent to the eastern boundary and the high hedgerow along the eastern boundary. The proposed layout of the development is included at Figure 1 below:



Figure 1: Proposed Site Layout/Block Plan (not to scale)

1.5 The design of the dwelling has been amended through the application process to incorporate greater detailing and visual interest to the front elevation. The proposed dwelling will comprise a gabled form, with 2 small pitched roof dormers set within the eastern roofslope. The front elevation of the dwelling will comprise a simple, symmetrical design, with a central front door with canopy, windows to either side and a central circular window within the gable, with headers/footers and a brick plinth. The proposed elevations and section of the dwelling are included at Figure 2 below:



Figure 2: Proposed Elevations and Section Plan (not to scale)

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Visual amenity
- Trees
- Residential amenity
- Highways
- Ecology

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 falls within the settlement confines of Shepherdswell and comprises garden land associated with 15 The Grange. Under Policy DM1, the erection of residential development within the settlement confines is acceptable in principle, subject to material considerations. Draft Policy SP4 relates to windfall residential development and permits residential development or infilling of a scale that is commensurate with the existing settlement within or immediately adjoining the settlement boundaries. The NPPF seeks to direct development towards sustainable locations.
- 2.4 The erection of a single dwelling would form a commensurate infill development within the settlement confines of Shepherdswell which would be compatible with Policy DM1 and Draft Policy SP4 and the overarching aims and objectives of the NPPF. The development is therefore considered to be acceptable in principle, subject to the assessment of all other material planning considerations.

Visual Amenity

- 2.5 Paragraph 130 of the NPPF sets out that planning decisions should ensure that development functions well and adds to the overall quality of the area, is sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change. Draft Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place.
- 2.6 The surrounding area is an established residential area which contains a range of characters and building types including the suburban late 20th century cul-de-sac development at The Grange, the regular terraced development at The Terrace and the more varied, street frontage development to the remainder of Westcourt Lane. The application site is located adjacent to these three areas and comprises the large side garden of 15 The Grange which abuts Westcourt Lane.
- 2.7 The proposed development would alter and form an addition to part of the existing cul-de-sac; however, the application site is located to the south east

corner of this development, immediately adjacent to The Terrace and Westcourt Lane to the east and south respectively. The dwelling would front and take its access from Westcourt Lane and would be set back from the building line of The Terrace, being predominantly seen within the context of these areas. Through its location, relationship with the surrounding built development and the large size of the rear garden to be subdivided, it is considered that the proposed dwelling and plot could be comfortably accommodated in the locality. The proposal would form a transitional form of development in relation to the Terrace and The Grange that would suitably relate to the character and pattern of development of Westcourt Lane opposite. The surrounding pattern of development is included in Figure 3 below:



Figure 3: Site Location Plan demonstrating existing/proposed pattern of development (not to scale)

- 2.8 The proposed subdivided plots, whilst smaller than those within The Grange, would not be substantially so, and would reflect similar plot sizes within Westcourt Lane. The moderate scale of the dwelling and its gabled, chalet formation, which will hip away from built development on either side, together with the separation distance to the boundaries and adjacent development would form a comfortable development within the street scene.
- 2.9 The dwelling, through its form and design would comprise a simple and unassuming dwelling which would relate to the varied dwelling types and designs along Westcourt Lane. The proposed dwelling would incorporate sufficient design detailing, particularly to its front elevation, which will provide visual interest. The proposed material palette of light brown bricks with red/orange brick soldier courses, red/brown tiles to the roof and dormers, together with UPVC fenestration would reflect and integrate with materials present in the locality.
- 2.10 In terms of layout and landscaping, the development will accommodate hard surfacing to part of the frontage and eastern side of the dwelling to accommodate

parking and turning facilities, together with a footpath across the front of the site which would connect with the existing alleyway. Each side of the parking will comprise low level planting. This arrangement is considered to provide a suitable balance between hard and soft landscaping to the frontage, which will not be out of character with the surrounding area and would improve connectivity with the surrounding footpath network. The proposed and retained boundary treatment is considered to be appropriate and compatible with the locality.

2.11 Overall, the proposed development is considered to form a suitable and compatible development which responds to and integrates with the surrounding built environment. The proposal would therefore accord with Draft Policy PM1 and the NPPF.

Trees

2.12 The application site contains 1 semi-mature Beech tree adjacent to the eastern boundary which is proposed to be retained, 3 Leyland Cypress adjacent to the southern boundary which are to be removed to facilitate the development and 1 Leyland Cypress hedge along the eastern boundary which is also proposed to be retained. The application is supported by a pre-development tree report, which details the condition of the existing trees/hedge, the works proposed and recommended protection measures. The proposed Tree Protection Plan is included at Figure 3 below:

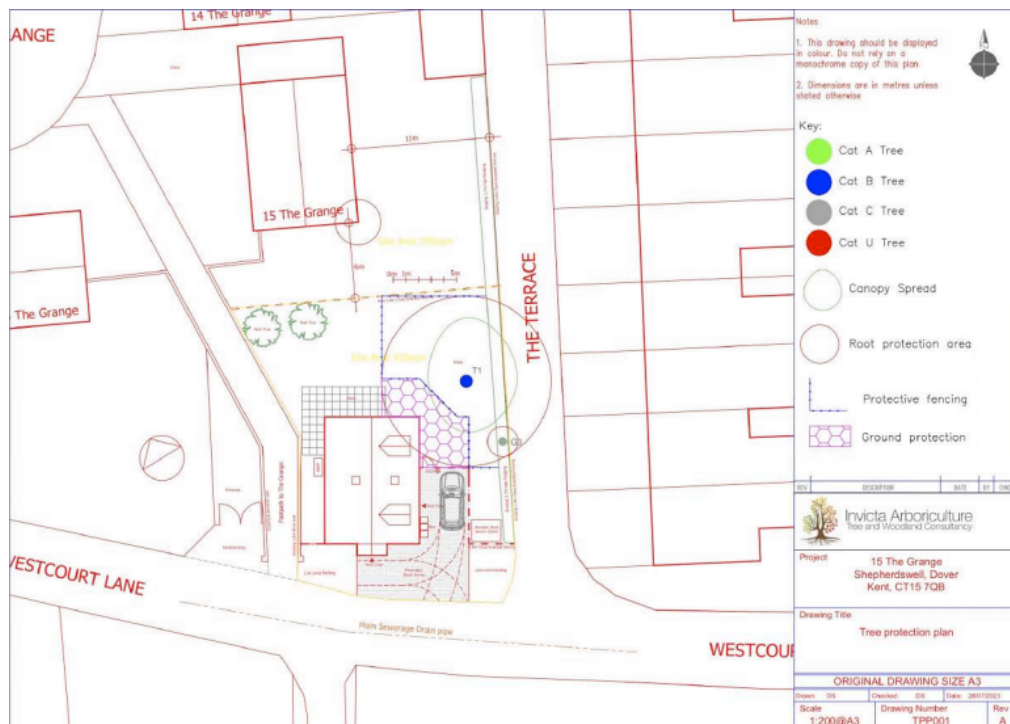


Figure 3: Proposed Tree Protection Plan

2.13 The proposal would involve the retention of the Beech tree and hedgerow which have the greatest amenity value to the site and contribute to the visual amenity of the local area, which is supported. The dwelling will be provided with sufficient clearance to the retained tree and hedgerow to prevent damage and likely future

pressure to fell/significantly prune. The removal of the 3 Leyland Cypress trees which are detailed to have presence of die back is considered to be acceptable and would have a limited impact on the amenity of the locality. DDC's Tree Officer raised no objections to the development, provided that the recommendations, particularly the tree protection measures, in the submitted tree report are adhered to, which can be secured by condition.

- 2.14 It is noted that the GIS mapping details records a TPO Elm tree within the garden. However, no Elm tree is present, which is likely to have been removed at some point and could have been replaced by the Beech tree. In any case, the impact upon trees is considered to be acceptable.

Residential Amenity

- 2.15 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. The proposed location of the dwelling, its moderate scale and gabled form, and its relationship and separation distance to the surrounding adjacent properties would not give rise to harm to the residential amenities, deriving from the built form of the proposed dwelling.
- 2.16 In terms of overlooking, the proposed primary windows serving the bedrooms will be located within the dormers to the eastern side of the dwelling at first floor level. These windows will face towards The Terrace and the public facing front elevation of dwellings in The Terrace. A separation distance of approximately 18m will be provided to these dwellings. Given this distance and the orientation of the adjacent dwellings, the proposal will not result in harmful overlooking to these adjacent properties. Limited, oblique views will be possible from these windows to the rear garden of 15 The Grange, which are not considered to be significantly harmful. The western roofslope will contain 1 rooflight, which will serve the stairwell, which given its position and the area served, will not result in harmful overlooking to the adjacent neighbour to the west. The circular first floor window to the rear elevation is a secondary window and will be conditioned to be obscure glazed. The remaining windows, by virtue of their position and relationship with adjacent properties will not result in harmful overlooking.
- 2.17 In terms of the living conditions of the future occupants, the proposed dwelling would be provided with a comfortable internal layout and would exceed the applicable Nationally Described Space Standards. All primary habitable rooms will be provided with a good standard of light, outlook and ventilation. The dwelling will be provided with a private rear garden with external amenity space and cycle and refuse storage have been appropriately and discreetly integrated into the layout.
- 2.18 The proposed development is therefore considered to provide an acceptable standard of residential amenity for existing and future occupants of the dwelling, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.19 The application site is located within a village location, which in accordance with Policy DM13, would necessitate 1.5 parking spaces per unit. The proposed dwelling would be provided with 2 off street tandem parking spaces and turning space which is considered to provide sufficient parking provision to serve the proposed dwelling. The development would also incorporate secure cycle storage within the private garden area. The frontage of the proposed dwelling is

open either side of the vehicular access, with no obstructions over 0.9m which is considered to provide sufficient visibility for the proposed access onto Westcourt Lane.

- 2.20 Concerns have been raised regarding the presence of parked vehicles to the frontage impeding visibility of vehicles exiting The Terrace to the east. The proposed development contains an area of low level planting and footpath immediately adjacent to the access and The Terrace which will provide visibility. The road adjacent to the southern boundary is subject to on street parking, so the presence vehicles is an existing situation. Given the layout and characteristics of the proposed development and the existing site, together with the likely limited number of vehicular movements involved, the proposal is not considered to significantly alter the existing situation or result in undue harm to highway safety in this regard. The proposal would result in the loss of approximately 1 or 2 on street parking spaces, which would form a minor alteration, which would not severely impact local parking provision or highway amenity. The development would result in a limited number of associated vehicular movements, which would not significantly affect the local highway network. The proposal is therefore considered to be acceptable in terms of highway amenity and highway safety.

Ecology

- 2.21 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The application site comprises part of the rear garden of 15 The Grange which contains mowed lawn, the existing high hedgerow and beech tree to be retained. Given the nature and characteristics application site, it is considered to be of limited ecological value, and the mature vegetation/tree will be retained. The proposal is therefore considered to have an acceptable impact on ecology.
- 2.22 There is not a need to consider the likely significant effects on European Sites as the application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA Mitigation Strategy. It is therefore not subject to the required mitigation for additional recreational pressures arising from new residential development, in accordance with Draft Policy NE3.

3. Conclusion

- 3.1 Overall, the proposal would provide an additional dwelling within the settlement confines of Shepherdsweil which is acceptable in principle. The development is considered to provide a suitably compatible form of development which would be comfortably accommodated within the street scene and would integrate with and respond to the surrounding built environment. The proposal is considered to result in an acceptable impact upon residential amenity, highway safety and ecology. The proposed development is therefore considered to be acceptable and represents sustainable development in accordance with the applicable policies and the NPPF, it is recommended for approval.

g)Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

1. Time limit

2. Approved plans
3. Details of materials
4. Fenestration set in reveals
5. Landscaping
6. Obscure glazing first floor rear window
7. Refuse and cycle storage
8. Provision and retention of parking
9. Visibility splays
10. Removal of some PD rights
11. Tree protection measures

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

Jenny Suttle

N



79.2m

Path (um)

Drellingore Cottage

74.6m

GP



Drellingore Terrace

Campus

Tudor House

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22/01353

Drellingore Barns, Stombers Lane, Drellingore, CT18 7ER

ALKHAM

Scale: 1:1,250

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



- a) **DOV/22/01353 – Change of use and conversion of a farm building to dwelling; erection of an annexe for ancillary use/holiday let; alterations to granary building, erection of car barn, associated car parking, boundary wall, formation of new gated vehicular access, landscaping, biodiversity enhancements and installation of cesspool (existing buildings to be demolished) - Drellingore Barns, Stomers Lane, Drellingore, Alkham**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM4, DM9, DM11, DM13, DM15, DM16, DM17

Land Allocations Local Plan (2015): DM27

Draft Dover District Local Plan (March 2023): The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded weight, depending on the nature of objections and consistency with the NPPF. Relevant policies: SP1, SP4, SP6, SP13, SP14, SP15, CC5, PM1, PM2, H6, E4, NE1, NE2, HE1.

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 48, 79, 84, 130, 132, 174, 176, 180, 203

National Design Guide & National Model Design Code (2021)

- d) **Planning History**

DOV/18/01278 – Change of use and conversion of farm building to a dwelling, erection of a building for holiday let and erection of a car barn and associated car parking (existing buildings to be demolished). Granted. This permission has since lapsed.

(Officer note: This related to a sensitive conversion of the barn building only with minimal alterations that respected the historic interest of the building as a heritage asset).

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

Representations can be found in the online planning file, a summary is provided below:

Alkham Parish Council – Object to the application for the following reasons:

- The proposals are not sensitive to the location and do not reflect the historic farmstead. The design and layout are not appropriate for this historic building.
- The modern and contemporary nature of the proposed building is not suitable for this location and will be out of keeping.

- The Parish Council is not against development but the sensitive and historical nature of this location in the AONB must be protected and this proposal does not fulfil the criteria to enable us to support the application.

DDC Heritage – recommend refusal. The NPPF requires us to consider the impact of a proposal in respect of the significance of a non-designated heritage asset. This barn has significance as a former agricultural building of traditional form and as such is considered to be of importance to the rural character of the area. The proposed works result in the almost complete loss of the building. Externally the original barn is completely lost from public view and appreciation and replaced with a structural form that is alien to the local context. It is inconclusive how much of the existing barn structure would be retained and in my view this proposal is for a replacement/new build and is not a conversion of the existing heritage asset. The proposal is therefore contrary to policy and refusal is recommended.

DCC Trees – no objections provided that the recommendations set out in the Tree Survey and Report are adhered to. Conditions have been suggested.

DDC Environmental Health – Raise no objection subject to the imposition of conditions relating to contamination.

DDC Ecology - To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, all necessary ecological surveys must be undertaken, and the reports submitted. The applicant is attempting to demonstrate a biodiversity net gain, the additional information in respect of this is also needed prior to determination.

