

- a) **DOV/20/01303 – Erection of two dwellings and conversion of existing agricultural building to form two dwellings with associated gardens and parking (existing agricultural building to be demolished) - Parsonage Farm, Coldred Hill, Coldred**

Reason for report – Number of contrary views (8)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 - Protection of the Countryside

DM16 – Landscape Character

Shepherdswell and Coldred Neighbourhood Area

No neighbourhood plan

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.

Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

Paragraph 78 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 79 sets out that decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: there is an essential need for a rural worker (including those taking majority control of a farm business) to live permanently at or near their place of work in the countryside; the development would represent optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate setting; the development would involve the subdivision of an existing residential dwelling; or the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Chapter 15 sets out amongst other things that planning policies and decisions should contribute to and enhance the natural and local environment by; recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Chapter 16 (particularly Paragraphs 189 – 202) set out how applications which affect heritage assets should be considered.

National Planning Practice Guidance

National Design Guide (2021)

National guidance aimed at creating high quality buildings and places.

Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 and 72

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

SPG4 Kent Vehicle Parking Standards

Draft Local Plan

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

d) Relevant Planning History

There is no relevant planning history for this part of the site.

e) Consultee and Third-Party Responses

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

Shepherdswell Parish Council – has no objections to this application, although care needs to be taken with the access to the public road. On receipt of amended plans, resolved to recommend approval.

KCC Public Rights of Way and Access Service – have no comments to make.

Southern Water – Requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

On receipt of revised plans, advised that their previous comments remained unchanged and valid for the amended details. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus (to be included as an informative should planning permission be granted).

Environment Agency – Owing to the ongoing impacts of Covid-19 and high workloads, we are currently unable to provide bespoke comments on development not: in a Source Protection Zone (SPZ); in Flood Zone 3; within 20 metres of a main river; involving a fuel filling station or cemetery; and therefore request their standard response advice is followed. This sets out advice for development in Flood Zone 2 (the site is within Flood Zone 1) and where there is Groundwater and contaminated land outside of Source Protection Zones. This recommends that the requirements of the NPPF and NPPG are followed and means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health which should be considered by the Local Authority's environmental health department. We expect

reports and risk assessments to be prepared in line with our groundwater protection guidance (previously covered by the GP3) and CLR11 (Model procedures for the management of land contamination). In order to protect groundwater quality from further deterioration: No infiltration-based sustainable drainage systems (SuDS) should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution. Piling, or any other foundation designs using penetrative methods, must not cause preferential pathways for contaminants to migrate to groundwater and cause pollution. Investigative boreholes must be decommissioned to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with Paragraph 170 of the National Planning Policy Framework. On receipt of revised plans, the EA advised they had no further comments to make on the application and that the applicant may be required to apply for other consents directly from the EA (information to be included as an informative should permission be granted).

Senior Natural Environment Officer - has reviewed the ecological reports submitted in support of this application and accept the findings and recommendations. The building was found unsuitable for bats but a low population of reptiles was found within the surrounding habitat. The consultant has advised that habitat manipulation should be used to displace individual animals into nearby habitat. The main building, (which will not be demolished) has been identified as previously supporting nesting barn owl. The consultant has advised checking the nesting status of the building prior to works commencing and measures being put in place to minimise any noise and disturbance caused by the development. This should form a condition of planning consent. A number of ecological enhancements have been proposed including: Bird and bat boxes; Log piles and reptile hibernacula; A Native planting scheme; Green roofs and walls; SUDs. They should form a condition of planning consent

Environmental Health – Awaiting response.

Public Representations:

8 members of the public have objected to the proposals, 1 member of the public submitted a representation 'neither objecting to or supporting the Planning Application' and 1 member of the public wrote in support of the proposals (as of 15th March 2021) and the material considerations are summarised below. As discussed later in this report, amended plans were received and re-advertised accordingly, however no further public representations were received during the second consultation. Matters such as impact on an individuals' property value and financial intentions of the applicant/developer are non-material considerations and are not included below.

