

- a) **DOV/16/00866 – Erection of six detached dwellings, creation of vehicular access and associated car-parking - Townsend Paddock, Townsend Farm Road, St Margaret's-at-Cliffe, Dover**

Reason for report: The number of third party contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy

- Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that a village, such as St. Margaret's-at-Cliffe, is a tertiary focus for development in the rural area suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.
- Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development.
- Policy DM11 advises that development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that will help to satisfy the demand. Development beyond the urban confines must be justified by other development plan policies.
- Policy DM13 sets out parking standards for dwellings and states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives.
- Policy DM15 advises that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents.
- Policy DM16 states that where the landscape is harmed, development will only be permitted if it is in accordance with allocations made in the Development plan documents and incorporates necessary mitigation or its can be sited so as to avoid or reduce the harm and/ or incorporates design measures to mitigate the impacts.
- Policy DM17 restricts development within Groundwater Source Protection Zones unless adequate safeguards against possible contamination are provided.

Dover District Land Allocations Local Plan

- Policy LA43 allocates the site at Townsend Paddock for residential development.

#### National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development and that for decision-taking this means approving proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
  - Specific policies in this framework indicate development should be restricted.
- The NPPF sets out 12 core planning principles, which include securing high quality design and a good standard of amenity for all existing and future occupants; conserving and enhancing the natural environment; and, conserving heritage assets in a manner appropriate to their significance.
- Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate five-year supply of deliverable housing sites.
- Paragraph 55 sets out to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- Paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
- Paragraph 115 specifies that great weight should be given to conserving landscape and scenic beauty in National Parks, The broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- Paragraphs 126 to 141 of the NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of the development on designated heritage assets.

#### Planning Legislation

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

Section 72 of the 1990 Act requires that in granting planning permission the local planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

d) **Relevant Planning History**

DOV/15/01213- Erection of seven detached dwellings, creation of vehicular access and associated car parking. Planning permission was refused on 1<sup>st</sup> July 2016 for the following reasons:-

1. The proposed development, by virtue of its layout, density, scale and mass of the proposed dwellings and car barns would, if permitted result in an unsympathetic and poorly related form of development, out of keeping with the existing form and character of adjacent development and would be harmful to the character and appearance of the surrounding area and street scene, obscuring views across the site towards the Grade 1 Listed Building which would result in harm to its setting as well as the setting of the Kent Downs Area of Outstanding Natural Beauty, contrary to National Planning Policy Framework policies 17, 56, 58, 64, 115, 134, Policy DM16 of the Dover District Core Strategy and Policy LA 43 of the Land Allocations Local Plan.
2. The proposed development, by virtue of its proximity to and relationship with neighbouring properties would result in an unacceptable level of overlooking and loss of privacy to the occupiers of these properties, contrary to National Planning Policy Framework Paragraphs 17 and 56.

e) **Consultee and Third Party Responses**

Consultees

St. Margaret's Parish Council - Have no objections to the proposal but have requested that the following matters be given consideration:-

- Soft hedging to be used rather than fencing;
- Low level lighting to be used;
- Site has aquifer running through it; and,
- Site is likely to have archaeological remains.

Environmental Health - No objections subject to conditions regarding soil contamination/ remediation measures and construction management plan.

Environment Agency - No objections subject to conditions relating to contamination and SUDS.

KCC Highways - No objections subject to standard conditions.

Southern Gas Networks - Advises no excavations to take place within 0.5m of low pressure gas main.

Southern Water - No objections subject to no development or tree planting should be located within 3m of easement and no soakaways within 5m of public sewer.

County Archaeologist - Site lies within an area of high archaeological potential and requests that a condition be imposed requiring an archaeological field evaluation.

English Heritage: Do not wish to comment.

High Hedges/Tree officer - No response received.

Ecologist - No response received.