Southern Water – The EA should be consulted by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. An informative should be included.

KCC Highways – The development does not meet the consultation protocol.

Natural England – No objection. Based on the plans submitted, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Environment Agency – No objection, subject to suggested conditions relating to contamination and flood risk.

Kent Downs AONB Unit – The proposal does not represent a sensitive conversion/redevelopment of the historic farmstead and the proposal neither conserves nor enhances the AONB. As such, it is in conflict with the AONB Management Plan, and in particular Principles SD1, SD2, SD3, SD9, HCH1 and HCH6, paragraph 176 of the NPPF, the landscape management recommendations of the Kent Downs LCA and policies DM15 and DM16 of the Local Plan.

Third party Representations: 6 representations in support of the proposals have been received and are summarised below:

- This is a brownfield site which would benefit from development into a family home.
- Good design
- Eco-friendly
- Would enhance the immediate area and the valley.

- The owners have appreciated the form and nature of the structure, and it seems the garage might be below eye level and has a discrete roof line.
- The proposal will enhance the local setting both by improving upon the existing dilapidated structure in an environmentally friendly manner
- Would increase the diversity of wildlife in the area.
- The proposals would enhance the local setting

1 neutral representation has been received and is summarised:

- This was going to be redeveloped sooner or later
- It is a pivotal landscape structure and would be missed if it went.

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

1.1 The application site is within the countryside where fields, farmed land and woodland characterise the landscape. The site lies outside the settlement confines of Alkham. However, there is a small cluster of residential development around the site. The site is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB).

1.2 The site lies to the west of Alkham Valley Road, 2km from Alkham village. The site comprises a farmyard, accessed from Stombers Lane, accommodating an 18th century aisled barn with a tin roof, a concrete barn clad in sheet metal, a 21st century timber stable block and an historic granary. The site once formed part of a wider farm holding.

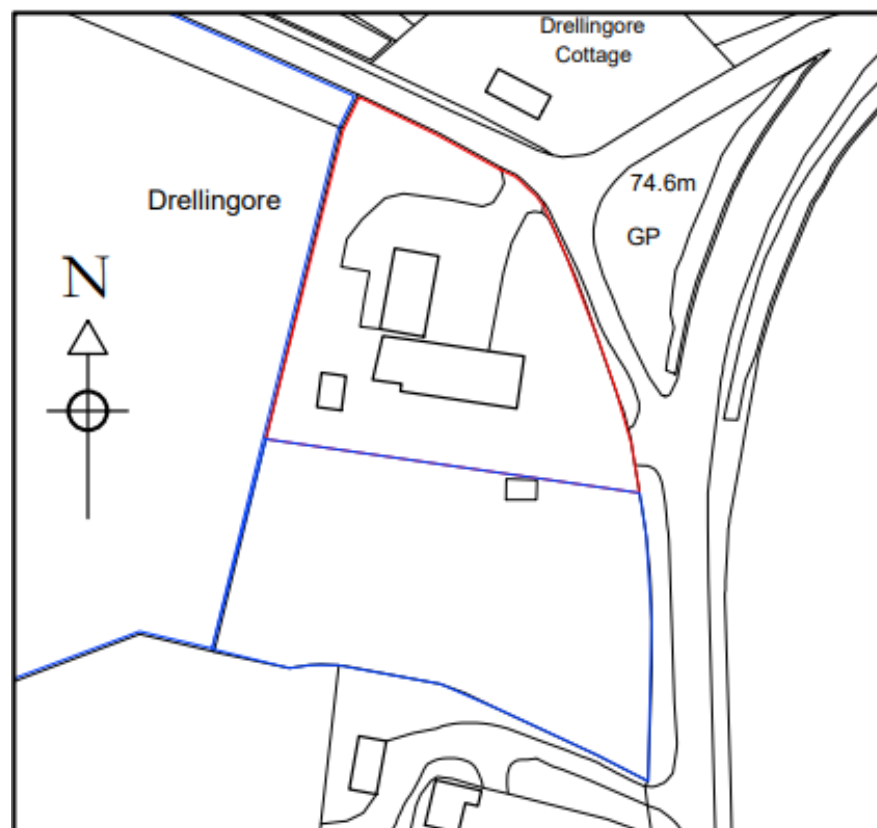


Figure 1 – Site location plan (not to scale)

- 1.3 The 18th century aisled barn is the predominant feature on the site. It is an Oak framed Kentish barn, comprising a tall, hipped roof with corrugated iron covering and central threshing door to the North elevation. The walls are predominantly brick and ragstone solid construction, with a number of openings which have been infilled with timber or corrugated iron cladding.
- 1.4 The main barn is approximately 17.7m long x 9.2m wide. To the west elevation there is a single storey brick and corrugated iron lean-to extension. To the east elevation there is a smaller lean-to extension which is incorporated under an extension of the original roof. The barn is considered to be a non-designated heritage asset.
- 1.5 The historic significance of the site has been established through the extant permission in 2018, where its significance lies within the historic character and fabric of the barn, with its large steeply pitched roof, and the presence of the historic farmstead at this prominent road junction. The value and significance of Drellingore Barn and its farmstead are clearly explained in the submitted Planning & Heritage Statement.
- 1.6 The applicant seeks the conversion of the barn to a dwelling, the erection of an annexe for ancillary use/holiday let, alterations to the granary building to provide an artist's studio, erection of a car barn, associated car parking, boundary wall, a gated vehicular access, landscaping, biodiversity enhancements and the installation of a cesspool (existing building to be demolished). Figure 2 below shows the proposed site plan.

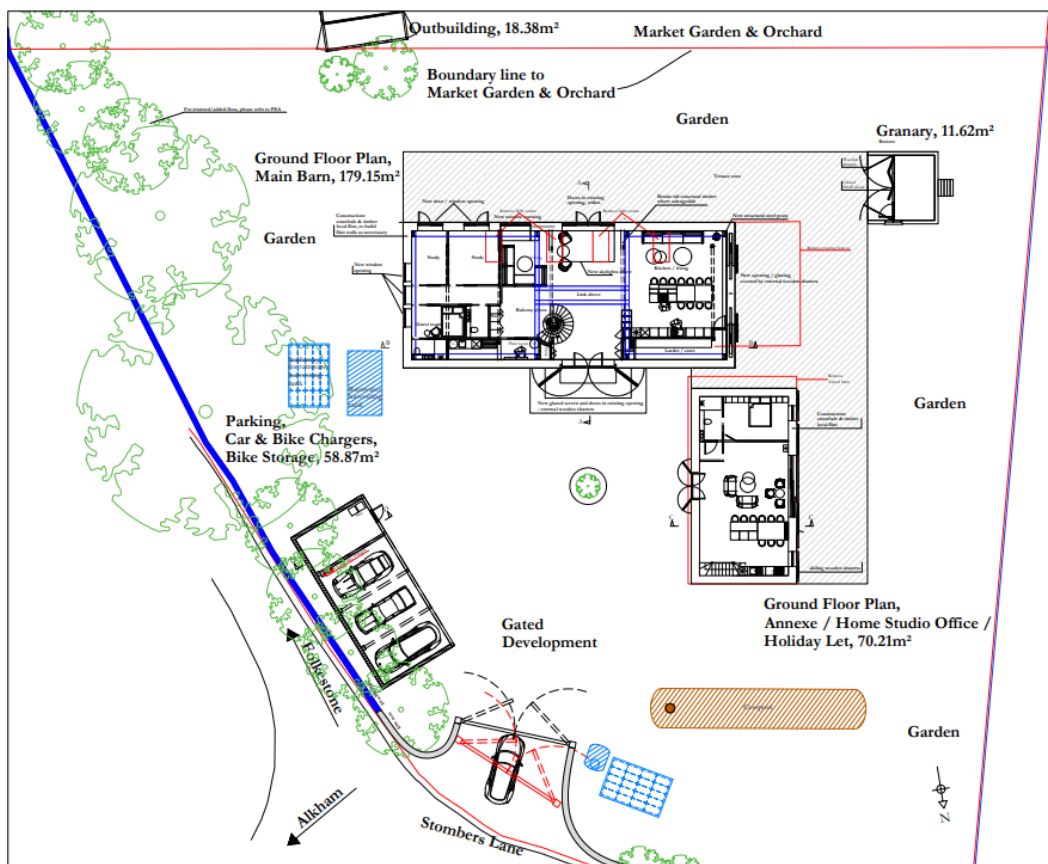
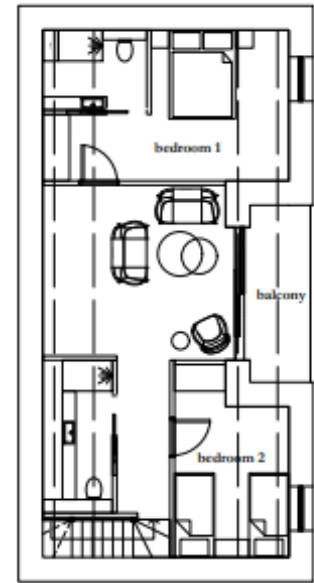


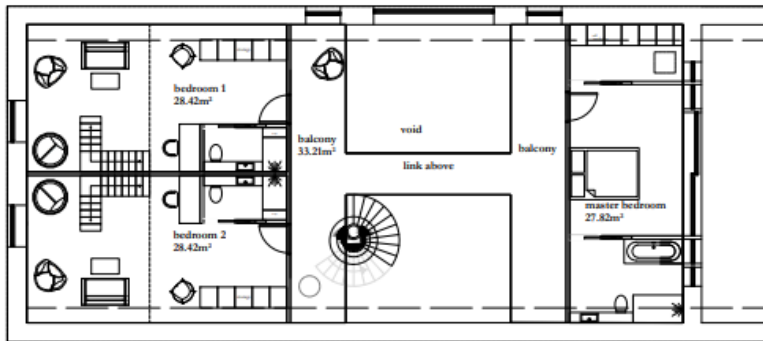
Figure 2 – Proposed Site Plan (Ground Floor) (not to scale)



Mezzanine, Main Barn, 53.59m²



First Floor, Annexe, 65.99m²



First Floor, Main Barn, 127.58m²

Figure 3 – Proposed first floor plans for Barn and Annexe (not to scale)

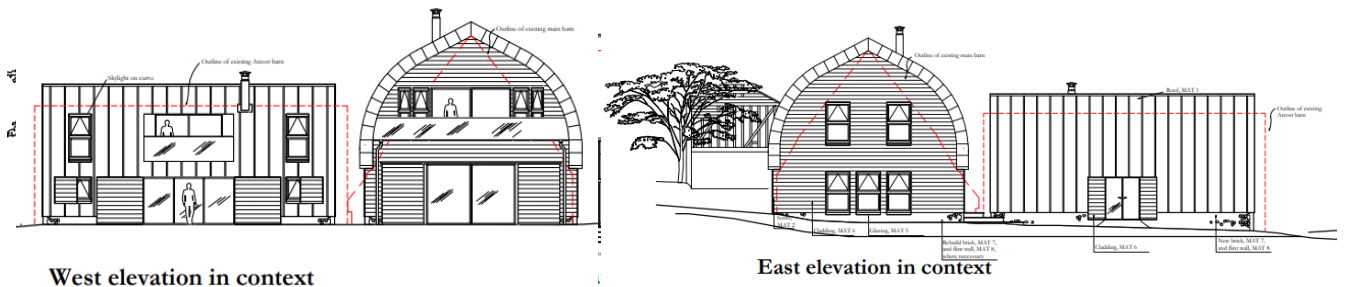
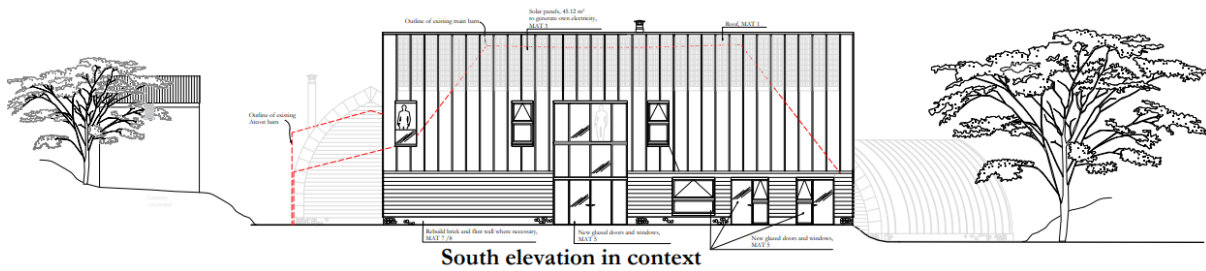


Figure 4 – Proposed elevations of Barn and Annexe (not to scale)

- 1.7 The annexe would be located to the northeast of the existing barn. This would have a maximum depth of 7m, with a width of 13m and a height of 6.5m. Internal accommodation would comprise living/kitchen/bathroom to the ground floor and 2 bedrooms to the first floor with a separate bathroom and seating area.
- 1.8 The garage would be located to the northwest of the existing barn and would have a depth of 5.5m, width of 11.7m and height of 4.9m. Bin storage would be located within the garage. The garage would be of a similar design to that of the main barn and the holiday let/annexe building with metal sheeting elevations.

