

OFFICERS REPORT

Application No: Y16/1339/SH
Location: Building Adjoining Upper Dane Farm Elvington Lane Hawkinge Kent
Proposal Erection of a single dwellinghouse, following removal of the existing outbuilding.

ASSESSMENT

Performance data:-

Date application valid: 24.01.17

Applicable 8/13/16 week target date: 21.03.17

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? No.

If Yes, revised 8/13/16 week target date: NA

Is the application being determined after 26 weeks without a PPA or a PEA? No.

APPLICANT - Mr and Mrs Thorogood

AGENT - Next Phase Development.

SITE

The application site is a parcel of land with a single storey building located upon it in Elvington Lane within the rural Parish of Hawkinge. The building has been used historically as a milking parlour but is currently used for storage purposes. The site is located upon the east side of the Elvington Lane at the southern end adjacent to the pair of semi detached houses of Upper Dane Farm and the Cedars. The site has an area of 1,743 sqm and is not flat where it slopes down in a south - north direction and also in a west - east direction.

The site is located within the open countryside and Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area where it has a distinctly rural character where arable fields surround the land. The site is also within a ground water protection zone two.

SITE VISIT

A site visit was carried out on the 08.02.2017, where the site was viewed from Elvington Lane to the west, and from Crete Road West to the south east as well as inside the site. Photographs were taken as a site record.

HISTORY

There is no recent planning history for the site. An application was refused for residential development back in 1988 as set out below.

88/1030/SH - Erection of a dwellinghouse. Refused.

PROPOSAL

This application seeks full detailed planning permission, for the erection of a dwellinghouse following demolition of the existing building on site.

The new dwellinghouse would be sited within the same approximate position as the existing and have a footprint of 137 sqm and a floor area of approximately 178 sqm. Internally the building would consist of two floors with the ground floor consisting of a dining room, utility, bathroom and three bedrooms (2 with en-suite bathrooms) and the first floor is proposed to have a library and study.

Externally the building would have a ridge height of 5.9 metres and an eaves level of 2.7 metres and have a pitched gable roof with a rear (east facing) full height glazed gable window. It would be constructed externally of roof tiles and brick elevations.

The application proposes to utilise the existing vehicular access off Elvington Lane and proposes two parking spaces.

The application has been submitted with the following accompanying documents;

- Design and access statement
- Ecology Survey
- Structural Survey.
- Contamination survey.

CONSULTATIONS

Hawkinge Town Council - Support

The scheme of delegation allows for Officers to determine applications under delegated powers where a Parish Council support something that is clearly contrary to development plan policy.

Kent Highway Services - No comments.

It would appear that this development proposal does not meet the criteria to warrant involvement from the highway authority in accordance with the current consultation protocol.

Southern Water - No objection.

There is no public foul and surface water sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul and surface water sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage disposes of effluent to sub soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

Environment Agency - No objection subject to conditions.

We have reviewed the information submitted and consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Conditions

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of controlled waters and comply with the NPPF. The application form indicates that there is not currently a strategy for the disposal of surface or foul drainage. A drainage plan detailing this information must be submitted, and comply with the informative on drainage outline below.

Arboricultural Manager - No objection.

I can confirm that I have no objections to the proposed erection of a single dwelling house. There are no arboricultural constraints present.

Contaminated Land Consultants - No objection, recommend part 1 of condition be discharged. The document has been submitted in support of an application for planning consent of a single dwelling house with private garden. The dwelling house will be situated on the area of site currently occupied by a disused milking parlour. The document has been reviewed with respect to the requirements of Shepway's Standard contaminated land planning condition which is split into five sections.

At present I am prepared to recommend that part 1 of the condition is discharged. If formal commitment can be given to the above watching brief then I accept that no wider Phase 2 investigation is required.

Environmental Health - No objection, recommend part 1 of the condition be discharged.

With reference to the contaminated land report, it suggests that risks from contamination are low and recommend a watching brief throughout the works, but does not specify by whom.

We agree that the potential for gross contamination is slight; however given the lack of proper inspection, it is possible that soil quality in the proposed garden area might not meet current stringent standards that are applicable in a sensitive residential setting.

For this reason, we recommend that the watching brief be formalised to include;

- An inspection of the proposed garden areas by a suitably qualified environmental consultant.
- If made ground is present, this should be described and its chemical quality character and the information submitted to the Council for approval.
- Any soil imported for the formation of gardens or soft landscaped areas should also be validated with information provided to the Council.

At present, we are prepared to recommend that part 1 of the condition is discharged. If formal commitment can be given to the above watching brief, then we accept that no wider Phase 2 investigation is required.