Objection

- Precedent - Do not object to the conversion of the existing buildings but am most concerned if planning is given for 2 new dwellings in this part of the village it will set a precedent which could result in the "infilling" of the many potential sites within the village. Precedent could impact upon the village negatively.
- Overdevelopment - No objection to the conversion of the farm building but do object to the proposal of 2 new dwellings within the village. No objection to some development of this site as it is in need of improvement. I would not object to the existing barn being converted into one dwelling, but the proposal for 4 is totally out of keeping. Do not object to the conversion of this site to residential buildings. However I strongly object to the expansion of the site from two buildings to four houses

- Out of keeping with and would fundamentally change the character of the village which is in a conservation area
- Design - application purports to "reflect the courtyard arrangement of the former farm buildings" but ignores the fact that a farmyard is a very different space. What is being created instead is a small housing estate which is out of scale with the cottages in the village and would be much more fitting in an urban environment. The development is high density and the courtyard little more than a roundabout and car park for 11 cars. The gardens are tiny. This is not a development which will positively enhance the conservation area.
- Materials - the application gives no detail about the quality of materials to be used or the aesthetic of the buildings
- Housing density/scale of development – the density of housing is too great for the area. Appears to be attempting to maximise the number of dwellings on what is effectively an "in-fill site". The application documentation makes no attempt to identify the qualities of the village and so makes no attempt enhance those qualities. Coldred is small, low density and rural. The application is none of these. So many additional dwellings would be out of keeping with and would detract from the quiet character of the village. Furthermore the foot print of the plans is much denser use of the land than its current situation which is over-development.
- Request permission is not given for the additional two houses but only for the conversion of two existing buildings on the existing footprint of those buildings.
- Facilities - Coldred is a hamlet with very few facilities, no shops and only a small pub.
- In a conservation area there should not be an automatic assumption that when a building is no longer used for agriculture that it should become a dwelling. The old cowshed which it is proposed to convert into two dwellings is of no architectural, heritage or conservation value.
- Environment – no mention of environmental issues. One would hope that any proposed new development of this type would be considering environmental issues and looking at water storage and solar panels or heat pumps (environmentally sustainable)
- Flooding - the development increases the hard surfaces (additional paving and roofs) by almost 100%. The village already sees a large amount of water run-off down towards the village pub from the area of Parsonage Farm. That is why there is a pond there. When it rains hard, the pond floods. (Note there were sandbags outside Coldred Cottages on 27 December 2020 due to heavy rain and run-off). The development will create more water run-off and whilst mitigation measures are suggested it is not clear that they will be adequate despite 6 enormous soakaways.
- Parking/highways - 4 additional dwellings would greatly increase car use, which would be problematic since access to the site is on a very sharp bend. There is a large volume of traffic for a small village, mostly vehicles using it as a shortcut to/from Eythorne and Shepherdswell. The lanes, verges and hedgerows are already suffering considerable damage from this.
- Land Allocations Local Plan - Coldred is not included in the 2015 Land Allocations Local Plan or in the proposed 2020 LALP in order to preserve its character
- Clause on development of new house building in Coldred

Comments neither in support nor objection of the Planning Application:

- Application form inaccuracies – Section 11 answers 'no' in respect of questions relating to the presence of trees or hedges on the development site and on land adjacent to the proposed development site that could influence the development

or might be important as part of the local landscape character. Suggest the application should be resubmitted to allow for consideration of the impact the development may have on trees and the surrounding landscape, especially with concern for the Conservation Area.

- Trees - as seen from the site plans and topographical surveys there are a number of trees which may potentially be affected. Some of these trees are visible from the Coldred Historic Village green and from Coldred Hill (road), as such they should be considered important to the local landscape and character

Support

- Coldred take great pride in their village and have in the past won Kent's Best Kept Village Competition and an RHS Gold Medal in South and South East in Bloom.
- The entrance to the village is down a lime tree lined avenue, and the first thing that comes into view is a derelict farmyard surrounded by Herras fencing! It also virtually the last thing one views on leaving. This development has to be an improvement on that.