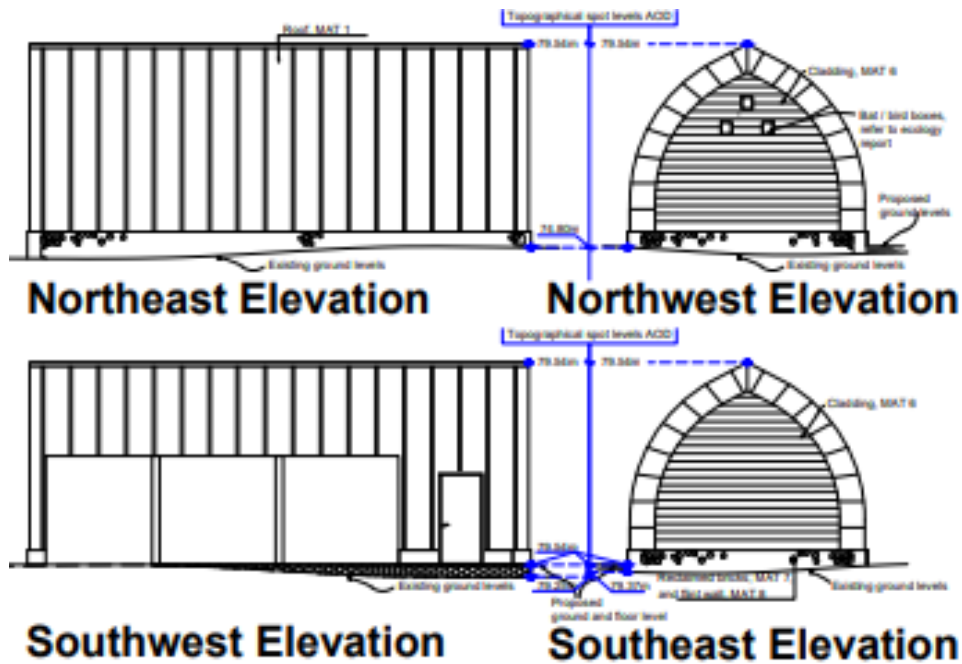
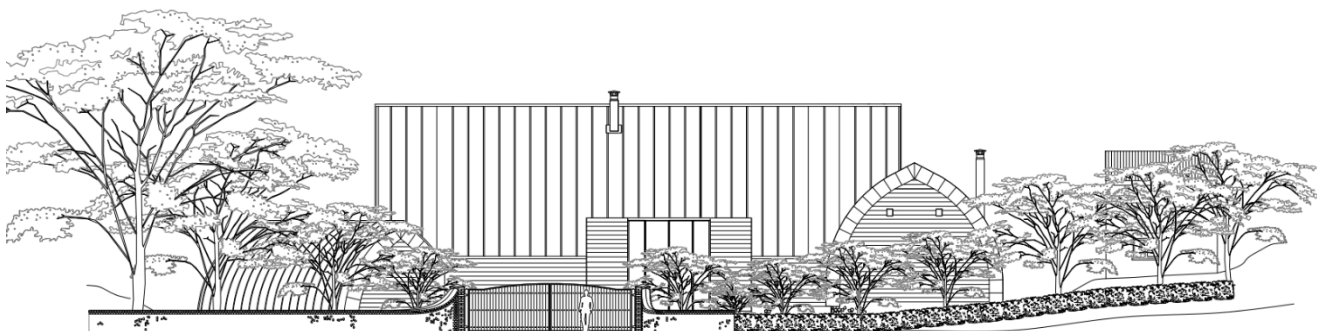


Figure 5 – Proposed elevations to garage (not to scale)

- 1.9 The gated vehicular access would be located in the same place as the existing gated access which is to the northwest of the main barn and the new boundary wall would be either side of this gate. The gate would have a height of 2.1m. The new wall would be finished in knapped flint with red bricks with a coping stone at the top and would have a height of 1m. A waste water treatment plant would be located to the north of the proposed annexe.



North elevation, street view

Figure 6 – Proposed street view (north) (not to scale)

1.10 Alterations are also proposed to the existing granary building which is located to the southwest of the barn. This includes new wooden shutters to the front elevation at ground floor to match the existing, with new glazing behind these shutters. The outline of the building would remain and the existing woodwork repaired with glazing installed between the timbers. The window on the north elevation would be repaired, the window on the south elevation would be extended and a new glazed door would be installed to the rear elevation.

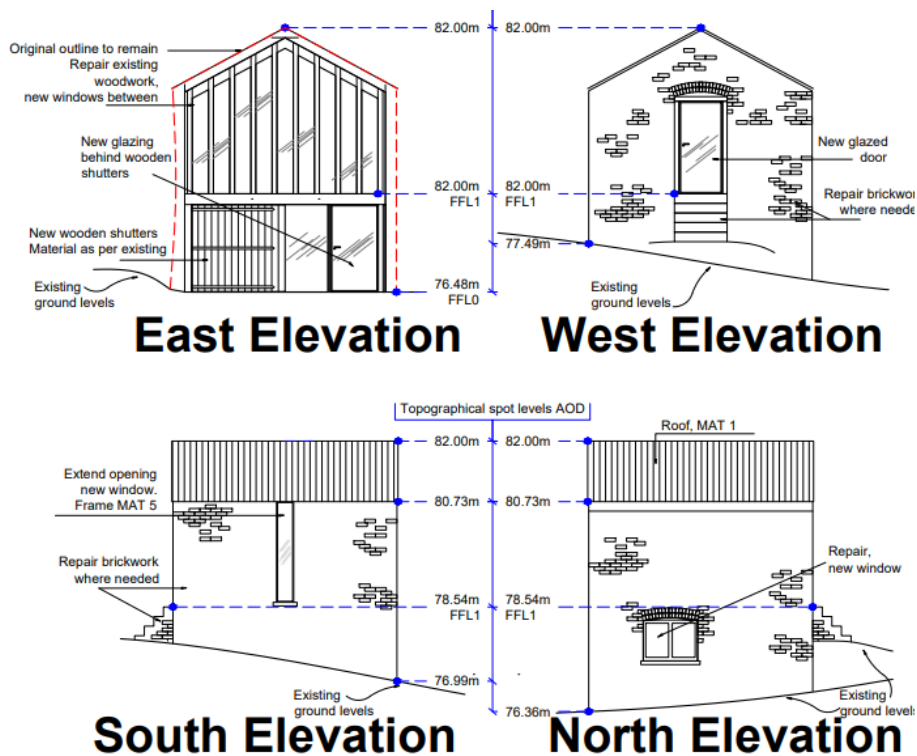


Figure 7 – Proposed elevations to granary

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Heritage, impact on AONB and visual amenity
- Impact on residential amenity
- Highways
- Ecology

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 principle of the residential conversion of the main 18th century barn has previously been established with the grant of permission on the site under DOV/18/01279, along with the erection of a new building for use as a holiday let and the erection of a 4 bay cart-shed garage.
- 2.4 The site is outside the settlement confines of Drellingore and is considered to be within the countryside for the purposes of planning. In such a location Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances, unless justified by other development plan policies or it functionally requires such a location. As the proposed development does not fall within any of these exceptions, it is contrary to Policy DM1. Policy DM1 is considered to be partially consistent with the aims of the NPPF (recognising the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth required in the Core Strategy and is more restrictive than the NPPF which seeks to significantly boost the supply of homes.
- 2.5 The Core Strategy policies and the settlement confines were devised with the purpose of delivering at least 505 dwellings per annum. In accordance with the Government's standard method for calculating local housing need, the Council must now deliver at least 611 dwellings per annum. Consequently, as a matter of judgement, the evidence base underlying Policy DM1 is out-of-date. As such, Policy DM1 should carry less than full weight.
- 2.6 Policy DM11 seeks to restrict travel generating development to existing urban areas and rural settlement confines, unless otherwise justified by development plan policies. In this regard the proposed development, being outside a settlement is also considered to conflict with Policy DM11. The aim of DM11 to manage patterns of development and prioritise more sustainable modes of transport broadly reflects the aims of the NPPF. However, the blanket restriction within Policy DM11 against development outside of the settlement confines is significantly more restrictive than the NPPF which instead seeks to actively manage patterns of growth to support sustainable modes of transport. Therefore, Policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.7 Policy DM4 relates to the conversion of rural buildings for commercial, community or private residential uses but they are only permitted in buildings that are adjacent to the confines, which is not the case here.
- 2.8 Policy DM15 seeks to resist the loss of countryside, (which is more stringent than the NPPF), and development that would adversely affect the character or appearance of the countryside, (which is broadly consistent with the NPPF). The first strand of this policy is another blanket restriction against development outside confines; however, the second strand is more consistent with the NPPF, albeit the NPPF refers to character and beauty rather than character and appearance. Whilst not considered to be out of date, Policy DM15 is considered to carry reduced weight.
- 2.9 Given the importance of Policy DM1, the relationship between DM1 and DM15, and the tension between DM11 and the NPPF, it is considered that the 'basket of policies' in the Core Strategy which are most important for determining applications are out-of-date and should be given less than full weight.

- 2.10 There are no specific policies in the Core Strategy that relate to tourism, however, the NPPF at para. 84 clearly refers to sustainable rural tourism which respects the character of the countryside.
- 2.11 Policy DM9 relates to accommodation for dependent relatives that they must be designed so as to be able to function as ancillary accommodation to the principal dwelling and revert to single family accommodation as part of the main dwelling once the use has ceased, and be of a size and design appropriate to the needs of the intended occupant and acceptable in terms of flood risk.

Tilted Balance

- 2.12 Notwithstanding the primacy of the development plan, paragraph 11(d) of the NPPF states that where the policies which are most important for determining the application are out of date, permission should be granted unless (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or (ii) specific policies in the Framework indicate that development should be restricted.
- 2.13 The tilted balance would therefore be engaged on the basis that the most important policies for the assessment of this application are out of date. It must be noted, however, that the tilted balance is not engaged by reason of the councils housing land supply or housing delivery positions. The council is able to demonstrate a housing land supply of 5.38 years and the council's Housing Delivery Test measurement is currently 88% and forecast to increase.
- 2.14 Notwithstanding the above, footnote 7 of paragraph 11 states that if the policies of the Framework that protect areas or assets of particular importance (such as AONB's) provide clear reasoning to refuse permission, the tilted balance should not be engaged. Paragraphs 174 and 176 of the NPPF are particularly relevant in determining whether or not the tilted balance applies. The impact of the development upon the AONB will be assessed below and a judgement made as to whether the impact is considered to be acceptable, and whether the titled balance is engaged.

Draft Local Plan

- 2.15 This is now a material consideration to weigh in the planning balance, Draft Policy SP4 seeks to ensure windfall development is located in a sustainable location and relates to an existing settlement. The policy is based on evidence of the sustainability of settlements within the district. This policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with paragraph 79 of the NPPF) are confirmed.
- 2.16 Policy SP4 makes reference to new dwellings (both isolated and non-isolated) in the countryside and outside of settlement boundaries only being permitted in exceptional circumstances under one or more criteria. The criteria relevant to this application is ii) *where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;* and iii) *the development would re-use redundant or disused buildings and enhance its immediate setting.* In turn, further criteria are

set out relating to impact on the AONB, heritage assets, residential amenity and highway safety.

- 2.17 The development proposal includes the erection of a new building for an annexe for ancillary use or for a holiday let. Draft Policy SP6 supports tourism development that would extend or upgrade the range of tourist facilities, particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season. Draft Policy E4 supports proposals for self-catering tourist accommodation across the District subject to a list of criteria being met including landscape impact, the preservation of heritage assets, residential amenity, parking and highway safety.
- 2.18 These policies are relatively consistent with the NPPF and should be afforded weight in the decision-making process. Paragraph 84 of the NPPF states that *“Planning policies and decisions should enable c) sustainable rural tourism...which respect the character of the countryside”*.
- 2.19 Policy H6 relates to residential annexes. Proposals for a stand-alone annexe must meet a list of criteria including that they must: *“h) be designed and located to ensure a clear dependency is retained between the annexe and the main dwelling; i) be capable of reverting to single family accommodation as part of the main dwelling once the need for an annexe has ceased; and j) be suitable in size and scale and clearly ancillary and visually subordinate to the main dwelling”*.
- 2.20 The Draft Local Plan currently carries some weight in decision making. However, in accordance with NPPF paragraph 48, given there are some objections to spatial and housing allocation policies that are unresolved ahead of examination, full weight cannot yet be afforded to its overall strategy of meeting housing needs. It is concluded that the Draft Policies and draft allocations carry moderate weight at this stage.

Heritage, Impact on AONB and Visual Amenity

- 2.21 The building is considered to be a non-designated heritage asset and therefore consideration must be had for paragraph 203 of the NPPF and draft policy HE1. Paragraph 203 states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly...affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm...and the significance of the heritage asset.”* Further to this, draft policy HE1 states that *“Proposals which conserve or enhance the heritage assets of the District, sustaining and enhancing their significance and making a positive contribution to local character and distinctiveness will be supported”*.
- 2.22 In comparison to the previously approved scheme which related to the conversion of the fabric of the existing former threshing barn, the current scheme introduces the erection of a completely new structure around the existing fabric of the building creating a distinctly different roof form to the aisled barn. The application describes this as a ‘flexible’ conversion, however, in effect a new roof would be installed in place of the previously approved conversion approach. This is a form that is not typical within the AONB and would result in the loss of one of the principal features of the barn, its steeply pitched catslide roof. The resultant structure would lead to a loss in the ability to read and understand the building as a Kentish barn and

would have a significantly harmful impact on the character of the site as a historic farmstead.

- 2.23 In respect of the structural timber frame an annotation on the plans indicates it would be retained 'where salvageable'. No structural report or condition survey has been submitted to support this application. This information is necessary in order to be able to determine whether the proposed development would be considered acceptable in principle, in accordance with policies relating to new residential development in the countryside. The lack of such report results in an ambiguous annotation of the plans regarding 'salvageable if possible'. As well as this, some further annotation identifies the use of straw bale, flint, brick etc 'as necessary' which raises questions over the proposed construction. This ambiguity regarding how much of the original building is to be retained means it is not possible to confirm that the scheme would represent a conversion of the existing building and instead presents as a substantial new build with at the very most small sections of the original timber frame sitting within it. This would therefore result in a significant loss of and damage to the historic and architectural integrity of the building, resulting in a new dwelling in the countryside which is contrary to policies. In turn, given such a visual change to the Kentish barn, this could not be seen as enhancing its immediate setting, a requirement of criteria 3(iii) of draft policy SP4. The site is not in an appropriate location for a new dwelling in line with both emerging and established planning policies.
- 2.24 The scheme also seeks to replace an existing outbuilding with new and introduce a garage. Both new structures would follow the design approach of the replacement barn and introduce the 'cruck' roof form, which as noted above, is not a traditional roof form within the district or AONB.
- 2.25 The design approach to introduce a roof form that is considered entirely out of character in the AONB, fails to reflect the historic character of the former farmstead. The uncharacteristic roof form would result in the loss of one of the barns main defining features; its steeply pitched and hipped roof. Furthermore, the design substantially increases the mass of the built form of both the existing structures, increasing their prominence in the landscape and having a significantly greater visual impact than the buildings they would replace.
- 2.26 The proposed design details such as the proposed fenestration are considered inappropriate and fail to reflect the historic character of the original farm buildings. In addition, unlike the previously approved scheme, the new build element would not recreate the historic farmstead layout, instead inserting a new garage building on an angle at the front of the site that was previously devoid of buildings, failing to respect the original historic farmstead layout. Further harm would also arise as a result of the suburban style gated entrance proposed, with the design of both the gates and piers being inappropriate given the rural location and introducing a suburban style more appropriate in an urban area.
- 2.27 As a result of the issues noted above, it is considered that the proposed scheme would have a detrimental impact on the historic character and appearance of the non-designated heritage asset. The harm is considered to be less than substantial as defined by the NPPF.
- 2.28 The NPPF, paragraph 176, requires great weight to be given to conserving and enhancing landscape and scenic beauty in the AONB, which have the highest status of protection in relation to landscape and scenic beauty. The conservation

of wildlife and cultural heritage are also important considerations and the scale and extent of development within these designated areas should be limited. Section 85 of the Countryside and Rights of Way Act requires that in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area.