PUBLICITY

Neighbour letters - Expiry 17.02.2017

Site notice - Expiry 24.02.2017

Press notice - Expiry 02.03.2017

REPRESENTATIONS

Four letters/e-mails from neighbouring occupiers objecting to the application.

POLICIES

Shepway District Local Plan Review -

SD1, BE1, BE16, U1, U3, U4, U10a, TR5, TR11, TR12, CO1, CO4, CO11, HO1.

Shepway Core Strategy Local Plan - DSD, SS1, SS2, SS3, CSD3, CSD4.

Government Guidance

The National Planning Policy Framework.

The National Planning Policy Guidance.

APPRAISAL

BACKGROUND INFORMATION.

It is worth briefly evaluating the planning history of this site in the determination of this application. Residential development proposals extend back as far as 1988, when an application for a dwelling was refused, reference 88/1030/SH. This was refused on two grounds associated to unacceptable development within the countryside and highways. The application still remains within the open countryside.

PRINCIPLE CONSIDERATIONS

Therefore the main issues to be considered in the determination of this application are the acceptability of new housing within the countryside and outside the settlement boundary in terms of its sustainability and visual impact upon the landscape and rural setting, impact upon the amenities of residents, highways, ecology and contamination.

DEVELOPMENT IN THE COUNTRYSIDE

The site is located outside of any settlement boundary and within the open countryside. In this regard, it is a fundamental principle of national and local planning policy that new dwellings should not be permitted in the countryside outside the confines of the major/principal urban areas, rural service centres or smaller rural settlements unless they are replacements for existing dwellings or demonstrated to be necessary for the winning of minerals, farm, forestry or other workers where a rural location is essential.

Saved Local Plan Review policies CO1 and CO4 support this, whereby the principle aims of these policies are to protect the countryside and to direct new development within existing settlements. For residential development, The Council has a robust and sound five year housing supply where the Council's Strategic housing needs are met through strategically allocated developments within sustainable towns and urban areas within the District. Core Strategy SS1 advises that additional development (such as this) should be focused on the most sustainable towns and villages as set out in policy SS3. Core Strategy policy SS1 also advises on the development within Hawkinge and the AONB and states, "The future spatial priority for new development in the North Downs area is on accommodating development outside of the AONB and without material impact on its setting; consolidating Hawkinge's growth; and sensitively meeting the needs of communities within the AONB at better-served settlements".

Development in the open countryside and on the coast (defined as anywhere outside of settlements within table 4.4 (shepway settlement hierarchy) will only be allowed exceptionally, where a rural/coastal location is essential. Furthermore Core Strategy policy SS1 states development within Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline. Core Strategy policy SS3 states, "Development within

Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline". The site is not considered to feature within the settlement hierarchy of policy SS3, but outside of areas to be considered for further development.

At the national level, the NPPF requires a presumption in favour of sustainable development but advises 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. In such instances, the NPPF requires isolated new housing in the countryside to require special justification for planning permission to be granted (paragraph 55). In this case, the site is within the AONB and no such special justification has been provided and the development does not meet the test of paragraph 55.

When considering the sustainability of the development, the location within Elvington Lane is outside of any settlement boundary and would also fail the principles of sustainability and propose a dwelling in a highly unsustainable location which lacks facilities and where occupiers will be heavily reliant upon the private car for transport. Future occupiers would be isolated from main public services such as shops, schools, health services and community facilities. There are no public transport services in this location, and no public footpaths. In the event that future occupiers wanted to walk to the nearest facility either in Hawkinge or Cheriton there are no public footpaths or street lights along Elvington Lane or Crete Road west. As such pedestrians would have to walk in the road or on the grass verges in parts which would be very dangerous, especially at night. It is therefore it is considered that this location is isolated and has poor connectivity and therefore unsustainable.

As previously stated, the Council has a robust five year housing supply which is currently at is 8.21 years of supply (164% of requirement) using the Liverpool method of calculation as of January 2017. The soundness of the five year housing supply has also been successfully tested at appeal recently for two residential developments in the countryside of Brookland. Therefore in this regard, residential development in this rural location is unsustainable, and unjustified and therefore unacceptable and contrary to saved Local Plan Review policies SD1, CO1, CO4, Core Strategy Policies SS1 and SS3 and the NPPF: 2012.

VISUAL IMPACT

The development proposes to remove the existing building and construct a new dwelling on the site with parking and a garden. The existing building has no architectural merit where no concerns are had with its removal.