### Third Party Representations

Nine representations have been received objecting to the proposal on some or all of the following grounds:

- Overlooking/Loss of privacy;
- Noise and disturbance;
- Noise and disturbance dust/pollution during construction;
- Two storey houses and large car barns overbearing;
- Loss of light/sunlight;
- Noise and disturbance from increased traffic;
- Result in increased parking on Townsend Farm Road
- Loss of rural views;
- Adverse impact on countryside;
- Loss of countryside;
- Impact on views of listed church;
- Too much new housing development in the village;
- Not affordable housing as suggested in the application documents;
- Should develop brownfield site instead; and,
- Land not wholly in ownership of applicant

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

1.1 The application site is located at the end of Townsend Farm Road approximately 100m to the south-east of its junction with High Street, the main thoroughfare running through the Village of St. Margaret's-at-Cliffe. The site is roughly L-shaped in plan with a frontage width to Townsend Farm Road of 36m, a depth of approximately 70m and an area of 0.5 ha. It comprises a redundant paddock laid to grass with a row of trees along the south-western boundary, a further group of trees towards the rear (i.e. south-east) and a dilapidated shed in the centre. The land level within the site slopes gently upwards from the Townsend Farm road frontage with a steeper rise towards the south-east and south-west boundaries.

1.2 Apart from the open fields to the west on the opposite side of Townsend Farm Road which falls within the Kent Downs Area of Outstanding Natural Beauty (AONB), the surrounding area to the north, east and south is residential in character comprising a mixture of bungalows and two storey houses.

- 1.3 The site lies just outside the boundary of the St. Margaret's-at-Cliffe Conservation which contains a number of important buildings, including the Grade I Listed St Margaret's Church situated on higher ground some 100m away to the south-east.
- 1.4 The application seeks full planning permission for the erection of six detached houses together with the formation of a new access and associated car parking.
- 1.5 The scheme proposed, comprises two detached houses on the Townsend Farm Road frontage (Plots 1 & 2) set either side of a centrally positioned access road which terminates in a vehicular turning head and two parking courts. Beyond this, a pair of two storey semi-detached houses (Plots 3 & 4) would be located at the southern corner of the site and to the north two detached houses in staggered formation (Plots 5 & 6).
- 1.6 Plot 1-
- This is a four bedroom single storey detached house with accommodation in the roof space. It would be roughly T-shaped in plan with a maximum depth of 12.5m and a width of 10.5m. The main bulk of the building would be sited on a north-west to south-east axis and would be surmounted by gabled roof with an eaves height of 2.7m and a ridge height of 6.8m.
- 1.7 Plot 2-
- This would comprise a four bedroom part two storey, part single storey detached house. It would be T-shaped in plan with a maximum depth of 10m and a maximum width of 11m. The main bulk of the building would be two storeys and run along a north-west to south-east axis and be surmounted by a gabled roof with an eaves height of 5m and a ridge height of 7.8m. The single storey side projection would have a half-hipped roof with front and rear dormers and a ridge height of 6m.
- 1.8 Plot 3 & 4 -
- These would contain a three and four bedroom two storey semi-detached house. The pair would be positioned on a north-east to south-west axis with a combined width of 20.57m and a depth of 9.8m. The pair would be surmounted by a pitched roof with gabled and hipped ends and an eaves height of 5m and a maximum ridge height of 8.5m.
- 1.9 Plot 5 –
- This would comprise a four bedroomed single storey detached house with accommodation in the roof space. It would be T-shaped in plan and sited on a north-west to south-east axis and surmounted by a gabled roof with an eaves height of 3m and a ridge height of 7m. The single storey side projection would have a half-hipped roof with a ridge height of 6.5m.
- 1.10 Plot 6-

This would contain a single storey four bed dwelling with accommodation in the roofspace. It would be T-shaped in plan with the main body of the building positioned on a north-west to south-east axis with a width of 13m and a depth of 10m. It would be surmounted by a half-hipped roof with an eaves height of 2.9m and a ridge height of 6.9m.

- 1.11 The development has adopted a broadly traditional design approach with a muted colour palette of red / brown face brick and clay roof tiles, cream white weather boarding, reconstituted stone window cills, white UPVC double glazed windows and black UPVC rainwater goods.
- 1.12 Each dwelling would have a private rear garden.
- 1.13 A total of 14 allocated car spaces would be provided including two garages and a single and double car barn together with two visitor spaces. Two secure cycle parking spaces would be provided for each dwelling.
- 1.14 The following documents have been submitted in support of the application:
  - Design and Access statement;
  - Flood risk Assessment;
  - Drainage Strategy
  - Tree Survey;
  - Preliminary ecological appraisal;
  - Site contamination Investigation and Risk Assessment; and,
  - Archaeological desk based Assessment

## 2. **Main Issues**

- 2.1 The main areas of assessment are:-
  - The principle of the proposed development;
  - Design and visual impact;
  - Impact on the listed church and conservation area;
  - Impact on the AONB;
  - Impact on residential amenity;
  - Standard of amenity for the future occupiers;
  - Highways and Parking; and,
  - Other matters.