- 2.29 The application site lies in the bottom of the Alkham Valley, an attractive dry valley that typifies this part of the AONB. The Kent Downs AONB Management Plan makes clear, such dry valleys are a greatly valued and an intimate feature of the Kent Downs landscape, and along with the scarp slope were the main target for designation back in 1968. Accordingly, dry valleys are specifically identified as one of the special characteristics and qualities of the Kent Downs AONB. Such valleys are particularly sensitive to change. This is because they form quiet rural landscapes with strong associations of peace, tranquillity and a sense of remoteness.
- 2.30 The current proposal responds poorly to its sensitive location and fails to promote the local distinctiveness of the Kent Downs, nor does it reflect the historic farmstead in terms of design and layout. The proposal fails to be complementary to the local rural and historic character in design, scale and form, as required by national and local policy as well as principles SD2 and SD9 of the Management Plan. As identified in the Management Plan, Section 3.4, 'to conserve and enhance the natural and scenic beauty of the Kent Downs, the design of new development is critical'. Furthermore, recently revised guidance on new development in AONBs provided in the updated Planning Practice Guidance advises that 'all development in... an Area of Outstanding Natural Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality'.
- 2.31 Turning to the detached building where a 'flexible' use is proposed to accommodate either annexe accommodation or a holiday let. In regards to the annexe accommodation, the building is of a similar scale to the previous permission and is of a scale that could be described as reflecting its function and could readily revert back to accommodation to serve the main dwelling at a later date. However, it is not clear from the application whether with the use of a 'cruck' form of structure results in this building being rebuilt or converted. That aside, there is provision within the policies for annexe accommodation to be provided within both existing and new buildings. However, its design and form, with a curved roof and modern metal panel elevations would be out of character with the rural landscape and the context of the site resulting in visual harm.
- 2.32 Turning to the potential use as tourism accommodation. In principle the development would be acceptable but would not meet criteria i), ii) and v) of draft policy E4 due to the visual harm identified. The development would fail to conserve and enhance landscape and scenic beauty and preserve or enhance any heritage assets within its setting.
- 2.33 The same applies to the detached garage given that its design and form mirrors that of the barn dwelling and the detached annexe/holiday let. The works to the granary are sensitive to its historic interest, such that there would be no harm in this respect. It is also noted that biodiversity enhancements are proposed, however, these do not outweigh the significant harm to the AONB arising from the proposed inappropriate design of redevelopment/conversion of the farmstead.

Impact on Residential Amenity

- 2.34 The proposed dwelling would be self-contained, have functional layouts and comfortable sized rooms. A garden area and on-site parking is provided. The building would not result in any interlocking issues. Accordingly, the proposal would provide a good standard of residential amenity for prospective occupants in accordance with para 130(f) of the NPPF. The development can also be provided with cycle parking, which could be secured by condition.
- 2.35 The residential amenity of the neighbouring property, Drellingore Cottage, will not be harmed by the proposal, due to the separation distance to the nearest dwelling. It is also considered that the closeness of the annexe to the barn would not cause an issue of interlocking but this could become an issue if it were used as a holiday let. This could be covered by a condition to ensure that the holiday let is not severed from the ownership of the main dwelling at a later date.

Highways

- 2.36 The site entrance has good visibility on to Stombers Lane, which is a relatively quiet road. The number of traffic movements likely to be generated by the proposal would not have an unacceptable impact on highway safety. The proposal would provide sufficient car parking to meet the needs of the development. Cycle storage would be provided within the proposed garage, located to the northeast of the barn. The proposal would accord with the relevant planning policies in these regards.

Ecology

- 2.37 The application submission does not include up-to-date ecological surveys that are required to understand the ecological value of the site, any potential impacts or any mitigation necessary. The requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) cannot therefore be addressed nor can the NPPF mitigation hierarchy principles (paragraph 180(a)) be applied, or follow government guidance that *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”* (para 99 of circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System).
- 2.38 This is further supported by Natural England ‘standing advice’ which makes it clear that LPAs should not decide planning applications until you have received all the necessary surveys and that planning conditions that ask for surveys are not appropriate. This is because it is necessary to consider the full impact of the proposal on protected species before you grant planning permission. When insufficient ecological information has been submitted, Natural England advise that:

“You can refuse planning permission if surveys:

- are carried out at the wrong time of year*
- are not up to date*
- do not follow standard survey guidelines without appropriate justification*

- *do not provide enough evidence to assess the likely negative effects on protected species”*

2.39 It is therefore concluded that in the absence of this survey information there could be significant harm to protected species and the requirements of paragraph 180 of the NPPF and draft policies SP13 and SP14 cannot be fully considered.

3. Conclusion

- 3.1 The NPPF requires us to consider the impact of a proposal in respect of the significance of a non-designated heritage asset. As indicated, this barn has significance as a former agricultural building of a traditional form and as such is considered to be of importance to the rural character of the area. The proposed works result in the almost complete loss of this building. Externally the original barn is completely lost from public view and appreciation and replaced with a structural form that is alien to the local context. It is inconclusive how much of the existing barn structure would be retained and therefore this proposal is for a replacement/new build and is not a conversion of the existing heritage asset. The proposal would cause harm to the historic character and appearance of the historic farmstead. Consequently, the proposal would be contrary to policy and therefore is refused.
- 3.2 The design and form of the proposed annexe/holiday let would also be at odds with the Kentish rural context of the site, failing to conserve the intrinsic character and beauty of the landscape/AONB. The same harm would result from the incidental garage building due to its design and form. The suburban style gated entrance would further compound this visual harm to the character and appearance of the countryside, contrary to the planning policies identified.
- 3.3 The proposal does not represent a sensitive conversion/redevelopment of the historic farmstead and the proposal neither conserves nor enhances the scenic beauty of the AONB. As such, it is in conflict with the AONB Management Plan, NPPF, Kent Downs LCA and policies DM15 and DM16. The tilted balance is therefore not engaged due to the harm caused to the AONB and its sensitive landscape, for the reasons identified in the report.

g) Recommendation

I PLANNING PERMISSION BE REFUSED for the following reasons:

1. The proposals do not represent a sensitive conversion/redevelopment of the historic farmstead, due to their design and form that is out of character with the traditional rural and historic form of the farmstead and the surrounding landscape and failing to enhance its immediate setting. As a result the proposals would cause visual harm and fail to conserve or enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty contrary to paragraphs 130, 134, 174 and 176 of the National Planning Policy Framework (2023), National Design Guidance (2021), policies DM15 and DM16 of the Dover Core Strategy (2010), draft policies SP4, E4, H6 and NE2 of the Submission Draft Dover District Local Plan (2023) and policies SD1, SD2, SD3, SD9, HCH1 and HCH6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026.

2. The proposals would result in unacceptable loss of historic form and fabric to a non-designated heritage asset and would have a detrimental impact on the character and appearance of the existing building without overriding justification. The proposal would fail to comply with paragraph 203 of the National Planning Policy Framework (2023) and draft policy HE1 of the Submission Draft Dover District Local Plan (2023).

3. The proposed new build development, would result in a dwellinghouse outside of any defined confines and in a location where day-to-day needs would be reliant on the use of the car, the need for which has not been demonstrated sufficiently to override normal sustainability objectives. The proposal would result in an unjustified residential development in this rural location contrary to policies DM1 and DM11 of the Dover Core Strategy (2010), Submission Draft Dover District Local Plan (2023) policies SP4 and TI1 and paragraphs 7, 8, 11 and 80 of the National Planning Policy Framework (2023).

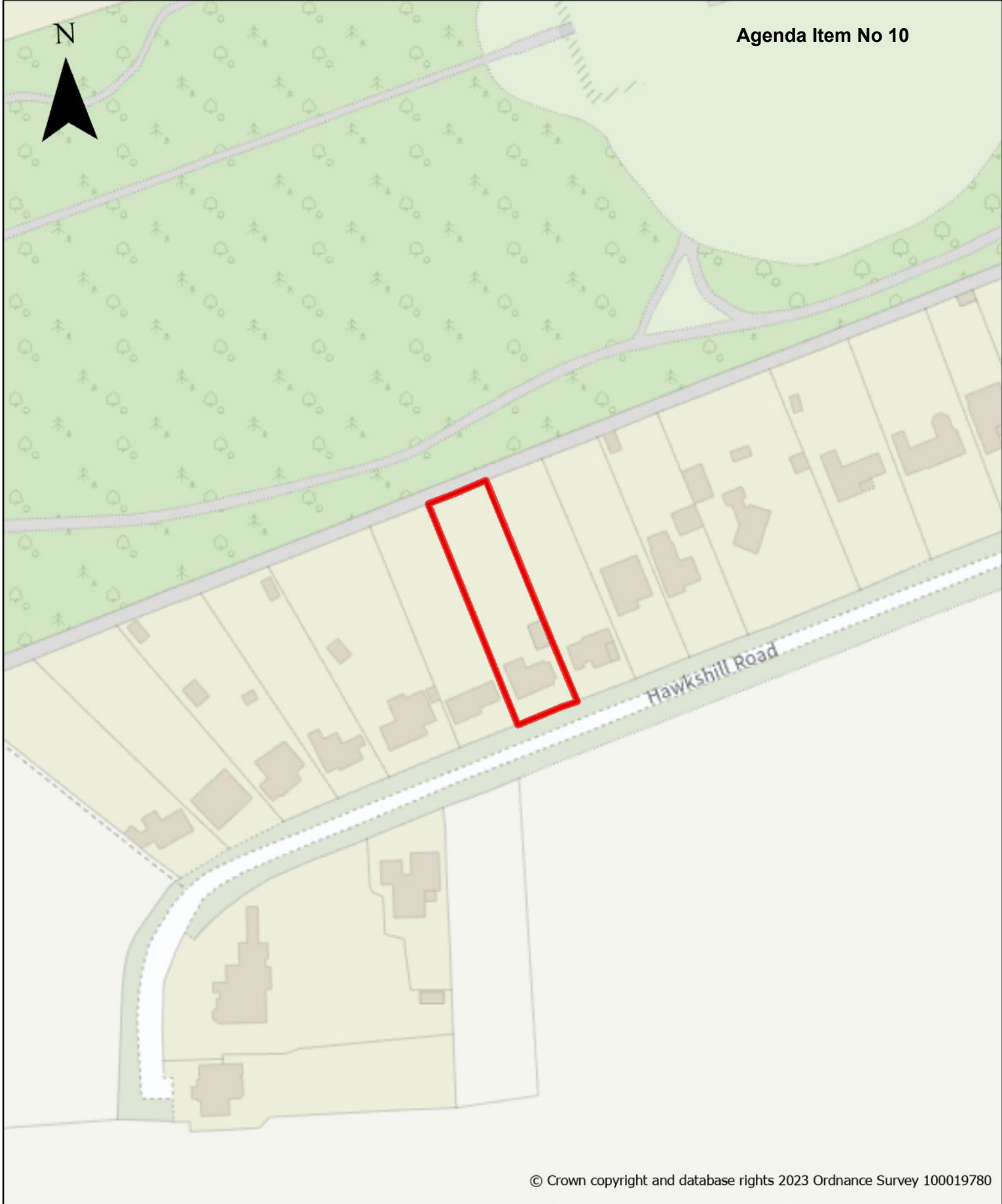
4. The application has not been supported by a Preliminary Ecological Appraisal or species-specific surveys to demonstrate whether protected species are present on the site. In the absence of evidence to the contrary, the proposal has failed to fully consider the impact of the proposal on protected species and demonstrate that this site would protect, enhance and minimise impacts to biodiversity contrary to paragraphs 174 and 180 of the National Planning Policy Framework (2023) and paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

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

Case Officer

Alice Pitts

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23/00984
Anchors, Hawkshill Road, Walmer, CT14 7LN
WALMER
Scale: 1:1,250

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



- a) **DOV/23/00984 – Erection of a two-storey rear extension with external cladding, solar photovoltaic panels to roof, replacement roof, balustrade and terrace over porch; erection of an outbuilding, rear path, replacement windows, drainage and formation of a vehicular access and parking (existing garage to be demolished) – Anchors, Hawkshill Road, Walmer**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15

Draft Dover District Local Plan (2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded weight, depending on the nature of objections and consistency with the NPPF. Policies are: SP1, SP2, PM1, PM2, H6, CC2, CC3, CC6, CC8, NE3, HE1, HE3, HE4, TI1, T13

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 47, 130 194, 199, 200, 201, 202

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

- d) **Planning History**

DOV/04/00065 – Erection of a single storey conservatory extension (existing conservatory demolished) – Granted.

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

Representations can be found in the online file; a summary is provided below:

DDC Horticulturalist – No objections, subject to the existing trees being retained and protected and method statement for screw pile foundations.

Walmer Town Council – No objections, check the west facing window due to concerns it may overlook.

Third party Representations: 6 objections have been received and are summarised below:

- Impact on neighbours, overlooking and loss of privacy
- Light pollution
- Impact on visual amenity
- Impact on trees
- Impact on Walmer Castle and Historic Park and Garden

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

- 1.1 The application site is situated on the northern side of Hawkshill outside of the settlement confines of Walmer and within an Area of Archaeological Notification. Directly to the rear of the site is a Public Right of Way ED5A and beyond this the historic park and gardens of Walmer Castle and the Grade I listed Castle. Whilst to the south of the site is an agricultural field and to the east Walmer beach.



Figure 1: Site location Plan (not to scale)

- 1.2 Hawkshill is characterised by detached dwellings, with a variety of different architectural styles and designs, the topography of the land slopes from west to east. The application site is a two-storey dwelling with a detached garage set back within the plot and off-street parking in front of the garage. The property benefits from a conservatory to the rear (to be demolished) and a substantial garden, well screened to the rear by the trees within the adjacent historic park.
- 1.3 The application is for the erection of a two storey rear extension measuring approximately 5m in depth, height of 7.8m and eaves height of approximately 4.9m. The application includes external cladding, solar PV panels to roof, replacement roof that includes a small projecting zinc sunshade to the front elevation. There is also a timber balustrade and terrace over the porch and the erection of an outbuilding (to be used as a home office/gym). The outbuilding measures a height of 3.7m, width 6.5m and length 10m. In addition, replacement windows, drainage and formation of a vehicular access and parking are proposed with the existing garage demolished.
- 1.4 The materials proposed are render and natural cedar cladding to first floor, flank elevations and extension aluminium coated windows and doors. Figure 2 shows the proposed block plan, demonstrating the extent of the proposal, including the two-storey extension and outbuilding to the rear of the property.



Figure 2 – Proposed block plan, showing extent of development (not to scale)

1.5 Figure 3 shows the existing elevations of Anchors, figure 4 shows the proposed two storey extension, external cladding, solar PV panels, replacement roof, sunshade and balustrade/terrace over the porch. Whilst figure 5 shows the proposed outbuilding to the rear of property.