f) 1. The Site and the Proposal

- 1.1 The application site relates to land to the east side of Coldred Hill, within the Coldred - Village Green Conservation Area and Shepherdswell and Coldred Neighbourhood Area (which has no neighbourhood plan). The site is outside of the settlement confines and contains two dis-used barns; one in a state of disrepair, set in a courtyard formation. The site is bounded by a field to the north, which separates the site from the garden of 2 Oak Cottages to the northwest. To the northeast and southeast of the site are two large barns, the Agent states that the barn to the southeast is used for low level agricultural storage of items such as fertiliser which are only accessed very infrequently and that the barn to the north is used for hay storage. To the southeast of the site, on the opposite side of the highway (which is also a public footpath – ER99), are more agricultural barns and beyond is the Grade II Listed Building Chilli Farmhouse.
- 1.2 The applicant seeks consent for the erection of 2no. dwellings and conversion of the existing agricultural building to form 2no. dwellings, together with associated gardens and parking (existing agricultural building to be demolished). The existing barn within the eastern part of the site would be converted and extended to form two 1 ½ storey dwellings (Units 1 & 2) each containing three bedrooms with parking within the courtyard to the front and private gardens to the rear. Within the northern part of the site, a two storey detached dwelling would be erected, containing four bedrooms with a private garden and parking within the courtyard to the front. Within the western part of the site, the existing barn which is in a state of disrepair would be converted to form a 1 ½ storey dwelling containing two bedrooms. This would have a garden to the north side and again, vehicle parking is shown within the courtyard (a total of 11 spaces) which would utilise the existing access from Coldred Hill, with a new entrance gate installed. The dwellings would be finished in natural timber cladding and clay tiled roofs.
- 1.3 During the course of the application, the design of the two storey dwelling (Unit 3) has been amended to replace full height first floor glazing and Juliet balconies on the north elevation, with simpler windows, given that this elevation would be more visible from within the Conservation Area. The northwest and southeast boundaries were also revised to be post and rail timber fencing with hedgerows, again as these were most visible from the Conservation Area and in order to

preserve the rural character of the area. The revised scheme was re-advertised and subject to further consultation accordingly, however no further public representations were received.

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
- Impact on heritage assets
- The impact on residential amenity

Assessment

Principle of Development

2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where 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; 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.

2.3 In assessing point (i) above, the 'policies' referred to are those relating to: settlement hierarchy (CP1); settlement boundaries (DM1); re-use or conversion of rural buildings (DM4); location of development and managing travel demand (DM11); protection of the countryside (DM15); landscape character (DM16); designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding.

2.4 The Council has now published the Councils Housing Topic Paper, dated 19h January 2021. This sets out that, from the 1st April 2020, Dover District Council has a Local Housing Need of 596 dwellings per annum, which means a requirement of 2,980 dwellings over the five-year period (2020-2025). The Council can demonstrate 5.39 years' worth of housing supply measured against the governments housing land supply calculation. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1, DM1, DM11, DM15 and DM16) are to various degrees, now considered inconsistent with aspects of the NPPF (as set out below). That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination

of the application. Furthermore, while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.

- 2.5 As a matter of judgement, the most important policies for the determination of this application are considered to be Core Strategy policies CP1, DM1, DM11, DM15, DM16. These policies relate to the principle of whether the development is acceptable on this site or, in the case of policy DM16, whether the development would cause harm to the character of the landscape.
- 2.6 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.7 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the District must comply with the Settlement Hierarchy". In locations such as the application site, the policy states 'not suitable for further development unless it functionally requires a rural location'. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight.
- 2.8 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance, the proposed development is outside of the settlement confines and is therefore considered to be within the countryside. The development does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy. This said, 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, should carry only limited weight.
- 2.9 Policy DM4 permits re-use or conversion of rural buildings beyond the confines of villages for private residential use in buildings that are adjacent to the confines. In this instance, the proposed development is outside of, and is not adjacent to the confines and does not comply with policy DM4. However, as set out above in relation to Policy DM1, the settlement confines were devised with a purpose of delivering 505 dwellings per annum and this need for housing delivery has subsequently increased. As a matter of judgement, it is considered that Policy DM4 is also in tension with the NPPF, is out-of-date and as a result, should carry only limited weight.