## 3. **Assessment**

### The Principle of the Proposed Development

- 3.1 Although the plot is located outside the designated village confines, it is part of a larger site, which includes No's 1 & 2 Townsend Paddock, that is allocated under policy LA43 of the Dover District Land Allocations Plan for residential development. The policy indicates that planning permission for development on this site will be permitted provided that:-
  - Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside;

- The raised land to the south east and south west is left undeveloped;
  - The existing trees along the south west boundary are retained; and,
  - If street lighting is required this should be designed to minimise the impact of light and pollution and conserve the dark night skies of the AONB.
- 3.2 Accordingly, there are no objections in principle to the development of the site for residential purposes subject to the criteria set out in policy LA43 and the matters considered below.

#### Design and visual impact on the Area

- 3.3 The built context of the application site is varied and comprises a recent development of two storey houses of traditional design to the south on Ash Grove; circa 1950's bungalows adjoining the site on the Townsend Farm Road frontage and to the rear, the gardens of two storey houses and bungalows fronting Well Lane.
- 3.4 The earlier refused application (DOV/15/01213) comprised a substantial one-and-a-half storey house and a two storey detached house on the Townsend Farm Road frontage; a row of five large closely spaced two storey detached houses occupying the south-eastern part of the site; and, a line of four double car barns immediately to the rear of No's 1 & 2 Townsend Paddock. It was previously considered that this proposal constituted an overdevelopment of the site, which was reflected in a cramped overly regimented layout with houses of a size, siting and form that failed to satisfactorily respect the character of the area.
- 3.5 The revised application currently under consideration has sought to address these concerns by reducing the number of units and amending the design approach to reflect the informal character of the area. The height, bulk and massing of the two dwellings on the Townsend Farm Road frontage has been significantly reduced, markedly improving the visual transition with the neighbouring bungalows. For example, the dwelling on Plot 1 is now single storey with accommodation in the roof space with a maximum ridge height of 6.9m rather than a part single storey part two storey dwelling with a ridge height of 8.3m. Similarly, the house on Plot 2 on the opposite side of the site entrance is now a one-and-a-half storey unit with a maximum height of 7.8m rather than 2 storey with a height of 9m as previously submitted. The deletion of one unit from the scheme has resulted in a more spacious less regimented layout than that of the previously refused application. The height, bulk and massing of the four houses to the rear of the site has been significantly reduced and greater variety introduced to the design. For example, the previously refused application included one one-and-a-half storey house and four detached two storey houses of comparable size and design, whereas the current proposal comprises a pair of two storey semi-detached houses and two single storey houses with accommodation in the roofspace. The parking arrangements have also been significantly modified, six bulky double car barns being replaced by one double and a single car barn and two single garages. It is considered that in its current form the proposal rather than representing a suburban form of

development is now more organic in form and in keeping with the character of this village fringe location.

- 3.6 In terms of their external appearance, a broadly traditional design approach has been adopted, with buildings of differing heights and a varied roofscape of gables, half-hips and small gable bonneted dormers and red/brown brick elevations with decorative brick plinths, cream weatherboarding and soldier courses above the windows. It is considered that the development would have a satisfactory appearance complementing the neighbouring built form and in keeping with the character of the area. Notwithstanding this, it is recommended that in the event of planning permission being granted, a condition be imposed requiring the submission and approval of materials.

Impact on the Setting of the Grade I Listed St. Margaret's Church and Conservation Area

- 3.7 The current application has satisfactorily addressed the Local Planning Authority's previous concerns regarding the impact of the development upon views of the Grade I Listed Church. Unlike the earlier refused application, the deletion of one dwelling from the scheme has facilitated a more spacious layout with a significant gap of some 15m between Plots 4 & 5 rather than a nominal separation of 2m. The roof on the two storey semi-detached house on Plot 4 has been hipped and the dwelling on Plot 5 is single storey with accommodation in the roof space whilst the dwellings on the site frontage are significantly lower than previous scheme. The Heritage Officer has indicated that there would still be a minor impingement on the sightline from the south-west across the site to the church, but the amended layout together with the reduction in bulk and massing of Units 1 and 4, has satisfactorily ameliorated the impact so that there would be no harm.
- 3.8 In order to reduce the impact of any residential development on the site on the nearby conservation area and AONB, Policy LA43 of the Land Allocations Local Plan identified an area of raised land on the south-east boundary of the site as non-development land. Since the designation of the site the area of land comprising the majority of the non-development land has been sold to a neighbouring occupier and is now outside the confines of the site and the residual area of raised ground is undeveloped and contained within the gardens of Plots of 3, 4, 5 and 6. Notwithstanding this, a condition is proposed requiring the submission and approval of details of land and floor levels prior to the commencement of development.