Figure 3 – Existing elevations (not to scale)



Figure 4 – Proposed elevations (not to scale)



Figure 5 – Proposed outbuilding (not to scale)

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact character and appearance
- Residential amenity
- Heritage
- Historic Parks and Gardens
- Archaeology
- Highways

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 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by other policies, functionally requires a rural location or is ancillary to existing development. The application site is located just outside of any settlement confines but is considered to be ancillary to the existing development.
- 2.4 Policy DM15 resists the loss of countryside (areas outside confines but excludes land within the curtilage of buildings) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met. In this instance, the proposed development is within the curtilage of Anchors and is therefore acceptable in this regard.
- 2.5 Policy DM19 sets out permission will not be given for proposals that would adversely affect the character, fabric, features, setting, or views to and from the District's Historic Parks and Gardens. For the reasons set out later, the proposal is considered acceptable in this regard.
- 2.6 The Submission Draft Dover Local Plan is now at examination and as such it is at an advanced stage and is considered to be an important material consideration in the determination of this application. In relation to draft policy H6, this is considered most relevant to the principle of development.
- 2.7 Draft policy CC3 relates to renewable and low carbon energy development. As part of the application the applicant is proposing solar panels on the front roof slope, this policy supports such proposals, subject to amongst other things no significant harm to the surrounding area, character, or adversely impacting on the loss of amenity to local residents. Solar panels are not an uncommon feature and would be read as part of the dwelling. In respect of local residents, given their position, it is considered this element would not adversely impact on residential amenities. The proposal is therefore considered acceptable in this regard.
- 2.8 Draft Policy H6 set out that residential extensions will be supported subject to amongst other things, the development is compatible with the existing dwelling, locality and living conditions of existing residential amenities (discussed later in report).
- 2.9 Draft Policy HE1 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated asset is likely to be impacted, harm will be weighted against the public benefits of the proposal. The proposed works are a significant distance from the Grade I listed building and it is not considered this is affected by the proposed development.
- 2.10 Draft policy HE4 relates to historic parks and gardens setting out that proposals which protect and enhance the character, fabric, setting or views into and from

the districts historic parks and gardens will be supported. The the proposal has been designed to ensure the views into and out of are protected and as such the proposal is considered acceptable in this regard.

- 2.11 For the reasons set out, the proposed development is considered to be acceptable in principle, subject to the consideration of all other material considerations.

Impact on Character and Appearance

- 2.12 Paragraph 130 (f) of the NPPF 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 NPPF continues at (c) setting out that 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'.
- 2.13 Hawkshill is a private unmade road and benefits from a varied street scene with properties differing in architectural designs. Each property is set back from the road with an area of green verge. Draft Policy H6 sets out amongst other things that the development should be suitable in scale, character and materials in relation to the existing dwelling. In respect of the elevation fronting onto Hawkshill Road, this is proposed to be render which is not an uncommon feature within streetscapes within the district. Also the proposed zinc sunshade along the eaves on the front elevation has a limited projection and is an appropriate traditional material. The other materials (cedar cladding) would be glimpsed from within the street, however, given the position of Anchors between dwellings, these views would be limited. In any case, there are a variety of material finishes within the road and the use of cedar cladding at first floor is not considered to be at odds with the existing street scene and would be an acceptable material.
- 2.14 The two-storey extension has been designed with a dual pitch roof, thus reducing the bulk, scale and massing. The view of the proposed extension from the Public Right of Way, that runs along the rear boundary, will be limited due to the existing boundary treatment (a 1.8m fence), mature tree screening and the distance from the rear boundary to the rear elevation, and as such, this element of the proposal is not considered to adversely impact on the visual amenity of the area. Concerns have been raised about the possible impact the outbuilding could have on the historic park and garden and this is discussed later.
- 2.15 Finally, in respect of the balustrade, it is proposing to be timber and as such over time will weather down and will not be highly visible from the street scene. For these reasons, the proposed development is not considered to adversely affect the visual amenities of the street scene or the wider area, complying with paragraph 130 of the NPPF and Draft Policy H6.

Residential Amenity

- 2.16 Paragraph 130 (f) of the NPPF states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Whilst draft policy H6 (e) sets out that residential extensions will be supported, subject to not having an adverse impact on the living conditions of existing residents.

- 2.17 Concerns have been raised in respect of loss of daylight, overlooking, light pollution and use of the outbuilding. Consideration needs to be given to the occupiers of the adjacent properties. Broomfield to the west, is separated a distance of 2.2m from Anchors. Broomfield is a detached two storey dwelling with a catslide roof on the eastern elevation over the integral garage, with the boundary denoted by a 2m high close boarded fence. The proposed two-storey extension is considered to be of a substantial size. However, the proposal has been designed to be set down from the existing ridge height by approximately 623mm and has been designed with a dual pitched roof to alleviate the overall bulk, scale and massing. In addition, the ground level is lower on the application site, thus reducing the height of the proposed development. As such the proposal is not considered to result in an overbearing impact on the amenities currently enjoyed by this property.
- 2.18 In relation of the loss of daylight, as part of the application a daylight impact assessment has been submitted. Having regard to the orientation of Broomfield, to the west of the extension, it is considered the proposed development would not result in a loss of sunlight. Furthermore, whilst the proposal is on the edge of complying with the 45 degree test, it has been concluded that the proposal would be acceptable in this regard.
- 2.19 In respect of privacy, a high level first floor window is proposed to the western elevation set at 1.7m above internal floor levels. Therefore overlooking from the window is considered unlikely and this will not cause a loss of privacy to the adjoining property. The proposal has also been designed with two small ground floor windows in the existing eastern flank elevation, and an additional window at first floor, serving a bathroom that would be obscure glazed and could be further controlled through a planning condition. However, this element of the proposal would not ordinarily require a specific planning application and would be permitted development and therefore a refusal would not be justified on this basis.
- 2.20 To the east of the application site is a two storey property known as South End. Having regard to the distance of approximately 3m between these properties, the proposed obscure glazed window at first floor is not considered to impact the residential amenities of this property and the window will be unlikely to have an adversely effect, however, this can also be further controlled by a condition.
- 2.21 Concerns have also been raised over the position of the outbuilding and in respect of light pollution, overlooking and the potential use of the outbuilding. The proposed use of the outbuilding is for a office/gym and in most cases these uses are considered ancillary and compatible with an existing property and are acceptable within a residential area. Such an outbuilding would also normally be considered to constitute permitted development. The outbuilding has been designed with two large openings within the front looking towards Anchors. Whilst sympathetic to the concerns raised by residents, having regard to the distance of approximately 25m and the single storey nature of the building, any impact on the residential amenity is considered to be minimal.
- 2.22 Finally, a terrace and balcony are proposed over the porch. Having regard to the position overlooking the fields to the south/front of the property and the orientation of the adjacent properties, with small front gardens and off-street parking, this is not considered to result in overlooking in this regard. It is therefore

considered the proposed development is acceptable, thus complying with draft policy H6 and paragraph 130 of the NPPF.

Heritage

- 2.23 Concerns have been raised over the proximity of Walmer Castle to the application site. Walmer Castle is a Grade II listed building and therefore it is important that the statutory duty prescribed by Section 66 of the Listed Buildings and Conservation Areas Act is fully recognised. This requires LPA's in considering whether to grant planning permission for development which affects a listed building or its setting, to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.24 The outbuilding is the closest element to the proximity of Walmer Castle, given the height of the outbuilding is 3.7m, the tree cover and the use of natural timber cladding, which would weather over time, the proposal would not adversely impact on the setting of the listed building. Having due regard to the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, for these reasons the proposal is considered to comply with the aims and objectives of the NPPF and draft policy HE1.

Historic Park and Gardens

- 2.25 Concerns have also been raised over the potential impact the outbuilding could have on the historic park and gardens. Policy DM19 sets out that permission will not be given to the development proposals that would adversely affect the character, fabric, settings and views to and from the District's Historic parks and garden. This is reflected in Draft Policy HE4. In respect of the two-storey extension, having regard for the screening along the rear boundary and the substantial distance separating this element and the historic park, it is considered that any views would be oblique and would not cause harm to be views, setting and significance of the heritage designation in line with planning policies.
- 2.26 In respect of the outbuilding, whilst this is within closer proximity, having regard for the screening and low-key nature of the building, this is not considered to result in harm to the view or setting of the historic grounds.
- 2.27 With regards to the trees, no objection is raised providing the existing trees within the rear of the back garden (in proximity to the home office/gym) are retained and protected and that details of their protection, along with a method statement for the implementation of screw pile foundations for the outbuilding are secured by condition, this is considered reasonable. For these reasons the proposal is considered compliant with policy DM19 and Draft Policy HE4.

Archaeology

- 2.28 The application site is located within an Area of Archaeological Potential and therefore due regard must be had for the paragraph 194 of the NPPF and draft policy HE4. Given the nature of the work, in particular the excavation works relating to the proposed extension and its close proximity to the historic park and garden, it is considered appropriate to impose a condition for an archaeological watching brief to be undertaken.

Highways

- 2.29 The proposals would result in a 5-bedroom dwellinghouse. Policy DM13 and draft policy T13 set out that dwellings of this size, in this location should provide 2 independently accessible off-street parking spaces. Whilst the proposal would see the loss of the existing garage, an additional accessible parking space would be provided. Therefore, the proposal is considered to accord with Policy DM13, Draft Policy T13 and the NPPF.

3. Conclusion

- 3.1 The application is not considered to conflict with the relevant policies of the current and emerging plans and the NPPF and is acceptable in principle. The proposal would have limited impact upon the character and appearance of the area and is not considered to result in unacceptable impacts to the residential amenities of adjacent properties. Also no harm has also been identified to the designated heritage assets and the development is considered to be in accordance with Local plan policies and the NPPF and it is recommended that permission is granted.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to the following conditions:
1. Time Limit
 2. Approved plans
 3. Obscure glazing
 4. Control of flank elevation windows
 5. Archaeology watching brief
 6. Protection and retention of trees
 7. Method statement for foundations
- 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

Karen Evans

N



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22/01652

Danefield House, St Marys Grove, Tilmanstone, CT14 0JS

TILMANSTONE

Scale: 1:1,250

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



- a) **DOV/22/01652 - Outline application for the erection of 1 self-build dwelling (all matters reserved except access) following demolition of former dwelling - Danefield House, St Mary's Grove, Tilmanstone**

Reason for report – Number of contrary views (54) and called in by Cllr Steve Manion. The reasons given are it contravenes draft policy SP4, is outside the village confines and it does not have appropriate vehicle access.

- b) **Summary of Recommendation**

Grant outline planning permission

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan (2023) – The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded weight, depending on the nature of objections and consistency with the NPPF. Draft policies SP1, SP2, SP4, SP11, SP13, SP14, SP15, CC2, CC4, CC5, CC6, CC8, PM1, PM2, H5, TI1, TI3, TI5, NE1, NE2, NE3, HE1, HE2, HE3

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 12, 47, 48, 55, 56, 57, 60, 69, 79, 86, 92, 98, 100, 104, 110, 111, 112, 119, 120, 124, 126, 130, 131, 132, 134, 152, 154, 157, 159, 167, 174, 180, 183, 185, 194, 195, 203

National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

21/01510 - Outline application for the erection of up to 12 no. self-build dwellings and 4 no. affordable dwellings (all matters reserved except access) (existing building to be demolished) – Withdrawn

14/00209 - Erection of a detached replacement dwelling, with detached garage, erection of detached stable building and equestrian arena, together with associated car parking, access, landscaping and front wall and gates - Withdrawn

04/00829 - Erection of detached dwelling and garage block with accommodation over (existing dwelling to be demolished), provision of new vehicular access and change of use of land for the keeping of horses and erection of stables and associated works - Withdrawn

02/00699 - Development of 12no. 'affordable' dwellings, 13no. private houses, two tennis courts, village green and paddock - Refused

98/00555 - Change of use from class C2 to single dwelling: extensions to provide conservatory and double garage - Granted

95/00449 - Renewal of application DOV/90/0060 - conversion to residential home and extension of buildings - Withdrawn

90/00060 - extension & conversion to residential home(Class C2) - Granted

88/01702 - outline - residential development of 6 houses - Refused

88/00862 - conversion of house to provide two separate dwellings - renewal
DO/83/842 - Granted

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

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

Tilmanstone Parish Council-. Raised concerns that documentation submitted is ambiguous in its content by making references to numbers of dwellings beyond the single dwelling description. Need to be sure there is no subsequent suggestion of the details submitted being used to support any future proposal(s) to increase the number of dwellings. On the basis of above Tilmanstone Parish Council supports the application for the erection of 1 self-build dwelling following the demolition of the former dwelling, and only on this basis. It should be noted that the Parish Council originally objected to 4 no. dwellings, due to highways matters at St Marys Grove and site is located outside the settlement boundaries.

Environment Agency- No comments as it falls outside remit as a statutory consultee.

Southern Water – The EA should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

KCC PROW– No comments

KCC Archaeology- No response

KCC Highways – The original application sought a larger number of dwellings at this site and this application seeks a significant reduction, however this remains some increase in movements on St Marys Grove from site. Bus services are limited to 1/2 each way services Monday to Friday with only 1 service on a Saturday which cannot be considered a regular, it is likely that residents will rely almost exclusively on a private car.

As this is an outline application with all matters reserved except access, the amended site plans have been expanded to include the access as now proposed and visibility. Splays should be 2.4m setback by 43m in either direction to the carriageway edge, based upon the 30mph speed limit. Splays should fall over land under control of the applicant or KCC. Any gates to be erected at the access should also be included on plans and setback a minimum of 5m opening into the site to prevent vehicles waiting on the highway causing obstruction. Furthermore, the access should be constructed of bound surface for a minimum of 5m, to prevent debris being dragged onto the highway.

DDC Environmental Health – Recommends conditions to deal with contamination.

DDC Ecology- The potential for a range of ecological impacts is identified in the Ecological Impact Assessment (EclA), and mitigation measures are proposed. Ecological enhancement measures are also proposed. A new Ecological Impact Assessment (EclA) has been submitted, reflecting the change to the redline boundary. Although an updated site assessment has been undertaken, no new protected species surveys have been carried out, so the applicant is still relying on the 2021 ecological

surveys. These have not been reproduced in the new EclA, so there is a need to refer to the previous EclA for details.

The suite of potential ecological impacts remains at a different scale. There is identified potential for impacts to: roosting bats, foraging and commuting bats, hazel dormice, badgers, breeding birds, reptiles, great crested newts, hedgehogs, harvest mice and 'common mammals', in addition to woodland (habitat of principal importance / BAP habitat), and recreational impacts to the SPA / Ramsar site.