- 2.10 Policy DM11 requires that, (1) applications which 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 satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard in particular to the relatively close proximity of this site to the Secondary Regional Centre of Whitfield, as well as the local centre of Shepherdswell; both of which can be accessed by public transport.
- 2.11 Policy DM15 advises that applications which would result in the loss of, or adversely affect the character or appearance of, the countryside, will only be permitted if one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats. Development will also be required to incorporate measures to reduce, as far as practicable, any harmful effects on countryside character. Again, the blanket protection for the countryside is contrary to the NPPF. The objective to prevent development that would adversely affect the character or appearance of the countryside has similarities to, albeit is arguably slightly more restrictive than the NPPF, which seeks that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside. For these reasons Policy DM15 has reduced weight.
- 2.12 Policy DM16 is consistent with the NPPF and is considered to attract full weight. Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. In this instance as discussed further at paragraphs 2.14-2.17 of this report, the development is not considered to result in significant harm to the wider landscape character.
- 2.13 Regard must be had for whether the tilted balance is engaged, having regard for paragraph 11 of the NPPF. The majority of the most important policies for determining the application are considered, to varying degrees, to be in tension with the NPPF. Policy DM1 is particularly crucial in assessing the principle of the development and is particularly considered to be out of date. Consequently, it is concluded that the 'basket' of policies is out of date. Due to this and as will be set out later in this report, the tilted balance should be applied and an assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Impact on the Character and Appearance of the Countryside and Landscape Area

- 2.14 The site is located outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. Furthermore, Paragraph 170 of the NPPF sets out that development should

contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The proposals would result in the conversion of two barns within the site to form three dwellings (Units 1, 2 & 4), as well as the erection of a two storey dwelling (Unit 3) within the northern part of the site (a barn previously stood here and was demolished by 2003 under application DOV/02/00286). The buildings would be finished in natural timber cladding and clay tiled roofs, samples of which could be required by condition were permission to be granted.

- 2.15 The proposed dwellings are considered to be attractively designed, with Units 1, 2 and 4 being low level, one and a half storeys in height. The larger, four bedroom dwelling (Unit 3) would be two storeys in height, however would be finished in the same materials, which are found within the material pallet of the area and are considered appropriate for the rural location.
- 2.16 To the east of the site is a large barn with additional planting and screening to the east which would restrict views of the proposals from the fields and wider landscape area to the east. There is another large barn to the south of the site which again, together with screening and planting bounding land to the south, would restrict views of the development from the wider landscape area and countryside to the south. The majority of views of the site would be from the highway and public footpath to the west. However, an existing line of trees adjacent to the western site boundary is shown as being retained and this, together with the proposed boundary treatments (post and rail timber fences with hedgerows along the northwest and southwest boundaries – details of all hard and soft landscaping are suggested to be required by condition should permission be granted) and choice of natural timber cladding for the dwellings would help to soften views of the development. As such, when viewed from the west, the proposals would be seen within the context of the existing development within the Hamlet, rather than appearing as sporadic development in more open countryside. Moreover, the scale, design and materials are recognisably influenced by agricultural buildings in the area. Consequently, it is considered that the proposals, due to their design, would preserve the character and appearance of the countryside, in accordance with Policy DM15.
- 2.17 In respect of impact on landscape character, due to the screening from the wider area provided by vegetation and other buildings surrounding the site, the proposals are considered unlikely to result in harm to the character of the wider landscape area, and would accord with Policy DM16.

Design and Impact on Heritage Assets

- 2.18 The site is located within the Coldred - Village Green Conservation Area and to the southwest of the site is the Grade II Listed Building Chilli Farmhouse. Chapter 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out assessment of the impact on heritage assets. In accordance with Paragraph 189 of the NPPF, a Planning, Heritage, Design & Access Statement has been submitted. In particular, special regard must be had to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.19 Units 1, 2 and 4 are 1 ½ storeys in height and being relatively low level converted buildings, due to their siting, scale and appearance, being finished in natural

timber clad walls and clay tiled roofs, are considered to be sympathetic to, and would preserve the character and appearance of the Conservation Area.