Impact on the AONB

- 3.9 The site is clearly visible from the Kent Downs AONB to the west. In such areas, the NPPF indicates that great weight should be given to conserving landscape and scenic beauty whilst Policy SD2 of the Kent Downs AONB Management Plan specifies that the character and distinctiveness of the area shall be reflected in the design, scale, setting and materials of new development. Policy DM16 of the Core Strategy goes on to specify that although the character of the landscape should be protected, this does not preclude the possibility of development but requires that its location should be carefully selected



and the scale and design of the buildings crafted to fit the circumstances.

- 3.10 In this case the site has been designated in the Land Allocations Plan for residential development. It does not lie within the AONB but constitutes an enclave of open land within a built-up context with residential properties to the north, south and east.
- 3.11 In respect of the previously refused application the Local Planning Authority considered that it would have a detrimental impact on the setting of the AONB due to its layout, density and scale. In the current application the density of the development has been reduced providing a more open and spacious layout which allows views both into and through the site from the AONB. The bulk and massing of the dwellings has been significantly reduced and in particular those on Plots 1 & 2 on the highly visible Townsend Farm Road frontage. Units 1 & 2 are also set well back from the road with substantial front gardens that unlike the previous submission are free of hard-surfaced parking spaces. In addition, in comparison with the previous application where the houses were relatively uniform in design and typical of a modern housing development within an urban environment, in the current proposal the dwellings a more varied height, design and detailing and sympathetic to this rural fringe location.
- 3.12 The applicant has not submitted a lighting scheme. However, to ensure compliance with Policy LA43 a condition is proposed requiring that, in the event of street lighting being necessary, details will need to be submitted to and approved by the Local Planning Authority to minimise the impact of light pollution and to conserve the dark night skies of the AONB.
- 3.13 It is considered that the proposed development would be in keeping with the character of the area and would have no harmful impacts on the setting of the AONB in accordance with the aims and objectives of the NPPF and the Local Development Framework.

#### Impact on Residential Amenity

- 3.14 The earlier application was refused on the grounds of overlooking from first floor bedroom windows into the rear facing habitable room windows and gardens of the bungalows at No.1 and No.2 Townsend Paddock. In the current submission, to address this shortcoming, the proposed dwellings occupying Plots 5 and 6 to the rear of these properties are chalet style bungalows with no first floor windows or dormers in their north-west facing elevations.
- 3.15 Plot 6 is the closest to the bungalows on Townsend Farm Road. Its north-western side elevation is 10m from the rear elevation of No.1 Townsend Paddock and 6m from its rear garden boundary. It is acknowledged that this spatial relationship is not ideal, however given that the side elevation of the proposed bungalow is only 7.5m wide and its bulk and massing minimised through the use of a low hipped gable end, it is not considered that the light and outlook of the occupiers of No.1 Townsend Paddock would be compromised to an extent that would warrant refusal. At its closest point the north-western corner of Unit 6 is 3m from the rear garden of No.2 Townsend

Paddock, however the building is off-set to the north-west and as such, would not adversely effect the light and outlook of the occupiers. There is a car barn 1m from the rear of this property but with an eaves height of 2.4m and a hipped roof, the apex of which is set back some 4m, it is not considered that the outlook occupiers would be adversely effected. Members are also reminded that this represents a significant improvement upon the previously refused application which included a row of three comparable car barns located immediately to the rear of this property. There are three windows in the south-west facing side elevation of No.2 Townsend Paddock. However, a 3m to 4m gap to the proposed chalet style bungalow on Plot 1 would be sufficient to maintain a reasonable level of light and outlook to these secondary windows.

- 3.16 With regard to 'Little Orchard', a chalet style bungalow to the north-east of the site, with a building to building separation of 8.5m and a distance of between 3m to 5m from its garden boundary, the proposed dwelling on Plot 6 would have no material impact on the light and outlook of the occupiers. Other than two bathroom windows which can be obscure glazed by condition, there are no habitable room windows in the north-east facing elevation of the unit on Plot 6 and as such, the privacy of the occupiers would not be adversely effected.
- 3.17 With building to building distances of between 35m and 50m and rear garden depths of 10m to 12m the bungalow on Plot 5 and the two storey semi-detached houses on Plots 3, 4 and 5 would have no adverse effects on the light outlook or privacy of the occupiers of the houses to the rear of the site fronting Well Lane.
- 3.18 On balance, it is considered that the proposed development would not have a detrimental impact on the amenities of the neighbouring residential occupiers in terms of light, outlook or privacy. Notwithstanding this, it is proposed that a condition should be imposed removing permitted development rights for the erection of extensions, outbuildings and the installation of additional windows in the elevations and roof planes of the units to ensure that the privacy and outlook of the neighbours is maintained.

#### The Amenities of the Future Occupiers

- 3.19 The proposed development would provide a satisfactory standard of living accommodation for the future occupiers in terms of room sizes, light, outlook and privacy. Each unit would have a private garden of sufficient size and quality with adequate space for refuse and recyclables storage.

#### Highways and Parking

- 3.20 Two parking spaces or garages and storage facilities for two cycles have been provided for each unit in accordance with Policy DM 13 (Parking Provision) of the Core Strategy. Kent County Council Highways and Transportation have indicated that the development provides satisfactory access and parking arrangements subject to conditions requiring suitable parking, loading and turning facilities being provided for construction vehicles and personnel.

### Trees and Ecology

- 3.21 The site boundaries contain a mixture of trees and hedges. An arboricultural report has been submitted indicating that a group of ten trees on the rising ground on the south-eastern part of the site are to be felled. However, these are low value ash and fruit trees of little amenity value and will in any event be supplemented by additional fruit trees located to the side and rear of Plot 5. In accordance with Policy LA43 of the Land Allocations Plan the trees of significant amenity value on the south-western boundary are to be retained. Notwithstanding this, it is recommended that a condition be imposed requiring hand digging within the root protection zones of the retained trees.
- 3.22 The applicant has undertaken a preliminary ecological assessment which indicates that the site contains no protected species and is of relatively low ecological value. The ecological enhancements suggested include the retention of boundary trees and hedgerows and the inclusion of roosts and nesting boxes details of which can be secured by condition.

### Other matters

#### Groundwater Source Protection and Contamination

- 3.23 The application site is located within a Groundwater Source Protection Zone 2. The Environment Agency has raised no objections to the scheme, subject to conditions relating to the infiltration of groundwater and a remediation strategy in the event that unexpected contamination is found.

### Archaeology

- 3.24 The County Archaeologist has advised that during construction of the neighbouring Ash Grove site archaeological remains of late Neolithic/early Bronze Age remains were found. He has recommended that a condition is put in place to secure the implementation of an archaeological field evaluation in accordance with specifications and timetable submitted to the Local Planning Authority.

### Land Ownership

- 3.25 The Occupiers of 'Shalimar' Well Lane have indicated that the south-eastern boundary of the site is inaccurate and encroaches on a parcel of land in their ownership and as such the requisite notice under the Town & Country Planning (General Development Procedure) Order 2015 has not been given. This is disputed by the applicant.
- 3.26 Members are advised that land ownership disputes of this nature do not fall within the remit of planning control. However, the area of land in question would not compromise the proposed development as submitted.

### Conclusion

3.27 The Land Allocations Local Plan 2015 includes the site as a residential allocation and as such the principle of residential development is acceptable. The comments of third party respondents have been noted and addressed above. It is considered that the design and appearance of the development would be acceptable and that there would be no harmful or detrimental effects on the setting of the AONB and the impact on the Conservation Area and listed church would be neutral. The development would have no material adverse effects on the amenity of neighbouring residential occupiers and the standard of accommodation provided for the future occupiers is acceptable. No objections have been raised by KCC Highways and the development provides sufficient parking in accordance with Policy DM13.

g) **Recommendation**

I PERMISSION TO BE GRANTED subject to conditions set out in summary to include:

(i) commencement within 3 years; (ii) carried out in accordance with approved drawings; (iii) sample materials (iii) land levels; (iii) hard and soft landscaping scheme; (iv) provision and retention of car parking; (v) provision of cycle parking; (vi) archaeological field evaluation; (vii) street lighting details; (viii) removal of permitted development rights relating to extensions, windows and outbuildings; (ix) implementation of ecological enhancements.

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

Case Officer

Ray Hill