The proposed mitigation measures are likely to be achievable for: SPA (SAMM payment), foraging and commuting bats (lighting, landscape planting), badgers (update surveys, protective buffers), breeding birds (timing of habitat removal etc), hedgehogs (precautionary vegetation and habitat pile clearance) and harvest mice (ecologist check for nests prior to habitat removal). Details can be secured by conditions.

It is reported that proposals will seek to retain the woodland within the site, it is queried how this can be certain in the long term when the woodland will be within the curtilage of the proposed development. Further consideration must be given to the potential impacts of the loss of the trees/woodland, if their retention cannot be secured. Information is also sought to identify the trees with bat roosting potential within the site, to understand the site's potential value for roosting bats prior to determination. The submission and implementation of a detailed mitigation method statement and enhancement proposals, informed by updated bat emergence surveys, can be secured by condition.

The 2021 reptile survey identified the presence of slow-worms and viviparous lizards on the site. It is proposed that reptiles will be translocated from the site to a reptile receptor site (located within the grassland field to the south of the site). I advise that further information is sought from the applicant regarding the extent of reptile habitat loss within the site, in addition to details of the reptile receptor site to confirm its location and the status of reptiles on the proposed receptor site. Additional information needs to be provided to demonstrate that the proposed translocation is acceptable. It is important that the submission considers the reasons for the common lizards' current restriction to the development footprint, including any key habitat features that are present and would be lost. The preference would be for an extension to the retained area of suitable habitat on the site.

If it is within the wider site that was subject to the 2021 reptile survey as part of the previous redline, the large population of slow-worms indicates limited scope for additional habitat enhancements to increase the carrying capacity, and the further information must outline the potential options for habitat enhancements, considering any limiting factors to the current reptile populations. As the reptile receptor area is offsite, its status, along with its long-term management for reptiles, will need to be secured.

It is considered that clarification is sought as to the extent of nesting bird habitat that will be lost. The implementation of the proposed mitigation measures will ensure that direct impacts to nesting birds are avoided, but a loss of nesting bird habitat should also be mitigated for, and the proposed provision of a few bird boxes seems unlikely to provide sufficient replacement opportunities for nesting birds. Opportunities for enhancing and managing habitat for nesting birds should be sought within the development.

The use of District Level Licensing for Great Crested Newt impacts is proposed, but submission is not accompanied by the Natural England-countersigned 'Impact Assessment and Conservation Payment Certificate' (CPC). It is advised that this must be sought prior to determination, to demonstrate that the potential impacts to Great Crested Newts will be addressed. If not provided, ecological assessments and surveys will be required so that the potential impacts can be considered in detail.

DDC Trees - Objection to the possible removal of T3 (Oak) to provide the visibility splay. The Arboricultural Impact Plan indicates that that T3 and T59B may need to be removed. T3 is located immediately adjacent to T2 (Beech) and form one canopy and it is difficult to see how T3 could be removed without affecting the visual amenity and long term health of T2 which would be left exposed to wind forces to which it is not accustomed. Objection to the removal of the vegetation along the entire 43 metre length of the splay as this is likely to be detrimental to the rural character of this location. In response to these comments the access and visibility splays have been repositioned in order that T2 and T3 are retained and no objections provided the tree protection measures and associated recommendations as set out in the Arboricultural Report are adhered to.

RSPB – Sufficient mitigation should be provided for impacts on Turtle Dove habitat. Additional mitigation measures should be provided beyond those already proposed in ECIA. A landscape and ecology management plan should be secured.

Third party Representations:

4 letters of support have been received as summarised below:

- Brownfield site, suitable for a small development.
- Restoration of house and site which has been derelict for a long time.
- The current ruin is an eyesore and a safety hazard.
- The unresolved matter of this site has been a long-time concern in parish.

50 letters of objection have been received and are summarised below:

- St Mary's Grove is narrow and with limited passing points, and not suitable to provide access. The proposal does not have adequate access, including for large vehicles.
- Concerns regarding the adequacy of the junction of St Mary's Grove and Dover Road to accommodate larger vehicles, and existing visibility at this junction.
- Dover road operates under the national speed limit for a road of its type.
- Lack of affordable housing
- Tilmanstone is identified with the Councils Settlement Hierarchy as a Hamlet and therefore is deemed unsuitable for further development.
- There is no justification or need for this development to allow it to take place beyond the confines and contravene policy, including SP4.
- The restoration is a welcome proposal but that in itself does not justify development as proposed.
- DDC concluded that there is no justification to include the site in its Regulation 19 Local Plan.
- The proposal is not sustainable. There are no local services or facilities which the development could make use of and there is no public transport since bus was withdrawn. Residents would rely on private car.
- Increase in traffic will have an impact on safety at this junction.
- St Mary's Grove carriageway width is 3, rather than 5m as stated.

- The visibility splays for the proposed access onto St Mary's Grove will contain trees covered by TPO's and has been overlooked by applicant.
- The development will result in an increase of traffic using Tilmanstone as a cut-through to Elvington, Shepherdsweil and the A2.
- No public involvement/consultation has taken place and application is not supported by a Statement of Community Involvement.
- The application does not consider the existing ecological aspects of the site despite it containing significant flora and fauna and priority wildlife habitat.
- The site has significance and value to Tilmanstone in shaping its character and appearance. Impact on the character and tranquil and secluded nature of this part of the village.
- The utilities statement demonstrates a lack of attention to detail as it was submitted for application 21/01510, mentions 16 dwellings and is out of date.
- The original building would have been a characterful and extraordinary property and the remaining footprint should be respected.
- Danefield House is not capable of renovation.
- Disruption during construction stage, including traffic and pedestrian safety.
- St. Mary's Grove sometimes floods making road impassible.
- No infrastructure in village such as shop or school.
- Adverse impact on neighbouring residents.
- No need for self builds.
- Detrimental to local businesses.
- Village shop should be built on the land.
- There are only 2 buses serving the nearby schools plus a contactable service for local residents run on the basis of need. The timings do not provide transport throughout the day at regular intervals for local residents.
- Widening the existing access point will enable the developer to have a stronger case for further development, with emphasis on the creation of large 'self build houses' which will not be affordable
- Latest submission continues to mention creation of multiple dwellings as part of the design and access statement. Assurances should be provided by the developer that this is a standalone project, with no intention to build further homes.
- Large properties are unaffordable for some local residents.

(It should be noted that most of the above comments relate to the superseded proposal for 4 dwellings.)

f) 1. The Site and the Proposal

- 1.1 The site is located at the village of Tilmanstone. The settlement itself is separated into three main clusters of built development. The village has a village hall, play area, church and public house, but has no services that residents may use day-to-day, such as convenience retail, primary school or GP surgery. There is a limited infrequent bus service. The settlement hierarchy identifies Tilmanstone as a smaller village/hamlet.
- 1.2 The site is located between the clusters but outside of the defined settlement boundaries. The site area totals 1.03 ha. This has been reduced from 3.12 ha, when proposals were first submitted.
- 1.3 The site lies to the south of St. Marys Grove, which is a country lane with no footways. There is some limited street lighting. The speed limit is 30mph. Its noted that much of the village has no footways. It is bound by open fields to the

west and south, with the residential dwellings of Tilmanstone located beyond. To the east the site is bound by a residential property and Dover Road. Beyond this road and an additional field is the A256.

- 1.4 The site is located within an Archaeological Notification Area and a Coal Authority Development Low Risk Area. Part of the site is at Risk of Flooding from Surface Water (1 in 1000 yrs). The site contains an area of Priority habitat inventory (Deciduous woodland) and there are various TPOs on the site.
- 1.5 The proposal is for outline planning permission for the erection of 1 no. self-build dwelling (with all matters reserved except access) following demolition of the former dwelling. The proposal has been amended during the course of the application. It has been reduced from the original proposal of *“Outline application for the restoration of Danefield House and the erection of up to 3 no. self-build dwellings (with all matters reserved except access)”*.

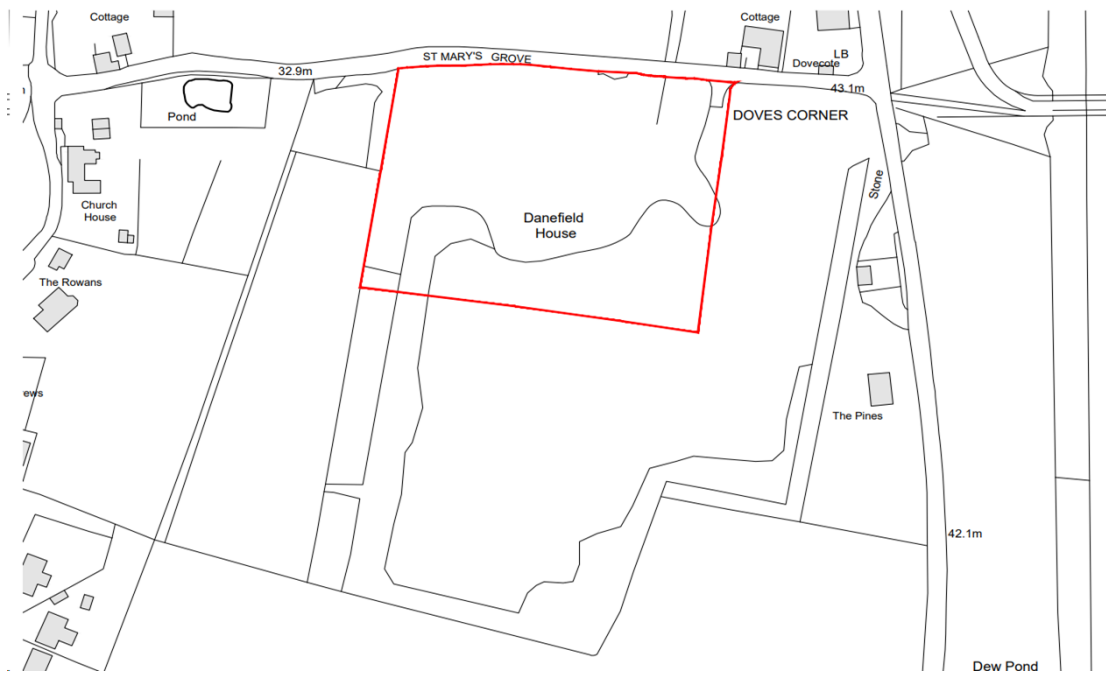


Figure 1: Site location Plan -revised scheme (not to scale)



Figure 2: View looking west along St. Mary's Grove with the existing access on left and Beech tree cottage on right



Figure 3: View looking north west towards ruin from within site



Figure 4: View looking west towards ruin from within site



Figure 5: View looking north towards St. Mary's Grove and existing access from within site



Figure 6: Illustrative site plan - revised scheme (not to scale)

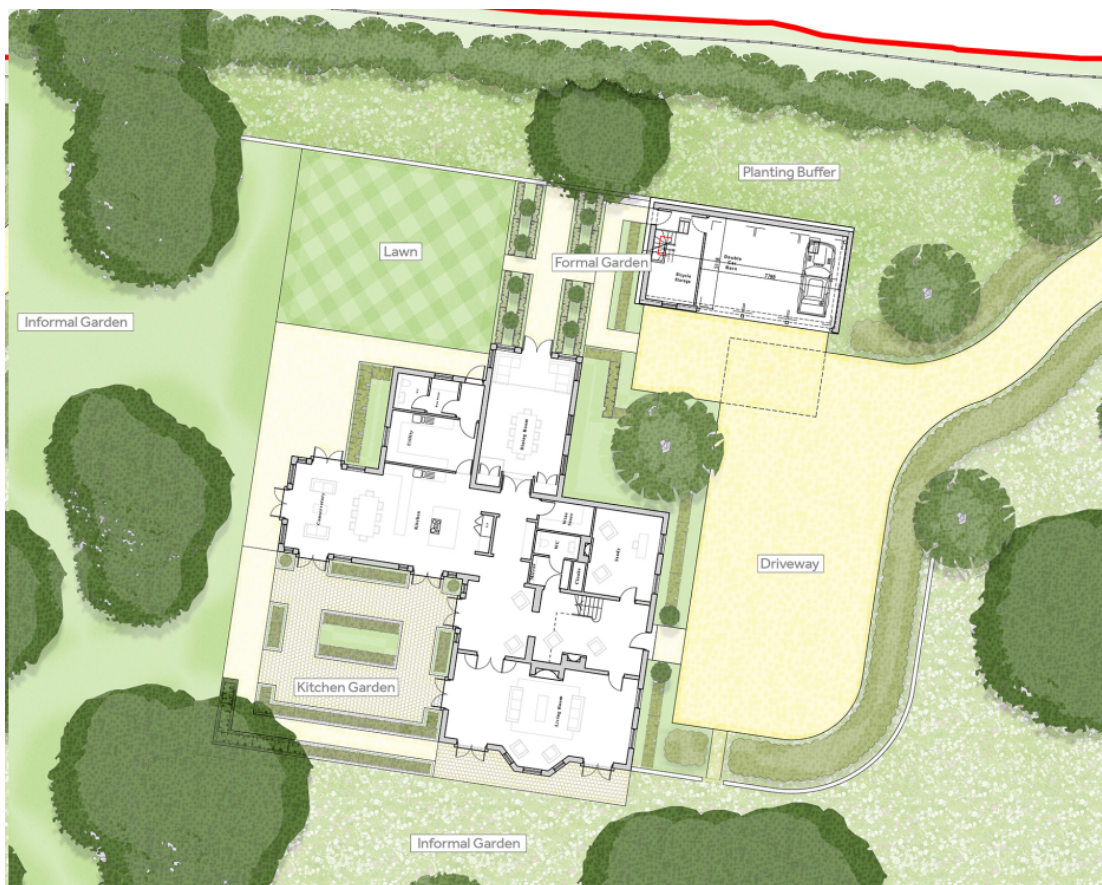


Figure 7: Illustrative landscape scheme - revised scheme (not to scale)

