

<b>REFERENCE NO - 16/506316/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of 3 two storey terraced dwellings and 2 two storey semi-detached dwellings with on plot parking and associated works, as amended by drawings DSGD/16/01F, DSGD/16/02A, DSGD/16/03A, DSGD/16/04B and DSGD/14/H01A.			
<b>ADDRESS</b> The Old School London Road Dunkirk Kent ME13 9LF			
<b>RECOMMENDATION GRANT SUBJECT TO:</b> further views of the Parish Council and adjoining residents (closing date 20 <sup>th</sup> September 2017).			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Proposal is in accordance with national and local planning policy.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Dunkirk	<b>APPLICANT</b> Mr A Preston <b>AGENT</b> Lee Evans Planning	
<b>DECISION DUE DATE</b> 12/10/2016	<b>PUBLICITY EXPIRY DATE</b> 20/09/2017		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/500539/FULL and 16/500540/LBC	Change of use of school to dwelling	Approved	24/06/2016
SW/14/0416, 17, 18 & 19	Conversion of grade II listed school building and former school house to two residential dwellings	Approved	09/06/2014

## 1.0 DESCRIPTION OF SITE

- 1.01 The site forms part of the grounds surrounding the old village school (built 1844), which closed in 2008. The former school is a grade II listed building and has since been converted to two residential dwellings under planning permission and listed building consent approvals SW/14/0416, 17, 18 and 19 and later approvals 16/500539/FULL and 16/500540/LBC in relation to just the school itself.
- 1.02 The part of the site that is the subject of this proposal is to the north east of the former school grounds, on a part of the site which was originally given over to a grassed play area. The site is to the front of an area of woodland which the proposal will not affect, but which is protected by a Tree Preservation Order (TPO).
- 1.03 This part of Dunkirk village is formed around the school, church and vicarage which established the settlement here in the mid nineteenth century following the Battle of Bossenden Wood (1838). The location is therefore one of long established development that formed the core of what is now known as Dunkirk. The current application site is situated within the built-up area boundary of Dunkirk as now defined in Bearing Fruits 2031: The Swale Borough Local Plan 2017, and is situated between the old school building and a long row of bungalows, so forming a natural infill plot within the established original confines of the village.

## 2.0 PROPOSAL

- 2.01 The proposal is to construct five new properties; four semi-detached houses and one detached house. All five properties would have associated private amenity and parking spaces. All have a garden wider than the houses but plot 2 originally had a

rather short rear garden (some 6m in depth and this matter has been the subject of negotiation to achieve a more satisfactory amenity space for the property.

- 2.02 The proposed properties would be set back from the highway, and accessed by a re-aligned access point, which provides better sight lines than the present access. The properties would be set in two parallel rows of development; two semi-detached houses to the front, with the detached and the other pair of semi-detached behind. All the properties would face towards the highway. This pattern reflects the nature of the adjacent site where two bungalows sit one behind the other, and it provides more space between the new houses and the former school than a single row of dwellings would do.
- 2.03 Each property would be allocated two parking spaces, with four separate visitor parking spaces.
- 2.04 The properties have been designed in order to complement the slightly neo-Gothic styling of the school building, with the use of low eaves heights, steeply pitched roofs, high gables and prominent barge boards, etc. The use of traditional materials is also incorporated, in order to produce a minimal impact upon the adjacent listed building.
- 2.05 The application is accompanied by a Design and Access Statement (including a Heritage Assessment), and an Ecology Statement which concludes that the site is host to protected species in the form of slow worms, reptiles and grass snakes for which mitigation proposals have been suggested. I have recommended an appropriate condition.
- 2.06 The application has recently been amended to bring the front semi-detached houses slightly further forward on the site to achieve at least minimum overlooking distances between the two rows of houses, and the access arrangement has been altered to overcome an identified highway safety issue. There has also been some manoeuvring of plot 2 to ensure an adequately sized rear garden. I have recently re-consulted the Parish Council and adjoining residents on these minor changes and I will report any further views to the meeting (closing date 20<sup>th</sup> September 2017).

