

16/506316/FULL

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  
The Old School London Road Dunkirk Kent ME13 9LF

The parish Council has indicated from the first application that they are not opposed to limited development on the site, but feel that this is unacceptably high density on the site. It involves the loss of the open aspect of the neighbourhood (so-called 'garden grabbing').

Visual impact of the development will have a significant effect on the character of the neighbourhood. The design (including bulk and massing, detailing and materials) of the proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

Note: In the delegated report for 16/500539/FULL & 16/500540/LBC Amendments to the granted planning for the school, the report states that "*The property is a Grade II Listed Building, situated outside the built-up area*". We believe it is **within** the village envelope, and where we would expect some limited infill development to take place.

We believe five, two storey properties, in close proximity to the Grade II listed building cannot be seen as limited, and would not only overpower the School but also the bungalows next door. With these properties being 8 metres high, they would be out of keeping with the bungalows that make up the rest of the road. These bungalows are of red brick and tile construction and these are only one side of the road.

The proposed development is close to the Grade II building - the report says 28metres, but they will still cause harm to the setting and the village street scene. We also calculate that the front house is actually 24 metres from the School House.

The proposed houses would be less than 11metres from the closest building - one of the bungalows previously mentioned.

The second row of houses would be just under 18 metres from another of these bungalows

Historic England advice, in their discussion of NPPF and Heritage Assets state:

**Justifying harm.**

*All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134).*

*Public benefits in this sense will most likely be the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF, provided the benefits will enure for the wider community and not just for private individuals or corporations.*

***It is very important to consider if conflict between the provision of such public benefits and heritage conservation is necessary.***

*The NPPF seeks economic, social and environmental (including historic environmental) gains jointly and simultaneously. The planning system should actively guide development to sustainable solutions. Pursuing sustainable development involves seeking positive improvement in the quality of the built environment.*

***Substantial harm or loss should be refused unless it is demonstrated that it is necessary to deliver substantial public benefits that outweigh that harm (paragraphs 8, 9 and 133). The public benefits may be achieved with less or no harm by alternative design or location.***

These statements sum up many of our concerns with the proposal.

The applicant's D&A has not been updated to take into account the recent changing circumstances, with the Local Plan 2017 - 2031 having been adopted. The whole 'Principle of development' should now conform to this made plan.

The applicant states the L.P. 2008 is out of date and that, as Swale cannot show a 5 year supply, then NPPF Para 14 is engaged, *'with the presumption in favour of [sustainable] development'*.

This is not the case. The Local plan 2017 is a 'made' plan and decisions should comply with this. The recently published 'Statement of Housing Land Supply 2016-17' shows 5.4 year supply at 852 p/a.

Dunkirk PC said, in our previous submission (and a member of the public agreed), that maybe one bungalow would have some merit.

Having looked at the site many times and the various designs, it would look appropriate for 2 (or perhaps 3) bungalows. We believe a planning application for this (subject to sight of plans and without pre-determining a Parish Council vote) would be looked upon favourably.

We would point out that as recently as 15th August 2017, in appeal decision 3172403, an application for one house, just 40 metres from the school was refused, and the inspector concluded:

*Planning balance and overall conclusions*

***22. From the evidence submitted, it appears that there was a lack of a 5 year housing land supply when the Council determined the application. This position has changed with the adoption of the LP and the appellant acknowledges that such a supply has been demonstrated but also contends that given a persistent under delivery of housing, the proposal would make a limited but important contribution. I have therefore determined the appeal on the basis that the Council is able to demonstrate a five year supply of deliverable housing land in accordance with paragraph 47 of the Framework. In the context of a genuinely plan-led planning system the policies can be regarded as being up-to-date and I afford them full weight. This in turn means that the presumption in favour of sustainable development within paragraph 14 of the Framework is not engaged.***

***23. In the unweighted balancing exercise the proposal would provide some limited economic benefits during construction. Regardless of the supply situation a new dwelling would be provided although on the evidence before me, I am not convinced that the proposal would provide for any meaningful enhancement or maintenance of the vitality of rural communities.***

24. *Taking everything together, the benefits would not outweigh the harm that I have identified in terms of the conflict with the settlement strategy, harm to the character and appearance of the area and the harm to the significance of a non-designated heritage asset.* [PLEASE NOTE THIS NEXT TO THE SAME DESIGNATED GRADE II BUILDING]. *The proposal would not accord with an up to date development plan and as such would not represent sustainable development.*

This application, between Courtenay House and the Old Schoolhouse, was designed to reflect the Old Schoolhouse and yet the inspector felt that, commenting on the design:

*'Taking everything together, the benefits would not outweigh the harm that I have identified in terms of the conflict with the settlement strategy, harm to the character and appearance of the area and the harm to the significance of a non-designated heritage asset. The proposal would not accord with an up to date development plan and as such would not represent sustainable development'.*

Simply put, this is five times the harm.

This would mean the proposal, whilst in the village envelope, COULD have the same weight against it, and it would seem to be non compliant with NPPF as well as the local plan.

With regard to the sight lines, we have made our own measurements and do not think 43metres is achievable when looking east. The applicant has stated they would reduce the height of the fence to 1 metre, but unfortunately the size and height of the hedge on the neighbours property is not in their gift to suggest it could be removed or reduced, any more than the barriers looking west which they do not own.

As we stated with our last notes, KCC now state '**all reasonable efforts have been made to maximise visibility**'. This does not mean they will actually meet the requirements.

The photograph below is taken from 43 metres east of the centre line of the proposed new entrance. Dunkirk PC chairman, Mr. John Peto is stood 2.4 metres from the road edge. He cannot be seen, and he could not see the camera.

Councillor Bobbin told DPC he will not be attending the planning committee. Could we respectfully request the committee to consider a site visit to look at the actual sight lines and the traffic flow?



If you are not minded to approve a site meeting we would ask that the application is refused.