- 2.20 Unit 3, the two storey dwelling within the northern half of the site would be more widely visible from the highway and Conservation Area, due to the break in planting along the northern boundary. Nonetheless, the simplified design of the northern elevation (which was amended as discussed at paragraph 1.3), together with the proposed materials and boundary treatment which would include hedgerow, would soften the appearance of the development. As such, the development is considered to cause a negligible adverse impact on the Conservation Area. Taking a cautious approach, it is concluded that this would amount to 'less than substantial harm' to the significance of the setting of the Conservation Area. However, the proposals would bring the public benefit of contributing four dwellings towards the 5 year housing land supply. As such, it is considered that this public benefit would outweigh the limited less than substantial harm that would occur to the Conservation Area and would accord with Paragraphs 193 and 196 of the NPPF.
- 2.21 In respect of the impact on the significance of the setting of the Grade II Listed Building Chilli Farmhouse, there is a separation distance of approximately 48m between the site (the closest building being Unit 4) and the Listed Building. Views between the site and Listed Building are restricted by tall trees and vegetation, as well as a large barn which lies to the west of the site (on the opposite side of the highway/public footpath). As such, it is considered that the proposals would result in no harm, either substantial or less than substantial, and would thereby conserve the significance of the setting of the Listed Building, in accordance with the objectives of Chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.22 In respect of design, subject to details of landscaping (including boundary treatments), sections of rooflights and samples of external materials to be used in the construction of the dwellings, it is considered that the proposals would function well with, and would add to the overall quality of the area, would be visually attractive due to their design and use of materials, and would maintain the semi-rural character of the area. Consequently, it is considered the proposals would accord with the design objectives of Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 2.23 Due to the siting of the proposals and separation distance from nearby properties, it is considered the development would be most visible from No. 2 Oak Cottages, to the northwest of the site. There would a separation distance of some 24m between this dwelling and Unit 3 (the closest dwelling to the neighbouring property). Whilst Unit 3 would be two storeys in height, it would have a hipped roof and due to the separation distance between the two properties, the development, which would largely overshadow the field between the two properties, would be unlikely to result in undue overshadowing or loss of light to No. 2 Oak Cottages. In respect of privacy, whilst the proposed dwelling (Unit 3) would have windows on the rear (north) elevation facing towards this neighbouring property, there would be a good separation distance between the two dwellings and therefore on balance, the development is considered unlikely to result in significant harm to privacy. For the same reasons, as well as due to the design and materials of the proposals, the development is also considered unlikely to have an unduly overbearing impact on neighbouring amenity.

- 2.24 Whilst the proposals may be visible at a distance from other nearby dwellings, due to their siting and scale, they are considered unlikely to harm the residential amenities of other nearby occupants and would accord with the amenity objectives of Paragraph 127 of the NPPF in this respect.

Amenity of the Proposed Occupiers

- 2.25 The proposed dwellings would contain well-proportioned rooms, of a good size, with all main living rooms and bedrooms lit by natural light. Each dwelling would have a modest, yet private garden area with space available (although not shown on the plans submitted) for refuse/recycling and secured bicycle storage (details of which are suggested to be submitted by condition as they are not shown). It is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

Other Material Considerations

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

- 2.26 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.
- 2.27 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.28 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.29 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.30 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The

mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Transportation

- 2.32 Policy DM11 seeks to restrict travel demand outside the rural settlement confines. The nearest Local Centre is Shepherdswell and the site is approximately 1.3km from the defined settlement confines (where new residential development would be acceptable in principle). The Local Centre would be accessed via a rural, unlit road, which includes sections at national speed limit, which is not conducive to walking or cycling and has no dedicated footways. However, as a Local Centre, Shepherdswell contains a good range of facilities and services, which could provide the day to day essentials required by occupants of the proposed dwellings. The proposal could therefore provide some support to services in the nearby Local Centre, in accordance with the objective of Paragraph 78 of the NPPF. Bus services run from the Hamlet of Coldred to Dover and to Shepherdswell, where there are other facilities and transport, including railway stations with trains to London. However, given the limited service provided, it is considered that the occupants of the proposed dwellings would be more likely to use private vehicles to gain access to neighbouring towns and the surrounding areas. As such, it is considered that the proposal would be contrary to Policy DM11 of the Core Strategy, in that it would generate travel outside the rural settlement confines which is not justified by other development plan policies. Whilst the development would work against sustainable travel objectives, the proximity to Shepherdswell and the provision of a limited bus service within close proximity to the site go some way to reducing this harm.
- 2.33 The proposals would create 1no. 2 bedroom unit, 2no. 3 bedroom units and 1no. 4 bedroom unit. Policy DM13 (Parking Provision) sets out that for dwellings in this location, a minimum of 7.5 spaces would be required, together with 0.8 visitor parking spaces. 11 parking spaces would be provided within the central courtyard, which would accord with Policy DM13.
- 2.34 Concerns have been raised regarding the safety of the access from Coldred Hill. However, the site would utilise the existing vehicular access to the public highway and as such, is considered acceptable in this respect.
- 2.35 In line with The Council's emerging policy approach and with the sustainable transport objectives of the NPPF, it is suggested that should permission be granted, a condition be imposed requiring cabling to be installed to serve the spaces, to enable the installation of vehicle charging points.

Impact on Flood Risk

- 2.36 The application site is located in Flood Zone 1 which has the lowest risk from flooding. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwelling would be located within Flood Zone 1, a sequential test is not required. In support of the application, the agent has submitted a utilities statement and foul and surface water management strategy, which finds that the proposed development is considered acceptable from a foul and surface water drainage perspective. The site would be connected to the public foul sewer which runs south to north along the access road fronting the site and is sufficiently deep to allow foul water from the

development to connect by gravity. The development would lead in an increase in impermeable area, and the strategy is to discharge all runoff from the site to ground using soakaways and permeable paving. The strategy confirms that there is sufficient space on site to accommodate surface water runoff generated by the development and that the proposed strategy meets the water quality interception standard and that all runoff will receive an appropriate level of water quality treatment as recommended within the SuDS Manual. Furthermore, the site does not lie within any groundwater source protection zones and as groundwater levels are approximately 89m below the lowest ground level, the risk of pollution to groundwater is therefore very low. Consequently, the development is considered acceptable in this regard.

Drainage

- 2.37 As mentioned above, a utilities statement and foul and surface water management strategy have been submitted. Southern Water was consulted on the application and advises that a formal application for any new connection to the public foul and surface water sewer would need to be made by the applicant or developer. Should permission be granted, their consultation comments will be included on the decision notice as an informative. The application form states the disposal method for foul sewage is via the mains sewer. Nonetheless, in order to ensure suitable arrangements are made for foul sewage disposal and surface water drainage are made, it is considered appropriate to suggest a condition is imposed requiring further details to be submitted. Subject to this, the development is acceptable in this respect.

Ecology

- 2.38 A preliminary ecological appraisal, which includes a daytime bat and barn owl assessment survey, together with a mitigation strategy for barn owls, has been submitted in support of the application. The survey has been subject to consultation with the Senior Natural Environment Officer who accepts the findings and recommendations. The building was found unsuitable for bats but a low population of reptiles was found within the surrounding habitat. The consultant has advised that habitat manipulation should be used to displace individual animals into nearby habitat. The main building, (the large barn to the southeast of the site which will not be demolished and does not form part of the proposals) has been identified as previously supporting nesting barn owl. The consultant has advised checking the nesting status of the building prior to works commencing and measures being put in place to minimise any noise and disturbance caused by the development.
- 2.39 The Senior Natural Environment Officer has advised that this, together with a number of ecological enhancements proposed (including: Bird and bat boxes; Log piles and reptile hibernacula; A Native planting scheme; Green roofs and walls; SUDs) should form a condition of planning consent should permission be granted. Subject to this, the development is considered acceptable in this regard.

Other Matters

- 2.40 Environmental Health Officers have been consulted on the application given the previous use of the buildings and proximity to agricultural barns. Informally, they raised concerns in respect of the potential noise or disturbance that could occur as a result of the farm operations and movement of machinery in the surrounding

area. They initially suggested a condition be imposed specifying that only current occupiers of the farm may reside at the proposed dwellings, or that other residents may reside if on site operational farming activities ceased. Concerns were raised by the Planning Officer in respect of this condition (whether it would meet the 6 tests) and whether alternative measures such as sound proofing, insulation or acoustic fencing or boundary treatments could overcome this. The Agent further stated that “The barn closest to the site to the south east is used solely for low level agricultural storage of items such as fertiliser which are only accessed very infrequently. The farm to the north is an used for hay storage. Both storage uses result in infrequent traffic movements and it is not considered they would result in any noise other than normally found in a rural location where farms and residences often lie close to one another”. Environmental Health Officers were formally consulted however no response was received. Based on the evidence available, whilst the dwellings would be likely to be subjected to some noise and disturbance, given the separation distance and the design of the dwellings, on balance it is unlikely that the impact on the living conditions of future occupiers would be sufficiently harmed to warrant refusal of the application, albeit I attach some weight against the proposals due to this impact. In reaching this conclusion, I have been mindful that, whilst the current use of the buildings is negligible, this could change in the future. However, the buildings would not lend themselves to intensive uses which may cause significantly greater noise and disturbance, due to their location, scale and construction. Members will be updated verbally at the committee meeting should a response from Environmental Health be received.

Planning Balance

- 2.41 The principle of the development is contrary to the development plan in respect of Policies DM1, DM4 and DM11. It accords with Policies DM15 (with the exception of the blanket protection of the countryside) and DM16. As discussed in the principle of development section of this report, it is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.42 Policies DM1 and DM4 carry limited weight, however Policy DM11 carries greater weight as it is considered to be in accordance with the key sustainable development objective of the NPPF.
- 2.43 As considered in the above report, the development would generate travel outside of the rural settlement confines contrary to Policy DM11. The site is located approximately 1.3km from the closest settlement confines (the Local Centre of Shepherdswell) and it is concluded that residents would be largely reliant on the private motor vehicle for day to day journeys due to limited public transport and services. This weighs against the scheme.
- 2.44 The proposals would result in the conversion of two existing barns (one in a more serious state of disrepair), with external alterations which would enhance the appearance of the buildings, site and surrounding area. It is noted that the NPPF is more permissive of development which comprises the conversion of buildings in the countryside (in particular paragraph 79 which supports development which would “re-use redundant or disused buildings and enhance its immediate setting”. I consider that the development would enhance the immediate setting

of the buildings to be converted and I therefore attach weight in favour of the development (in relation to the 3 dwellings to be created from the conversion of the two barns) by virtue of paragraph 79. The weight attributed by this is limited as the fourth dwelling (Unit 3) is not justified by Paragraph 79.

- 2.45 The impact on the countryside, landscape area, heritage assets, residential amenity and other material considerations has been considered above and is found to be in accordance with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.46 I attach some, albeit very limited, weight in favour of the development by virtue of the provision of four additional dwellings towards the 5 year housing land supply.
- 2.47 Overall, whilst this is a balanced case, it is considered that the benefits of the scheme outweigh the disbenefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Due to the design and appearance of the proposals, and for the reasons outlined in this report, the development is considered to preserve the character and appearance of the countryside and wider landscape area. It would result in no harm (either substantial or less than substantial) to the significance of the nearby Listed Building and, although resulting in less than substantial harm to the significance of the Coldred – Village Green Conservation Area, this would be outweighed by the public benefit of the addition of four dwellings towards the 5 year housing land supply. Furthermore, the development is considered unlikely to result in undue harm to residential amenity. The development would generate additional travel outside of the settlement confines, contrary to Policy DM11. However, in light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of this report, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

g) Recommendation

I PERMISSION BE GRANTED subject to conditions:

- (1) Standard time condition,
- (2) list of approved plans
- (3) samples of materials
- (4) detailed sections of rooflights
- (5) details of soft and hard landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting
- (6) provision and retention of the parking area with drainage measures installed
- (7) details of foul and surface water disposal
- (8) cables for EV charging points
- (9) development be carried out in accordance with the recommendations of the preliminary ecological appraisal
- (10) details of refuse/recycling storage
- (11) details of bicycle storage
- (12) unexpected contamination

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

Rachel Morgan