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.195	0.195	-
Approximate Ridge Height (m)	N/A	8 metres	+ 8 metres
Approximate Eaves Height (m)	N/A	4.7 metres	+ 4.7 metres
No. of Storeys	None	2	2
Parking Spaces	None	14	+14
No. of Residential Units	None	5	+5

### 4.0 PLANNING CONSTRAINTS

Adjacent to grade II listed building.

### 5.0 POLICY AND OTHER CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 14 and 49 (Presumption in favour of sustainable development); 55 (sustainable development in

rural areas); 111 (use of brownfield land); 129 and 131 (significance of heritage asset) and 133 (impact of development on heritage assets).

Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP3 (Delivering a choice of high quality homes); CP4 (Requiring good design); DM7 (Parking); DM14 (General Development Criteria); DM24 (Conserving and enhancing valued landscapes).

## 6.0 LOCAL REPRESENTATIONS

6.01 One email neither supporting nor objecting to the proposal has been received from a Dunkirk resident. The points raised therein may be summarised as follows:

- I do not object to a dwelling, but five is too many for the site
- Bungalows would be better close to the old school
- Road safety is important and this site is on a hill and a slight bend

## 7.0 CONSULTATIONS

7.01 Dunkirk Parish Council unanimously object to this application and has written a lengthy illustrated letter of objection to the proposal. The points contained therein may be summarised as follows and relate to the application as first submitted prior to the access alterations now negotiated:

- The Parish Council supported conversion of the old school but this scheme reduces the area of garden associated with the former school house and will lead to vehicular conflict within the site
- The scheme leaves room for access to further development
- *'Whilst the Neighbourhood Plan is yet to propose any sites as allocations, it should be noted that this site was not submitted to the Neighbourhood Plan Group for consideration. It should be further noted that SBC has decided that only the NP can allocate sites within the parishes of Boughton under Blean and Dunkirk.'*
- The highway adjacent is on an uphill bend and traffic is '*notoriously fast*', despite a flashing 30mph sign
- Proposed visibility splay is inadequate to cater for the expected increase in traffic using the access
- Traffic issues including existing congestion problems through The Street, Boughton, and at Brenley Corner
- Area comprises very low density housing at present and this development at 8m tall (with potential for loft conversions) is out of scale and form with its surroundings
- Application shows considerable amount of hardsurfacing, possibly leading to drainage problems
- Trees and hedges at rear of site must be preserved
- Within a special landscape area
- Close to a scheduled ancient monument
- Does not complement the existing built environment
- Effect on overstretched local amenities and services
- Adverse effect on the setting of the listed building
- Housing targets are now being met and a single bungalow would be a preferred form of development

- 7.02 Kent Highways and Transportation originally raised objection due to poor sight lines from the access, but following the receipt of an amended drawing now raise no objection, subject to conditions noted below.

## **8.0 APPRAISAL**

- 8.01 The key issues to consider in this case are those of preserving the character and setting of the listed building, the principle of development, site layout, the effect of the proposal on local services, and highway issues.
- 8.02 In terms of the principle of development, I note that the proposal site is within the established built-up area boundary where saved policy CP3 suggests new housing ought to be acceptable in principle. The National Planning Policy Framework (NPPF) states that, in such cases, the presumption must be in favour of development, unless other material considerations suggest otherwise.
- 8.03 The effect of the proposal on the character and setting of the adjacent listed building must next be considered. Firstly, it must be remembered that the nearest part of the proposed development from the listed building would be a distance of twenty-eight metres away, thus significantly reducing the effect of the proposal on the character and setting of the building. The design of the proposed buildings is also sympathetic to the listed building, utilising similar materials and similar design features such as the use of high gables. I do not believe that the proposal would have an unacceptably adverse impact on the character and setting of the listed building.
- 8.04 The site layout is largely driven by trying to maintain the setting of the former school, with woodland behind. Hence the new development is set to one side in two rows. The impact of this is that the depth of the site (with woodland behind) is only just big enough for two rows of dwellings. Hence, whilst the front row of houses has adequate garden depths, and the 21m minimum distance between rows of houses is achieved, the rear row is very close to the rear boundary of the site. These units have wide gardens that compensate for this, also meaning that their gardens are not all to the north of the relevant house.
- 8.05 In terms of the potential effect of the proposal on local services and amenities, it is important to bear in mind that the proposal is for only five properties. Five extra properties within the area is unlikely to have a noticeably adverse effect on local services and amenities and, as such, I do not believe that the proposal would have an unacceptably adverse effect on local services and amenities.
- 8.06 In terms of highway safety and convenience, I was initially concerned by the drawings received, as these appeared to show an access point which, albeit existing, did not have the requisite sight lines required for a development of five houses. These concerns were echoed by both Kent Highways and Transportation and the Parish Council. These concerns were passed on to the agent, who has now submitted new drawings showing the access moved slightly westward. Kent Highways and Transportation consider this proposal for an amended access point to be acceptable, and I am content to accept their expert advice in this matter.
- 8.07 For completeness I have notified the Parish Council and immediate neighbours of the latest changes and I will update Members at the meeting if any further comments are received.

## 9.0 CONCLUSION

9.01 I therefore recommend that the proposal be approved, subject to the outcomes of my discussions regarding plot 2 and to strict conformity with the conditions included below.

**10.0 RECOMMENDATION – GRANT** Subject to the further views of the Parish Council and adjoining residents (closing date 20th September 2017), and to the following conditions:

### CONDITIONS

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) Except as provided for by condition (3) below the development to which this permission relates must be carried out in accordance with approved drawings DSGD/16/01F, DSGD/16/02A, DSGD/16/03A, DSGD/16/04B and DSGD/14/H01A.

Reason: For the avoidance of doubt and in the interests of proper planning.

(3) Notwithstanding the provisions contained within condition (2) above, no development beyond the construction of foundations shall take place until an amended drawing showing the eastern side elevations to Plots 3 and 5 showing first floor windows matching in size to those shown on the same side elevations at ground floor level on drawing no. DSGD/16/04/B have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity

(4) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

(5) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity

(6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (7) No development beyond the construction of foundations shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies

- (8) Unless otherwise agreed in writing with the Local Planning Authority no trees shall be removed from the site.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (12) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area

- (13) The areas shown on approved drawing DSGD/16/01F as parking spaces shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (14) The sight lines shown on drawing DSGD/14/H01A shall be provided prior to the occupation of the properties hereby permitted and thereafter maintained clear of any structure, tree, plant or other obstruction which exceed 0.6 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

- (15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (16) No development shall take place before details of cycle storage (2 cycles per dwelling) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reason: In the interests of amenity and to ensure that the details are correct before development commences.

- (17) The first five metres of the access leading from the public highway to the development hereby permitted shall be of a bound material.

Reason: In the interests of highway safety and convenience.

- (18) No development shall take place (including any demolition, ground works, site clearance) until an Ecological Design and Management Strategy (EDMS) for the development site has been submitted to and approved in writing by the Local Planning Authority. Upon approval, the details submitted shall be implemented in full accordance with these approved details.

Reason: In the interests of biodiversity.

- (19) Upon completion, no rearward extension other at ground floor level, or any alteration to the rear roof slopes, shall be carried out to the proposed properties marked as Plots 4 and 5' on drawing no. DSGD/16/01F.whether permitted by Classes A or B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not.

Reason: To avoid mutual loss of privacy to/from dwellings to the north,

**The Council's approach to this application:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF),

The Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:  
Offering pre-application advice

Where possible, suggesting solutions to secure a successful outcome.  
As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

**Habitat Regulations Assessment**

This HRA has been undertaken without information provided by the applicant.  
The application site is located within 6km of the Swale Special Protection Area (SPA) and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).  
SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.



In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement would cost substantially more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.
- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on single dwellings upwards will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwellings proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.