

a) DOV/19/01131 – Change of use and conversion into a residential dwelling, with associated works - Old Tractor Shed, Langdon Avenue, Ash

Reason for report: Number of contrary views (6).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM4 – Re-use or Conversion of Rural Buildings – Permission will be given for the re-use or conversion of structurally sound, permanent buildings within Rural Service Centres, Local Centres and in Villages for commercial, community or private residential uses. Beyond the confines of Rural Service Centres, Local Centres and Villages permission will be given for re-use or conversion of such buildings for private residential use in buildings that are adjacent to the confines.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.

- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

National Design Guide (2019)

Kent Design Guide

Ash Neighbourhood Development Plan (Draft for Reg14 Consultation)

d) **Relevant Planning History**

DOV/15/00569 - Prior approval for the conversion of an agricultural building to a dwelling. Prior approval required and refused.

DOV/15/00871 - Prior approval for the conversion of an agricultural building to a dwelling. Prior approval required and approved.

DOV/18/01367 - Application for permission in principle for residential development of between 2 and 9 dwellings. Refused.

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

Ash Parish Council – objected to the planning application for the following reasons:

- outside of village confines

- the access is at the end of an unadopted, very narrow, unmade road and is unsuitable for the additional residential traffic
- the overall curtilage of site with garden and parking also appears to be outside of the area allowed under permitted development
- the footprint is larger than the previously approved application

KCC Archaeology – views not received.

KCC PROW – no objection raised however a concern has been raised regarding the potential construction traffic affecting the footpath during the construction phase. Three informatives have been recommended to be attached to the permission.

Southern Water – no objection raised. The initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Public Representations

Five (5) letters of objection received in relation to the planning application raising the following matters:

- the footprint of the new dwelling is larger than the one approved under Class Q.
- 3 parking spaces would be excessive.
- further increase in traffic movement.
- no provision for main sewers and water collection
- unsuitable for further development
- unsuitable for heavy construction vehicles
- unadopted road inadequate to take any increase in traffic.

One (1) letter of support received in relation to the planning application and making the following comments:

- enough room for construction traffic
- would not affect access to the public footpath

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

1.1 The site lies to the south of (albeit adjoining the settlement confines of) Ash, which is defined as a Local Centre by the development plan. The site is therefore within the defined countryside for the purposes of planning. It is accessed via Langdon Avenue (an unadopted private way) which joins New Street to the north of the site. Running along the north western boundary of the site is the Public Right of Way (PROW) EE110, which (in part) runs along Langdon Ave up to its junction with New St and extends south to Coombe Lane.

1.2 The application property was formerly used for agricultural purposes. It forms part of an irregular shaped field of around 0.62ha. It has an existing access predominantly comprising the unmade surface of Langdon Avenue. The field is laid to unimproved grassland. The north eastern boundary of the site abuts the side boundary, defined by low fences, of properties (No.'s 8 and 9) which also front Langdon Avenue. To the southwest across the field is Whistlers Forstal, a two-storey detached dwelling, and its curtilage. This fronts PROW EE110 and has vehicle access from coombe Lane.

- 1.3 The application seeks permission for the change of use and conversion into a residential dwelling. It is relevant to note that the application property was granted prior approval under Schedule 2, Part 3, Class Q of the GPDO 2015 (DOV/15/00871) to be converted to a dwelling. The works had commenced however, the applicant failed to complete the approved works within 3 years from the date of the decision. The permission lapsed in October 2018. Therefore, the existing building subject of this application no longer benefits from the provisions of Class Q. The current application seeks to extend the footprint of the existing building and finish it to a higher standard than was previously approved. The proposed dwelling would be finished in timber cladding and dark grey plain render with a black fibre glass roof (flat roof) and cement fibre cladding to the pitched roof.

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - The impact on the character and appearance of the area
 - The impact on residential amenity
 - The impact on Highways

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.3 Having regard for the most recent Annual Monitoring Report 2018/19, the Council are currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculate the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement 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 manage patterns of growth to support the promotion of sustainable transport. However, for the purposes of this application which is adjacent to the confines of a Local Centre, the degree of harm arising from the infringement with Policy DM11 is considered to be very limited and as such would not be a matter on which the proposal could be found unacceptable in and of itself.