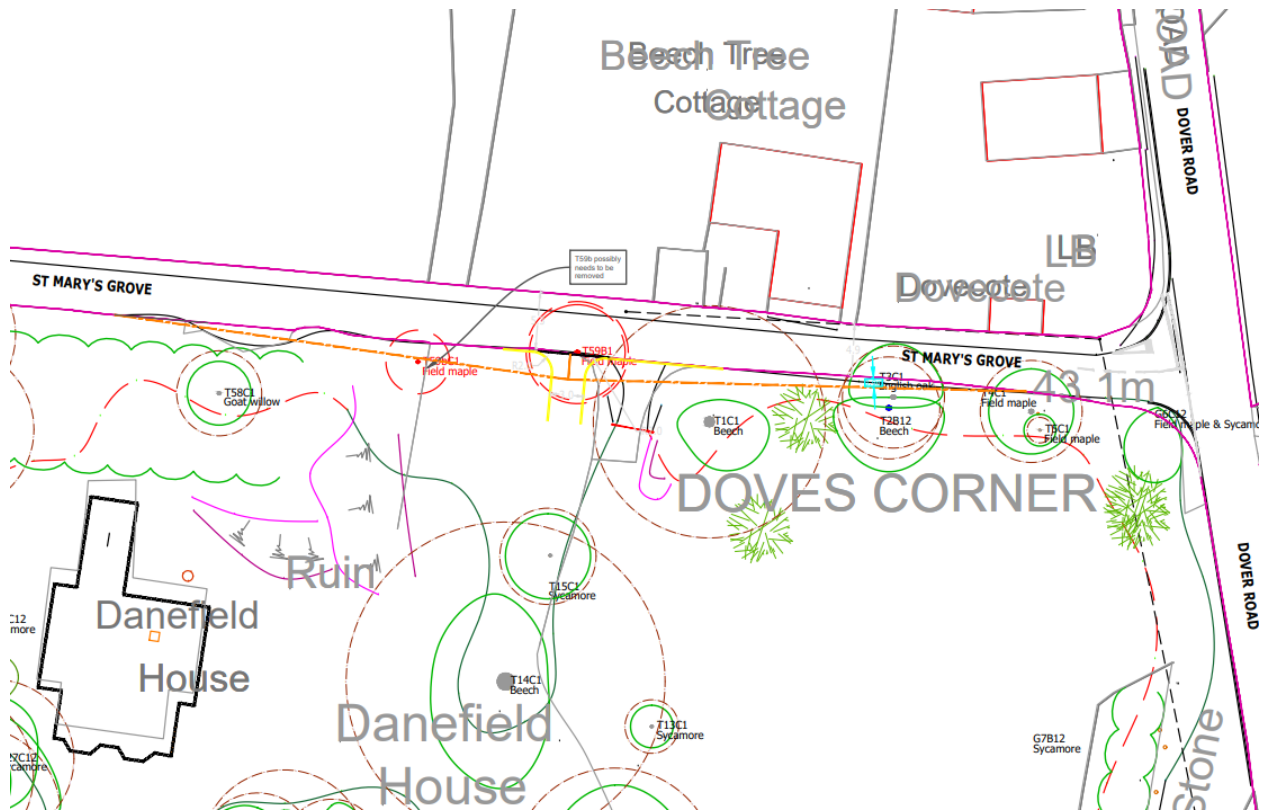


Figure 8: Proposed visibility splays -revised scheme (not to scale)



Figure 9: Illustrative front (east) elevation -revised scheme (not to scale)



Figure 10: Illustrative rear (west) elevation -revised scheme (not to scale)

2. Main Issues

2.1 The main issues for consideration are:

- Principle of development
- Design
- Heritage Impact
- Landscape Impact
- Impact on highway matters
- Ecology and trees
- Impact on residential amenities
- Flood risk and drainage
- Archaeology
- Contamination

Assessment

Principle of Development

2.2 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the ‘development plan’ unless material considerations indicate otherwise. The requirements of the NPPF are a significant material consideration in this regard.

2.3 Notwithstanding the primacy of the development plan, Paragraph 11d of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date” permission should be granted unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (7); or

- ii. 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”.
- 2.4 The Council are currently able to demonstrate a five-year housing land supply and have not failed the housing delivery test. The policies considered most important in determination of the principle are considered to be CP1, DM1, DM11 and DM15.
- 2.5 Policy CP1 of the Core Strategy seeks that the location and scale of development in the district complies with the Settlement Hierarchy. Tilmanstone is identified as a hamlet, not suitable for further development unless it functionally requires a rural location.
- 2.6 Policy DM1 sets out that development will not be permitted on land outside rural settlement confines unless justified by other policies, it functionally requires such a location, or it is ancillary to existing development or uses. Policy DM1 accords with the strategic aim of the NPPF to promote sustainable development. However, it is considered that Policy DM1 is in tension with the NPPF as it is more restrictive and that limited weight should therefore be afforded to this policy. Given the degree of conflict it is considered that this policy is out-of-date.
- 2.7 Policy DM11 seeks to locate travel generating development within confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF’s aim to actively managing patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date, however weight is reduced.
- 2.8 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside. The ‘blanket’ protection of the countryside is more stringent than the NPPF. However, this policy is considered broadly consistent with the aims of the NPPF including the need to recognise the intrinsic character and beauty of the countryside (Paragraph 174 of the NPPF). It is not therefore out-of-date and continues to attract significant weight.
- 2.9 Given the location of the proposed development outside the village confines and within the countryside, the proposal would be contrary to Policies DM1, DM11 and DM15, with no adopted Local Plan policies indicating that permission should be granted.
- 2.10 Consideration must be had for whether the “tilted balance” would be engaged, having regard for Paragraph 11 of the NPPF. Some of the adopted policies relevant for determining the application are considered to be out of date to varying degrees, with Policy DM1, which is particularly crucial in assessing the principle of the development, being particularly so. Given the weight to policy DM1 it is concluded that the ‘basket’ of adopted policies is out of date.
- 2.11 Consequently, it is considered that the ‘tilted balance’ would be engaged and paragraph 11 the NPPF would be relevant in the assessment. Sub-paragraph (ii) states in order to grant planning permission, it should be demonstrated that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 2.12 NPPF paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 2.13 NPPF paragraph 124 states that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and the availability of land, local market conditions and viability, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.
- 2.14 Historically there has been a residential dwelling and use on the site since at least the 19th Century. It is understood that the original dwelling was last inhabited in the 1980s and there was a fire in 2002. There is a documented planning history on this site over the last 30 years. This includes permission for a C2 use in 1990, but not implemented and in 1998 permission was granted for a dwelling (C3 use) on the site.
- 2.15 Regard needs to be had to whether the residential use and the original house has been abandoned. The legal framework regarding the issue of abandonment in planning is summarised as follows. If a building or land "*remains unused for a considerable time, in such circumstances that a reasonable man might conclude that the previous use had been abandoned*", (Lord Denning, *Hartley v MHLG* [1970] 1QB 413) then the concept of abandonment would apply. It involves a cessation of use in such a way, and for such a time, as to give the impression to a reasonable onlooker, that it was not to be resumed, (*Nicholls v SSE and Bristol CC* [1981] JPL 890, J.363).
- 2.16 In *Trustees of Castell-y-Mynach Estate v Taff-Ely BC*, [1985] JPL 40, the Court suggested four criteria for abandonment, these are: the period of non-use, the physical condition of the land or building, whether there had been any other use, and the owner's intentions as to whether to suspend the use or to cease it permanently. In *Hughes v SSETR* [2000] 80 P&CR 397, the Court found that the test of the owner's intentions should be objective and not subjective, on the authority of *Hartley and Castell-y-Mynach*. In *Bramall v SSCLG* [2011] JPL 1373 Wyn Williams J affirmed the four criteria of abandonment and concluded that the weight to attach to each is a matter of planning judgment for the decision taker.
- 2.17 In assessing the use against the relevant criteria, the following needs to be taken into consideration. In respect of the period of non-use, it is understood that the site/building has not been used since the 1980s when the condition of the building started to deteriorate. The period of non-use therefore equates to approximately 34 years. In respect of the physical condition of the land or building, it is understood that the condition of building began to deteriorate in the 1980s. There was a fire in 2002. At present the building is a ruin with large sections of wall and roof missing and is overgrown.
- 2.18 In respect of there being any other use, it is understood that the site had also been used for commercial uses throughout the latter half of the last century. In respect of the owner's intentions as to whether to suspend the use or to cease it permanently, there has been a considerable planning history on the site with permission granted in 1998 for C3 use.

- 2.19 To conclude, given the above, and apportioning weight to the physical condition of the ruin, it could be considered that the use of the building/land for a residential use has been abandoned.
- 2.20 The Submission Draft Local Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. Draft policies SP1, SP2, SP4 and H5 are considered most relevant to the principle of development. Draft policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and draft policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel.
- 2.21 Draft policy SP4 seeks to ensure windfall development is in a sustainable location and relates to an existing settlement. The policy is based on evidence of the sustainability of settlements and is evidenced in the Settlement Hierarchy. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. Using this information and current housing requirements, the policy seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed.
- 2.22 Policy SP4 identifies two categories of settlement. The first are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are identified as suitable for additional residential development either within or immediately adjoining the settlement confines. The second are settlements that are identified as suitable for minor residential development or infilling of a scale that is commensurate with that of the existing settlement and within the boundaries. Tilmanstone falls into the second category of settlement. Policy SP4 also applies other criteria to assess the appropriateness of development in these locations. The proposal is located outside of the confines and does not therefore comply with the first part of draft policy SP4.
- 2.23 In terms of the second set of criteria in draft policy SP4, the proposal is considered to be of an appropriate scale, compatible with the layout, density, fabric and appearance of the settlement, would not result in an unacceptable intrusion into the open countryside, and would not generate a level of traffic that would result in severe impacts to the highway network that cannot be mitigated. The proposal is therefore considered to accord with the second part of draft policy SP4.
- 2.24 The proposal is therefore within the countryside and is also not considered to comply with part 3 of SP4. Accordingly, the proposal is not considered to comply with draft policy SP4. As the policy and confines to which it relates have been devised in line with up-to-date housing figures and the objectives of the NPPF, the policy is considered to hold increasing weight in the planning balance.
- 2.25 Draft policy H5 supports self-build house schemes on non-allocated windfall developments, subject to compliance with the other policies in the Plan and where overall, this would not result in an over-provision of this type of housebuilding when compared to the Council's supply/demand evidence.
- 2.26 It is further noted that the site, (although abandoned) still constitutes previously developed land and a former residential use. Permission was granted in 1998

residential use on the site, after a previous permission for C2 use in 1990. This is also a material consideration in determining this application.

- 2.27 Paragraphs 79 and 80 of the NPPF are also relevant, in that housing should be located where it will enhance or maintain the vitality of rural communities and that decisions should avoid the development of isolated homes in the countryside. It is not considered that the site is in an isolated location, as it is located between the clusters of development which make up the village of Tilmanstone. At the closest point, the application site is approximately 120m from the village confines. There are also two other properties accessed off St. Mary's Grove, Beech Tree Cottage to the northeast and St. Mary's Grove Cottage to the west.

Design

- 2.28 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future. It should help to shape places in ways that contribute to reductions in greenhouse gas emissions and encourage the reuse of existing resources, including the conversion of existing buildings. Draft policy SP1 seeks to ensure that all new built development contributes to the mitigation of, and adaptation to climate change. This is echoed in draft policy CC2 which provides details of sustainable design and construction including the adaption of buildings and minimisation of waste.
- 2.29 Draft policy SP2 seeks new developments to be designed as safe and accessible, to minimise the threat of crime, promote social interaction and inclusion. All new development should achieve a high standard of design internally and externally, and should have accessible, high-quality greenspaces.
- 2.30 Draft policy PM1 requires that development achieves a high quality of design, promotes sustainability and fosters a positive sense of place. It also states development should respect and enhance character to create locally distinctive design or create character where none exists.
- 2.31 The proposal is for a new self-build dwelling which would be located on the site of the existing ruin. The application is in outline form with all matters reserved except access. However indicative plans and elevations have been submitted which show a two-storey dwelling in a traditional classical architectural style, with a pitched roof and chimneys. A three-bay garage in a traditional barn style is also proposed with a cycle store and storage area over the garage.
- 2.32 Although layout, scale and appearance are reserved, it is considered that the indicative scale is appropriate for the site and location, having regard for the scale and siting of the former dwelling. Landscaping is also reserved, although a site and landscape plan have been submitted which indicates how the landscaping of the site could be undertaken.
- 2.33 The revised proposals indicate that the vehicle access to the site will be relocated approximately 6.5m to the west of the existing access. The scheme proposes that 2.4 x 43m visibility splays to the access. There are a number of mature trees and a hedgerow along the site frontage with St. Mary's Grove. The site access has been relocated to reduce impact on the existing mature trees, notably a Beech and an Oak tree to the east of the existing access. A stretch of hedgerow and a Field Maple tree would be lost to achieve the splays, and it is considered that a suitably worded condition can secure the replacement of these.

- 2.34 To conclude, it is considered that the development proposed could form a compatible and suitable expansion of the village, provided the detailed design and landscaping is sensitively considered. The design overall is considered to be acceptable and complies with adopted and draft local policies and the aims of the NPPF.

Heritage Impact

- 2.35 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.36 The NPPF requires the local planning authority, to identify and assess the particular significance of any heritage asset that may be affected by the proposal. Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.37 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 2.38 The site is located approximately 50m from Tilmanstone Conservation Area, to the west of the site. There are a number of listed buildings in the conservation area including the Grade I listed St. Andrew's Church, located approximately 125m from the site and Church House, a Grade II listed building approximately 100m. The ruin itself is considered to be a non-designated heritage asset. It is considered that a new self build dwelling on the site is an opportunity to secure a high quality, appropriately designed replacement, which has potential to reference the original building. Overall, it is considered that the proposal is acceptable and complies with draft local policy and the aims of the NPPF.

Landscape Impact

- 2.39 Paragraph 174 of the NPPF states that development should contribute to and enhance the natural and local environment by protecting and enhancing the intrinsic character and beauty of the countryside.
- 2.40 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, or it can be sited to reduce harm and/or incorporate design measures to mitigate impacts to an acceptable level. Draft policy NE2 states that proposals should demonstrate regard to the Landscape Character Area, as defined by the Dover District Landscape Character Assessment 2020, in which they are located.
- 2.41 The site is located within F2: Northbourne Landscape Character Area. This is a rural chalk landscape with a gentle ridge and valley topography, with large arable fields interspersed with woodland blocks. There are numerous small blocks and

belts of deciduous and coniferous woodland, often associated with parkland breaking up large arable fields. Estate walls, gatehouses, parkland trees and avenues are prominent in the landscape contrasting with open arable areas. A rural and tranquil landscape, with narrow winding lanes connecting the farmhouses and settlements, disrupted locally by the A258 and A256, but elsewhere with strong rural character.

- 2.42 Landscape management guidance for this area is to: conserve and enhance the ancient woodland and deciduous woodland through appropriate woodland management; increase the extent of native deciduous woodland, using locally native species in order to link to existing woodland; seek to avoid the introduction of coniferous boundaries, and to conserve and reinforce the parkland/estate character around Tilmanstone, putting in place a programme of new parkland/avenue tree planting where appropriate.
- 2.43 Development management guidance for this area is to encourage the use of in keeping materials such as flint, redbrick and render for any new developments, to resist proposals for highway upgrading to retain the rural character of the narrow rural lanes and conserve the grass verges which provide an important biodiversity resource in the intensively farmed arable landscape.
- 2.44 Although at outline stage, it is considered that the provision a dwelling on the site, in this location would be appropriate. The indicative plans identify a new dwelling on the site of the previous dwelling with a similar footprint and scale. The site contains trees and vegetation, and the proposals would also include additional landscaping.
- 2.45 To the south of the site is PROW EE404, which runs southwest to northwest approximately 170m from the existing ruin. The site is well screened by trees around the boundary, and it is not considered that the development, (subject to details at reserved matters), would be highly visible from the PROW, highways beyond St. Mary's Grove or from the surrounding countryside.
- 2.46 To conclude, it is considered that the proposed development would not have an unacceptable visual impact on views from the landscape, countryside and surrounding area. It is considered that an appropriate scale, form and materials could be secured at reserved matters stage.