In terms of the visual impact, Elvington Lane is located within the Kent Downs AONB and Special Landscape Area where the character of the rural landscape is of exceptional quality. The Kent Downs AONB is a nationally important protected landscape, whose special characteristics include its dramatic landform and views, mixed farmland tranquillity and remoteness. In particular this site in question borders open countryside and has long range views across the landscape to the north, and east.

In this regard when evaluating the wider landscape impact, it is recognised that the development site is relatively open and prominent within the locality. Land to the north and east is open uninterrupted countryside with long reaching views across the landscape where the dwellings would be clearly visible from these orientations as well as from the public vantage points at Crete Road West. The development would also be visible from views within Elvington Lane outside the site. Open countryside is to the west, however hedgerows and natural screening would screen the development from this orientation.

The height and scale is similar to the existing building, but marginally higher (approximately 0.8 metres taller), and therefore would not be noticeable bulkier than existing within the landscape. However the design is not outstanding, innovative nor exceptional and it has not been designed to, in anyway, blend or interrelate into the landscape and enhance its setting as required by paragraph 55 of the NPPF. Instead it is considered that the design is bland and devoid of any detail or design to link it to this landscape. It is considered that the full height glazed gable which faces the open countryside would also result in the building appearing prominent and visually obtrusive in the landscape. As well as the dwelling house, the development would result in the domestication of the site, with hardstanding, patios and domestic paraphernalia such as sheds, washing lines, children's play equipment and the proliferation of parked cars that would detract from the rural character and be harmful to the visual amenity of the AONB and special landscape area. Of key importance here is the fact that the development seeks to completely re-develop the site with the loss of the existing building on site, construction of a new building that would have a bland domestic appearance and design and change of use of the land for residential. Therefore it is considered that the development would result in an adverse visual impact upon the AONB landscape and its rural setting.

AMENITIES OF RESIDENTS

It is considered that the development would safeguard resident's amenities. In this location there are very few residents to be affected, and those residing adjacent to the south would be most affected (The Cedars and Upper Dane Farm).

The proposed residential use is considered to be a soft end use and is not considered to result in disturbance issues or an unneighbourly form of development.

In terms of overbearing impacts and loss of privacy, it is considered that sufficient separation distance would occur to avoid an adverse impact. For privacy, if planning permission were to be granted, good boundary treatment and obscurely glazed windows could be used to help retain privacy. As such the development is considered to safeguard residents' amenities.

HIGHWAYS/TRANSPORTATION

As previously stated above, the site is considered to be highly unsustainable in transport terms where the occupiers would be heavily reliant upon the private car and therefore unacceptable and contrary to policy.

The access point would stay the same and which is considered acceptable. It is shared with the neighbouring property Upper Dane Farm, but this is currently the case and remains a civil, private issue however in planning terms there is no reason why this should not continue. For parking, sufficient spaces (two) have been proposed for this three bedroom property in line with current KCC Interim Guidance Note three parking levels. Kent Highways and Transportation Services have not commented given the small scale of the development.

ECOLOGY

The site has been professionally surveyed by an ecologist and confirms that there are no protected species present and the re-development of the site would not be constrained by ecology. Ecological enhancement measures are recommended which can be secured by condition in the event that planning permission is granted. Therefore the development is acceptable in ecology terms.

CONTAMINATION

Having previous commercial/agricultural uses, it is possible that the site could be contaminated and therefore the application has been accompanied by a desk study report. This report is considered to be of a reasonable standard but a walk over study has not been undertaken and no information has been provided on the quality of the soil.

The report suggests that risks from contamination are low and recommends a watching brief throughout the development in the event that planning permission were to be granted. This is generally agreed with but it is also recommended that the watching brief be formalised to include an inspection of the garden areas. This could all be controlled by planning condition, if permission were to be granted.

OTHER

LANDSCAPING - There would be no loss of important landscaping.

CIL - The development would be Community Infrastructure Levy liable. This area is zone B which is £50 per sqm, making a total CIL contribution of approximately £7,500.00.

RECOMMENDATION

In light of the above, it is considered that the proposal is an unsustainable development within the open countryside and AONB that conflicts with development plan policy and the NPPF and is therefore recommended for refusal.

Local finance consideration

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. *The CIL levy in the application area is charged at £x per square metre for new dwellings, with the exception of the x No. affordable housing units which are exempt. For new business floor space the levy is charged at £x per square metre/This application is not liable for the CIL charge as it is a change of use and would not create any additional floor space.*amend/delete as appropriate.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: JM LING Position: Senior Planning Officer MRTPI Date: 20.03.2017

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: C Dethier Position: DM Team Leader Date: 21/3/17