- 2.6 Policies DM15 and DM16 generally seeks to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. However, these policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside, albeit the first part of DM15 (which seeks to prevent the loss of countryside), should carry only limited weight as its blanket approach is out of step with the NPPF.
- 2.7 Whilst it is considered that policy DM1 is out-of-date, policies DM11, DM15 and DM16 are considered to be generally consistent with the NPPF. It is concluded however, given how critical Policy DM1 is for the determination of the principle of the development, that the 'tilted balance' should be engaged. As such, the application should be assessed in the context of granting development 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; 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.
- 2.8 The proposal lies outside of settlement confines and is therefore contrary to policy DM1. The proposed change of use is supported by Policy DM4 which states that beyond the confines or rural service centres, local centres and villages, permission will be given for the re-use or conversion of structurally sound, permanent buildings where it is for commercial uses and for private residential use in buildings that are adjacent to the confines. The site lies directly adjacent to the confines and would therefore comply with policy DM4 of the Core Strategy, insofar as the reuse of the existing building is concerned. Further to this, paragraph 79 of the NPPF supports the development that would reuse redundant or disused buildings and enhance its immediate setting. In this instance, on balance, the principle of conversion is considered acceptable.

Impact on the Character and Appearance of the Street Scene

- 2.9 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.10 Regard should also be had to policy DM16 of the Core Strategy which generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- 2.11 The site lies to the southern side of Ash, to the south western side of New Street. The southern side of the village (beyond New Street) is sparsely developed.

Dwellings typically take the form of linear development along New Street, although there are two short cul-de-sacs off New Street which diverge from this character.

- 2.12 Some views of the site are gained from Coombe Lane to the south. The road here is slightly lower than the application site, with a tree lined bank on the boundary with the road. However, the bank is not particularly high and the trees and low vegetation is sparse, such that some views of the site could still be gained. Clear views could also be gained through the existing access off Langdon Avenue. The site is also prominently visible from PROW EE110, which runs along the north western boundary of the site, with no intervening screening for a significant stretch. Finally, in longer views, the site is visible across the agricultural land to the south/south west from PROW EE114 however, this is over a considerable distance.
- 2.13 The street scene of Langdon Avenue predominately consists of street fronting development along the southeastern side of Langdon Avenue constituting two storey detached and semi-detached dwellinghouses fronting the road. It is noted that to the northwest of Langdon Avenue, the development is scarce with only a couple of buildings fronting the road. It is acknowledged that the properties in the area do not conform to a particular architectural style with each property differing from the next. A mix of exterior finishes to the properties in the immediate area are noted which include plain render, painted brick, exposed brick work and timber weatherboarding.
- 2.14 The proposed development involves an extension to the existing building, which is single storey. The resultant design and form of development would not significantly differ from the existing situation although some hardstanding would be created for the parking of cars within the site frontage. The impacts resulting from the creation of hardstanding and other domestic paraphernalia could be softened by a high-quality landscaping scheme. This could be achieved by attaching a suitably worded condition. Having regard for the above, it is considered that the resultant impact from the proposed conversion could be adequately contained and as such would not cause harm to the character and appearance of the wider landscape. Therefore, the proposal would not be contrary to policies DM15 and DM16 of the Core Strategy and paragraph 170 of the NPPF.
- 2.15 Regard has also been had to whether the siting and detailed design of the proposal would cause harm to the character and appearance of the street scene. It is noted that there is consistency in terms of the buildings being setback from Langdon Avenue. Nevertheless, the building is a current feature in the road, the retention and conversion of which would not appear unduly out of keeping. Further to this, it is recommended that a suitably worded condition be attached to remove the permitted development rights including Classes A (extensions), B (dormers/hip to gable extensions), and E (outbuildings).
- 2.16 Initially, the majority of the external facade of the dwelling was proposed to be finished in cement fibre boarding. The flat roof was proposed to be covered under cement fibre corrugated sheets. Concerns were raised regarding the visual impact caused by virtue of the extensive use of cement fibre cladding and use of corrugated roof covering. The applicant was forthcoming, and amended drawings were received which involved amendments to the elevations of the building including replacement of cement fibre cladding to a mixture of plain render and timber cladding. However, cement fibre boarding to a part of the

northwest elevation is proposed to be retained. Whilst the material to this part of the elevation differs from the other elevations of the building, it would not be highly visible from Langdon Avenue by virtue of the existing close boarded fence along the northwest boundary of the site. Therefore, on balance it is considered acceptable.

- 2.17 For the foregoing reasons, the proposed conversion of an existing redundant building would provide some enhancement to the appearance of the building and the surroundings and would be in accordance with paragraph 79 (c) of the NPPF. In conclusion, no harm to the character and appearance of the streetscene or the wider countryside would result from the proposal.