Impact on Highway Matters

- 2.47 Draft policy TI1 states that development should, in its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, safe and direct walking and cycling routes within a permeable layout, contributing into sustainable transport proposals including off-site improvements to cycling and walking routes, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes and will encourage their enhancement and extension.
- 2.48 Draft policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: IGN 3 in relation to vehicle parking. Policy DM13 sets requirements for parking provision in compliance with SPG4 which sets out standards for the maximum number of parking spaces.

- 2.49 St. Mary's Grove is a single lane carriageway. There are no footways, however there is some limited streetlighting. The speed limit is 30mph and there is an existing vehicle access from the site onto St. Mary's Grove. The lack of footway and limited lighting is considered detrimental to the scheme; however, the scheme is for one dwelling on previously developed land in a rural context.
- 2.50 The scheme includes the relocation of the vehicle access and the proposed creation of 2.4m x 43m vehicle visibility splays. The access and the splays are considered appropriate for the context, and conditions could be imposed requiring the maintenance of the splays and other highway safety measures including a bound surface for 5m from edge of carriageway and gates to be set back by at least 5m. There would be adequate space for parking and manoeuvring, as well as cycle parking provided on the site.

Ecology and Trees

- 2.51 Paragraph 180 requires that when determining applications, local planning authorities should refuse planning permission if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 2.52 Draft policy SP14 echoes this requiring that every development connects to and improves the wider ecological networks in which it is located, providing on-site green infrastructure that connects to off-site networks. Proposals must safeguard features of nature conservation interest, and retain, conserve and enhance habitats.
- 2.53 Draft policy NE3 requires that all proposals for new residential development within a 9km Zone of Influence radius of the SPA will be required to make a financial contribution towards monitoring and mitigation measures set out in the Thanet Coast and Sandwich Bay SAMM, in order to mitigate against the potential for in-combination effects of new development, through recreational pressure on the Thanet Coast and Sandwich Bay SPA.
- 2.54 An Arboricultural Impact Assessment has been submitted, including a draft method statement. The tree survey has been updated with the revised proposal to indicate the removal of a Field Maple to allow for visibility splays. There are also a number of protected trees covered by Tree Protection Orders (TPOs) on the site.
- 2.55 Part of the site also contains an area of Priority habitat inventory (Deciduous woodland). No trees are proposed to be removed in this area. It is considered that the protection of trees could be secured by imposing a condition for a final tree protection and retention plan and that a landscape and habitat management plan to secure long term appropriate management of this area should also be secured. In this case the most appropriate way to secure this would be through the s106 legal agreement.
- 2.56 Given the status of the woodland, it's importance as a habitat, and the visual amenity provided by the trees, it is also considered reasonable and appropriate to serve a Tree Protection Order to further protect the trees within the priority habitat area that are not already covered by a TPO.

- 2.57 The proposal submitted would involve the loss of a mature Field Maple and a section of hedgerow along the frontage to St. Mary's Grove. These are not covered by a TPO or the priority habitat listing. The Field Maple is considered to provide some visual amenity to the immediate area, although as there are other significant trees, the loss of the Field Maple is not considered to adversely affect visual amenity or the character of the area. It is considered that a replacement scheme for the loss of the hedgerow and tree could be secured by condition.
- 2.58 An Ecological Impact Assessment (EclA) and supporting surveys have been submitted. A Baseline Habitat Condition Assessment, Biodiversity Net Gain Assessment, Biodiversity Metric and Habitat Condition Assessment spreadsheets was initially submitted with the application but these are no longer applicable for the single dwelling proposal. A revised EclA was submitted, reflecting the change to the redline boundary. Although an updated site assessment has been undertaken, no new protected species surveys have been carried out, so the applicant is relying on 2021 ecological surveys, which are now considered out of date and will need to be updated.
- 2.59 A suite of potential ecological impacts is identified and there is potential for impacts to: roosting bats, foraging and commuting bats, Hazel Dormice, badgers, breeding birds, reptiles, Great Crested Newts, hedgehogs, Harvest mice and 'common mammals', in addition to woodland (habitat of principal importance / BAP (Biodiversity Action Plan) habitat).
- 2.60 It is considered that some of the proposed mitigation measures are likely to be achievable through conditions for lighting, landscape planting, timing of habitat removal etc, precautionary vegetation and habitat pile clearance and ecologist checks for nests prior to habitat removal. A detailed biodiversity method statements can also be secured by condition.

Bats

- 2.61 In addition to the woodland's value as habitat of principal importance, some of the trees have been assessed as having bat roosting potential. It is not clear which of trees have been identified and further information is needed to identify the trees with bat roosting potential within the site, and to ensure an understanding of the site's potential value for roosting bats prior to determination.
- 2.62 The building for demolition is also assessed as having high potential for roosting bats and bat emergence surveys were undertaken during August and September 2021, during which no bats were recorded emerging from the building. The building is also considered in the EclA to provide opportunities for hibernating bats, but detailed surveys have not been undertaken due to the structural integrity of the building.
- 2.63 Although precautionary mitigation with no further bat surveys is recommended in the EclA, it is considered that this is not sufficient to be confident that potential impacts to bats will be adequately addressed. Two years have elapsed since the bat emergence surveys of the building, and updated surveys will be necessary to ensure that the detailed mitigation measures are informed by up-to-date information. It is considered that these are surveys are not required prior to determination, as it is understood there has been little or no change to the site and building since the previous surveys were carried out and can be addressed by conditions.

- 2.64 The mitigation/enhancement measures recommended in the EclA for roosting bats comprise only 1 hibernation bat box and an additional integrated bat tube. It is considered that additional details of ecological mitigation for roosting bats is required.
- 2.65 It is considered that the submission of a detailed mitigation method statement and enhancement proposals, informed by updated bat emergence surveys, can be secured by condition, however, further information is still required pre-determination and this is reflected in the resolution.

Reptiles

- 2.66 The 2021 reptile survey identified the presence of slow-worms and viviparous lizards on the site. It is proposed that reptiles will be translocated from the site to a reptile receptor site (located within the grassland field to the south of the site). It is considered that further information should be sought regarding the extent of reptile habitat loss within the site, in addition to details of the reptile receptor site to confirm its location and the status of reptiles on the proposed receptor site.
- 2.67 It is considered that if it is within the wider site subject to the 2021 reptile survey, the large population of slow-worms indicates limited scope for additional habitat enhancements to increase the carrying capacity. Therefore, further information also needs to outline the potential options for habitat enhancements, considering any limiting factors to the current reptile populations. Also, as the reptile receptor area is off-site, its status and its long-term management for reptiles, along with translocation will need to be secured by a s106 legal agreement.

Nesting birds

- 2.68 Further clarification is also to be sought as to the extent of nesting bird habitat that will be lost as a result of the proposed development. The implementation of the proposed mitigation measures will ensure that direct impacts to nesting birds are avoided, but a loss of nesting bird habitat should also be mitigated for, and the proposed provision of bird boxes is unlikely to provide sufficient replacement opportunities for nesting birds. Opportunities for enhancing and managing habitat for nesting birds should also be sought within the development.

Great Crested Newts

- 2.69 The use of District Level Licensing for Great Crested Newt impacts is proposed, but the submission is not accompanied by the Natural England-countersigned 'Impact Assessment and Conservation Payment Certificate' (CPC) as this is still awaited from Natural England. However, this also needs to be sought prior to determination, to demonstrate that the potential impacts will be addressed. If this cannot be provided, ecological assessments and surveys for Great Crested Newts will be required so that the potential impacts can be considered in detail.
- 2.70 While this application does not require the forthcoming mandatory BNG, the NPPF identifies that development should deliver a net gain in biodiversity and further information to address this is required.
- 2.71 To conclude further information needs to be sought to address considerations in relation to: bat roosting potential within trees and any mitigation required; the extent of reptile habitat loss and further details of the receptor site; the extent of

nesting bird habitat to be lost and any further mitigation required; the submission of a Natural England-countersigned 'Impact Assessment and Conservation Payment Certificate' in relation to Great Crested Newts; and information to indicate that a net biodiversity gain can be achieved on site.

- 2.72 It is not considered that there would be any barriers to being able to secure adequate mitigation measures for the above species, if required, given the size of the site and the scheme proposed. It is therefore considered that an addendum to the EclA is sought prior to determination. Given this, the resolution to grant planning permission is subject the submission of an addendum to the EclA detailing on and off-site measures and mitigation. Any off site mitigation will also be secured through the s106 legal agreement. On this basis of the required additional information, it is considered that the requirements on the NPPF, associated guidance and draft policies can be sufficiently addressed in relation to this proposal.

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

- 2.73 It necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA. A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been adopted in order to monitor potential impacts on the qualifying bird species for the SPA arising from development and to provide appropriate mitigation. This is set out at Draft Policy NE3 as the site lies within the 9km Zone of Influence, within which mitigation will be required.
- 2.74 Having had regard to the proposed mitigation measures it is considered that the proposed development would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA where it would make a contribution towards implementation of the SAMM. This payment will be secured by way of a s106 contribution.

Impact on Residential Amenity

- 2.75 Draft policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties through overlooking, noise or vibration, odour, light pollution, overshadowing, loss of natural light or sense of enclosure. Development should be of an appropriate layout with sufficient usable space and contain windows in all habitable rooms to facilitate comfortable living conditions with natural light and ventilation.
- 2.76 Whilst the Nationally Described Space Standards are yet to be formally adopted, they are referenced in the draft plan in respect of internal accommodation. It also states that all new build development is to be built in compliance with part M4(2). Overall, it is considered that the proposals are likely to be acceptable in relation to living conditions of future residents and impacts on neighbouring residential amenity.

Flood Risk and Drainage

- 2.77 Draft policy SP1 seeks to mitigate and adapt to climate change by ensuring development does not increase flood risk. Draft policy CC5 states that development on sites at risk of flooding will only be permitted where it is demonstrated by a site-specific flood risk assessment that the development would not result in a unacceptable risk on flooding on the site or elsewhere. NPPF paragraph 167 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 2.78 The site is located within Flood Zone 1, but part of the site is at risk of flooding from Surface Water (1 in 1000 yrs). A Flood Risk and Drainage Assessment has been submitted and proposes that surface water drainage will be by infiltration and there will be no increase to existing off-site surface water run-off rates or volumes. A package treatment plan for foul drainage is proposed. Southern Water have raised no objection, and The Environment Agency had no comments. Given the proposal is for a dwelling it is considered that conditions are not appropriate and should not be imposed relating to drainage.

Archaeology

- 2.79 Draft policy HE3 relates to archaeology and the site lies within an archaeological notifications area. It is identified as an area of some palaeolithic potential and area of multi period archaeological potential in Tilmanstone Parish. An Archaeological Desk Based Assessment has been submitted and states that there is a chance that archaeological features, artefacts and ecofacts may be present on the site. It is considered that archaeological investigation and assessment is undertaken prior to commencement of any works on the site which can be secured by condition.

Contamination

- 2.80 The NPPF states (Paragraph 93) that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. A phase 1 contamination assessment study has been submitted and confirms that a Phase 2 investigation should be undertaken to assess the underlying ground conditions and potential contamination across the site. The assessment also notes that basic Radon protective measures will be required. A number of measures are also recommended for the construction period and suggested conditions will secure further assessment, with remediation and verification, if necessary. This is addressed in the recommendation.

3. Conclusion and Planning Balance

- 3.1 Paragraph 11 of the NPPF sets out that when the local policies are considered out of date that any decision should rest on the tilted balance and development should be granted 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.” As the most important policies in determining this application are considered out of date, paragraph 11 of the NPPF is relevant.
- 3.2 The proposal would be located outside of the village confines, with no footway and limited street lighting linking the development to the village. It is considered in this context there would be some limited social adverse effects.

- 3.3 There would be some effects on trees, including the loss of one mature tree and a length of hedgerow. The proposal would result in an area of priority habitat of deciduous woodland within the curtilage of a dwelling. However, the planning process offers an opportunity to secure retention of the woodland, and it's future management. There would also be some ecological effects, with some impact on habitats for a number of species, however it is considered that these can be adequately mitigated and secured by conditions and in the s106 agreement.
- 3.4 The proposal would provide one new home and there would be some limited socio-economic benefits provided by the development at construction stage and when built, including by providing new homes, which in turn would provide support for the vitality of the village and nearby settlements, (NPPF paragraph 79).
- 3.5 It is considered that the proposals would significantly enhance the character and appearance and visual amenity of the area, by bringing a long-standing derelict site back into use and improving the overall appearance of the site and immediate area.
- 3.6 Given the above, it is considered that the benefits of the scheme would outweigh the adverse effects. As such when considering the "tilted balance" under NPPF paragraph 11, the adverse effects would therefore not significantly and demonstrably outweigh the benefits.
- 3.7 In reaching this conclusion weight has been given to the previous land use of the site, being previously developed residential land, with planning permission granted in 1998 for a residential use and the desire to bring the site back into an appropriate use, with an appropriate amount of development.
- 3.8 In apportioning this weight regard has been had for NPPF paragraph 124 in relation to supporting development that make efficient use of land, taking into account the identified need for different types of housing and the availability of land suitable for accommodating it, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed and attractive places.
- 3.9 Accordingly and in light of the above, it is recommended that planning permission is granted subject to the resolution of the ecology matters identified, and the SAMMS payment, ecological mitigation and habitat management secured through a s106 legal agreement.

g) Recommendation

- I OUTLINE PLANNING PERMISSION BE GRANTED Subject to completion of s106 legal agreement in relation to a SAMMS contribution, habitat management and reptile translocation, and in addition the submission of an addendum to address the additional ecology information required in an Ecological Impact Assessment and the following conditions:
 - 1) Submission of reserved matters
 - 2) Time limit for reserved matters
 - 3) Time limits
 - 4) Approved plans
 - 5) Materials
 - 6) Contamination remediation strategy

- 7) Verification report for contamination
- 8) Contamination safeguarding
- 9) Refuse and cycle parking provision
- 10) Parking provision
- 11) Visibility splays
- 12) Gates set back from highway by 5m
- 13) Bound surface for first 5m of access
- 14) Programme of archaeological works
- 15) Final Arboricultural method statement
- 16) Tree and hedge protection, retention and replacement plan
- 17) Biodiversity Method Statement, including update surveys
- 18) Ecological enhancements

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

Case Officer

Nicola Kingsford