Impact on Residential Amenity

- 2.18 The nearest neighbouring property no.9 Langdon Avenue to the northeast lies at a distance of approximately 15m from the existing building. Having regard for the adequate separation distance and given the fact that the proposed development is single storey, it is not considered that the proposed conversion would cause sense of enclosure, loss of light, overshadowing or loss of privacy to the neighbouring occupiers of no.9.
- 2.19 There are no other residential properties in the vicinity to be directly affected by the proposal.

Living Conditions of Future Occupiers

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

Impact on Parking/Highways

- 2.21 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate three open car parking spaces within the site, meeting the needs generated by the occupiers of the dwelling. Having regard for the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy. Third party concerns have been raised that too much parking has been proposed; however, the provision of 3 spaces where the Core Strategy requires a minimum of 2.2 spaces is not considered to be unreasonable or excessive.
- 2.22 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.
- 2.23 Third party representations raised concerns regarding the increase in traffic in Langdon Avenue. It is also relevant to note that a previous application for permission in principle for residential development of between 2 and 9 dwellings for a larger site (DOV/18/01367) adjoining the application site was refused on the

grounds of highways safety. It was considered that Langdon Avenue was not suitable for additional vehicle movements (including those generated by two additional dwellings), and the junction formed by Langdon Avenue with New Street was considered to have substandard visibility. Therefore, given the number of dwellings proposed, the proposed development was considered to cause unacceptable impacts on highway safety, contrary to paragraph 109 of the NPPF and was therefore refused. Members will note that the current proposal is for one dwelling and that the site received permission (prior approval) for the conversion of the existing building to a dwelling whilst the previously refused scheme was for between 2 and 9 dwellings. An informal discussion has been had with the KCC Highways in this regard and they have advised that whilst Langdon Avenue is not suitable for additional traffic, the creation of one dwelling is not considered to cause significant impact on the transport network (in terms of capacity and congestion), or on highway safety or result in a severe cumulative impact (relevant tests in the NPPF paragraphs 108 and 109). For the foregoing reasons, on balance, the proposal is considered acceptable in terms of highways impact.

- 2.24 KCC PROW have raised no objection but have raised a concern regarding the potential construction traffic affecting the footpath during the construction phase. It is considered that access and parking for construction-related vehicles can be dealt with through a construction management plan which should include routing of construction and delivery vehicles to/ from site; parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; provision of wheel washing facilities; temporary traffic management/signage. In the event that the permission is granted, a suitably worded condition would be attached to the permission.

Archaeology

- 2.25 The application site lies in an area with archaeological potential. The proposal is for the conversion of an existing building albeit a small additional extension to the existing building has been proposed. Given the fact that the proposed extension is single storey, it is likely to have shallow foundations. Furthermore, the hardstanding proposed would not require excavation to a significant depth. In conclusion the proposed works are unlikely to impact upon heritage assets of archaeological interest. Consequently, it is not considered reasonable to require an archaeological watching brief in this instance.

Ecology

- 2.26 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

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

- 2.27 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.28 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best

scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

- 2.29 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.30 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.31 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Drainage

- 2.32 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.33 Concerns have been raised by third parties regarding foul drainage provision. Whilst Southern Water have raised no objection in this instance, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal. In the case of the former, Southern Water have advised that their initial investigation indicates there is no public sewer available into which the development could connect. National Planning Policy Guidance refers in such circumstances to other solutions, including the use of a septic tank. In any event, having regard for the above and subject to appropriately worded conditions, it is considered that these matters can be suitably addressed.

Other Material Considerations

- 2.34 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.
- 2.35 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.

- 2.36 With regards to the social role, it is considered that the proposal would enhance the environment together with providing a family home in the village.
- 2.37 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural character of the area. No wider landscape impact is envisaged from the proposal. The application site abuts the settlement confines of Ash and has fairly good access to the public transport and facilities and services in Ash such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objectives of the NPPF and objectives relating to supporting community facilities.
- 2.38 In conclusion, taking the above facts in the round, it is considered that the proposed dwelling would lie in a sustainable location and would not result in any adverse impacts. As such, the proposal would support the sustainability principles of the NPPF.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the area or wider countryside. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and drainage. Having regard for the above, it is recommended that the application be approved.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions which include:
- (i) 3-year time limit (ii) Approved plans (iii) samples of materials (iv) provision of parking facilities (v) measures to prevent the discharge of surface water onto the highway (vi) use of bound surface for the first 5m of the access from the edge of Langdon Avenue (vii) cycle parking details (viii) bin storage (ix) completion of access prior to first use (xiii) removal of PD rights (classes A, B and E) (xvi) construction management plan (xix) Surface water disposal scheme (xx) foul water drainage scheme (xxiii) submission of a landscaping scheme (xxiv) boundary treatments and hard surfacing materials.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi