

Application No: Y16/0062/SH

Location of Site: The Outlook Pilgrims Way Postling Ashford

Development: Change of use from storage and distribution (B8) to residential (C3) with associated keeping of horses with the construction of a new detached dwelling, attached stable block, garage and retaining structure, following removal of existing buildings.

Applicant: Mr Matthew French
The Outlook
Pilgrims Way
Monks Horton
Kent
TN25 6DR

Agent: Mr Cassion Castle
Cassion Castle Architects
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London
N7 7NU

Date Valid: 21.01.16

Expiry Date: 21.04.16

Date of Committee: 25.10.16

Officer Contact: Mr Julian Ling

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and upon receipt of a satisfactory ecological mitigation and management plan.

1.0 THE PROPOSAL

- 1.1 This applications seeks full detailed planning permission for the change of use from storage and distribution (B8) to residential (C3) with associated horse keeping together with the construction of a new detached dwellinghouse, attached stable block, garage and retaining structure, following removal of existing buildings. The application seeks permission under paragraph 55 of the NPPF: 2012 as an outstanding and innovative designed dwellinghouse that justifies development in the open countryside.
- 1.2 In terms of siting, the house is proposed to be sited within the south east corner of the site within the approximate area of the existing coal yard and buildings. The proposal would have a development footprint of approximately 1520 square metres.
- 1.3 The entrance to the site would be via the existing access off Pilgrims Way highway to the south where the development proposes to have a large entrance courtyard of approximately 127 sqm which includes a double bay

garage, three stables and a store room upon the southern aspect as well as a refuse and bicycle store upon the north side of the courtyard where a retaining wall would be positioned.

- 1.4 The ground floor would comprise of approximately 440 sqm and include an entrance hall, plant and utility room, games room and 5 bedrooms with en-suite bathrooms. Externally at ground floor upon the east elevation it is proposed to have a rear courtyard and on the west elevation there would be a front courtyard. To the front of the southern elevation externally, there would be a reflecting water pool. The first floor level would have a floor area of approximately 115 sqm and comprise of an open plan office, kitchen, dining area and lounge. Outside the living room it is proposed for a large terrace with access to the landscaped garden below, ground floor terrace and roof terrace. The roof level above the living space is to be used as a further external terrace accessed via a hidden internal staircase.
- 1.5 Externally, the building is proposed to be constructed in a highly modern and contemporary style with a cubed flat roof sectional form yet with traditional grand architectural influences including collanades. Externally, it is proposed to have a colonnade running along the southern edge and floor to ceiling glazing at first floor level. The building is proposed to be set over two floors which gradually step up following the contours of the hillside, with a maximum height of 8.5 metres.
- 1.6 With regard to materials, the main innovative emphasis is on the fact that the building is proposed to be primarily built using the unique natural material of rammed chalk that would be excavated from the site itself where the chalk found on this site is considered to be competent, dense and firm. The loadbearing walls and piers of the house will be made of this rammed chalk that will consist of a mixture of lime, or sand and lime to make a stronger composition for ramming. It is also proposed to cover various sections of the flat corrugated metal roofs with a chalk and limestone grassland living roof system. Windows would be powder coated aluminium and doors would be timber. Reclaimed timber cobbles and limestone tiles are also proposed as an external surface material.
- 1.7 The house is also proposed to be built to embrace sustainability and incorporate renewable energy and efficiency devices. In this regard the house is proposed to be carbon neutral It is also proposed for the house to be designed to operate 'off grid' in terms of electricity for at least 6 months a year and be self sufficient. Lastly it is also proposed for the house to be water efficient where it is proposed to use a maximum 105 litres per person per day.
- 1.8 Externally, surrounding the building, it is proposed for the land to be landscaped using native species to enhance the site and put it back to its natural condition as a chalk and limestone grassland. Lastly, as part of the development, the proposal also seeks to change the use of the land for the keeping of horses for domestic and pleasure purposes only. A maximum of three horses are proposed to be grazed on an area of land of 1.75 hectares in size with stables proposed within the courtyard entrance.

- 1.9 The application has been supported by a full set of plans, as well various reports and studies which are listed and summarised below:

Design and Access Statement – A review of the development proposal and rationale behind the design concept proposed.

Ecology Surveys – Separate surveys which include an ecological scoping survey, bat survey and badger survey to provide informed information on the presence of any protected species on the land.

Contaminated land risk assessment – A report examining the current and potential risks to human, ecological and ground and surface water receptors associated with possible contamination of the ground.

Environment report – A report on the risk of the presence of explosive ordnance on the site and appropriate risk mitigation measures.

Landscape Visual Impact Assessment – An assessment looking at how the development will visually affect the landscape beauty, considering the various vantage points from the local area.

Structural Engineers Statement – Looking at the structural engineering implications for the development.

Energy Report – Investigating the various sustainable means of energy and how the development will be carbon neutral.

Tree protection and methods report survey reports – A report of trees surveyed on site in accordance with the recommendations set out in BS: 5837:2012 and how they will be protected.

Design Panel Review Assessment – The applicant has had the design of the dwelling as a paragraph 55 proposal independently reviewed by the south east regional design panel where their comments are included within a short report.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The site is a redundant coal yard located immediately adjacent to the boundary of an adjoining residential property known as the Outlook (all within the same ownership) located at the corner of Pilgrims Way and Stone Street within the rural parish of Postling. The site area is approximately 1.9 hectares. The development proposal the subject of this application specifically refers to the redundant coal yard area within the south east corner of the site.
- 2.2 The site is located within the open countryside and outside of a settlement boundary and is also within the North Downs AONB and Special Landscape Area. The site is very rural in character with extensive open countryside and farmland adjoining. The site is set back from the road in an elevated position above the road at the bottom of a steep chalk grassland escarpment. Extensive land extends to the north (up the escarpment) as well as to the east along the escarpment which is in the ownership of the applicant but does not form part of the red line development area. To the south is the Pilgrims Way highway and to the west is the Stone Street highway. Positioned along the northwest boundary is a dense line of mature trees as well as a hedgerow and some trees along the road edge to the southern

boundary. Within the surrounding landscape there is also evidence of past open cast quarrying and the winning of minerals.

- 2.3 The dwelling located on adjoining land (The Outlook) within the same ownership is a modest sized bungalow that is set approximately centrally within the adjacent site in an elevated position above the coal yard, with a grass lawn and landscaping around it. The former coal yard is positioned within the south east corner of the site adjacent to the road edge and consists of several dilapidated single storey out buildings, retaining walls and an area of hard standing. This use ceased in approximately 2007 and since then the site has temporarily been used for the storage of timber.
- 2.4 A public footpath HE214 runs across both this site and the adjoining site in a south west – north east direction.
- 2.5 The adjoining site (The Outlook dwellinghouse) is also the subject of a development proposal and recent planning approval reference Y16/0063/SH. Here planning permission has been granted for a replacement dwellinghouse in a highly modern and contemporary manner that would be set into the hillside and be camouflaged by its form and landscaping, with the intention to compliment and improve the setting and appearance of the site.
- 2.6 The replacement dwelling (Y16/0063/SH) was designed in conjunction with the proposed paragraph 55 dwellinghouse, the subject of this application, so as to improve the architecture of the site and ensure that the paragraph 55 dwelling could achieve the necessary tests as set out within the NPPF. There were concerns that if the existing dwelling were to remain, the setting of the paragraph 55 dwelling would be so compromised it may not enable it to meet the necessary tests. It is intended that the two innovatively outstanding designed dwellinghouses would sit side by side to complement each other, instead of retaining the old and visually bland existing outlook dwellinghouse. It is intended that the Upper Outlook (the replacement dwellinghouse approved under permission Y16/0063/SH will appear subservient to the larger and more grand and bold paragraph 55 house the subject of this application.

3.0 RELEVANT PLANNING HISTORY

- | | | |
|-------------|---|---|
| Y16/0063/SH | - | Erection of a replacement dwelling with garage and hard and soft landscaping, following demolition of the existing dwelling. Approved with conditions. 28.07.16. The details of this are set out above in paragraph 2.5. |
| Y11/0643/SH | - | Change of use of land from former coal yard to residential and erection of a two storey dwelling with detached double car port and store building and formation of access drive, and erection of detached double car port and store building for use in connection with existing dwelling. Refused. 22.08.11. |

- CH/8/63/16/6675 - Change of use of existing building to store for coal and coke. Approved 23.01.63
- CH/8/62/314/6583 - Erection of bay for storing coal. Refused 31.12.62

Whilst the site has been put to other uses since its use as a coal yard, including the storage of timber, it is not clear whether this use became lawful, although the temporary permission for the coal storage appears to have become a permanent lawful use.

4.0 CONSULTATION RESPONSES

4.1 Postling Parish Council

Following our Parish Council meeting last night, Postling Parish Council **supports** this planning application. There were 5 Councillors present and they all voted unanimously for this application.

Postling Parish Council fully supports the overall concept of both applications presented to us. This is a new exciting way forward and will improve the current situation. It is a highly innovative proposal.

We hope this will help you in your decision making.

4.2 KCC Highways and Transportation

Referring to the above description, 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 arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

4.3 Kent Downs AONB Unit

Thank you for your consultation on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

The Outlook is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the designation, to conserve and enhance the natural beauty of the Kent Downs AONB and the way that this purpose is represented in local and national policy.

The application site lies within the open countryside on the scarp slope of the North Downs and is within the Postling Vale Landscape Character Area. The Kent Downs AONB Landscape Design Handbook advises that

one of the overall landscape character objectives in this area is to maintain open sweeps of species rich chalk grassland on the scarp, allowing the landform of the Downs to dominate and to conserve views of dominant rounded chalk hills.

The application comprises the construction of a new dwelling and stable block on land that has permitted use for storage and distribution. Part of the site is hard surfaced and there are a series of rundown buildings at the eastern corner of the site. The application site includes a large area of land that is currently undeveloped grassland.

The site of the proposed dwelling is remote and some distance away from any settlement. The AONB Unit is concerned that the proposal would result in an isolated development that would be out of character with the landscape. While it is noted that the site is occupied by hard standing and sheds at present, these existing structures are low in height and small scale and existing landscaping along the site's frontage with the Pilgrim's Way means that they are not apparent in the landscape when viewed from the south. The proposed development however, would result in a structure that is higher than the existing buildings that would be much more apparent in the landscape, appearing as an incongruous feature harmful to the natural beauty of the AONB, particularly in views from the south.

The proposed building represents an innovative design and the use of rammed chalk as the principle facing material is considered an appropriate construction material in the AONB where the principle of development is considered acceptable. These considerations are not considered to outweigh the harm of the new building in the landscape however. Not only will the increased height of the building result in it being apparent in views particularly from the south, the pale colour of the chalk would make the building more apparent in the landscape. Furthermore, the design incorporates large areas of glazing in the south elevation which would result in the building being apparent in the landscape at night time. We are also concerned that the associated equestrian use may also result in a need for external lighting. Policy SD7 of the Kent Downs Management Plan seeks to retain and improve tranquillity in the AONB, including the experience of dark skies at night. Insufficient information has been submitted with the application to fully assess the impact of any proposed lighting in this remote location. The application site includes a large area of grassland that is on the scarp slope of the North Downs and contributes to the natural beauty of the area; we would not wish to see the domestication of this area of grassland that is particularly prominent in the landscape or inappropriate equestrian related development.

Taking the above factors into account, the application is considered to be contrary to policies SD1, SD3, SD7, SD8 and LLC1 of the Kent Downs AONB Management Plan. The Management Plan has been formally adopted by all local authorities in Kent in which the AONB occurs, including Shepway District Council. Management Plans are a material consideration in determining planning applications/appeals as set out in para 15 of the decision in respect of Appeal Ref: APP/P1615/A/13/2204158 Land off

Reddings Lane, Staunton, (Coleford), Gloucestershire where the Inspector noted that The Management Plan is a material consideration to which I attach considerable weight."

The application is also felt to be contrary to Policy CSD 4 of Shepway's Core Strategy - Green Infrastructure which requires planning decisions to have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.

In conclusion, it is considered that the proposed redevelopment of the site would have a detrimental impact on the Postling Vale Landscape Character Area. The application proposals would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. As such the proposal is contrary to policies SD1, SD3, SD7 and SD8 of the AONB Management Plan 2014-2019 as well as policy CSD4 of Shepway's Core Strategy.

The Kent Downs AONB Unit therefore objects to this application. I would be happy to discuss further if this would be helpful.

4.4 East Kent Public Rights Of Way Team

Thank you for your letter received concerning this planning application. The proposed development directly affects Public Right of Way HE214, the location of which is indicated on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

The applicant has shown the right of way in the wrong location and the development would obstruct the footpath, the applicant intends to improve to the right of way. Until the applicant provides details on how the path is to be diverted I must object to the proposal.

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Further comments following the receipt of amended plans

I can confirm I am happy that the path, HE124, will not be affected by the development and there is no intention to affect it at all and retain it as existing as of the definitive map.

I should be grateful if you would consider the following standard informatives:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
3. There should be no Close board fencing or similar structure over 1.2metres erected which will block out the views:
4. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

4.5 Building Control Officer

This application will not need the Latchgate condition applied

4.6 Landscape and Urban Design Officer

Introduction

It is obvious that a considerable amount of thought has been put into this project and the contemporary high quality building that is being proposed.

The design is innovative from a number of perspectives:

- the manner in which the building functions
- the construction materials
- its form and appearance

The proposals have already been thoroughly investigated in the design review, which is positive about the design.

Building form in the landscape

The relationship between the building and its setting is vital to the success of the scheme overall. The scale / mass of it could be an issue, dominating the landscape rather than resting in it. The submitted photomontages make the building appear relatively unobtrusive in the landscape but photomontages can often diminish the appearance of planned new features and therefore can be deceptive.

With the exception of the photomontages there is very little other information about the manner in which the Visual Impact Assessment was carried out. The Landscape Institute has produced guidelines for landscape and visual impact assessment. Whilst these maybe too onerous for a development of this scale, there is a technical note produced on photography and photomontage'

The mass, form and design of the building with its rectangular blocks, walls and colonnades coupled with the white finish is very pronounced.

Architecturally it has a utilitarian/authoritarian aesthetic which will contrast with the open rural setting drawing attention to it.

The relationship between the building, the landscape and structural landscaping will be key to how the building's relationship to its setting.

- When viewed from the north/north east - the green roofs and topography will lessen the impact of the building
- When viewed from the east/south east - the manner in which the building sits into the topography of the slope will lessen its impact, there is also some structural vegetation to this elevation that will help to screen it from its environs
- When viewed from the west/north west - the road network, existing treescape and topography mean that the building won't be visible from this direction
- When viewed from the south/southwest - the building will be visible, though its impact will be mitigated by existing trees.

Landscaping

The approach to the landscaping is appropriate for the design and the location. There is an aesthetic logic for the simple planting in close proximity to the building, e.g. the Hawthorn trees proposed for the courtyard areas as these compliment the strong lines of the space. The naturalistic approach for the wider area also appears appropriate both from an aesthetic and ecological perspective.

Additional tree planting to the east/south east and south/south west may be required to mitigate the impact of the building; the photomontages cannot be relied to give an accurate portrayal of the building in its setting. This will need to be a balance between allowing views out of the building and softening its impact on its environs.

The use of reclaimed railway sleepers for cobbles is interesting, but will they be slippery when wet.

One of the points that was raised in the Design Review was the boundary between the two proposed properties, this will be important in terms of function and appearance

Conclusion

Whilst the building is innovative and of high quality it is likely to be a very dominant feature in a rural setting when viewed from certain directions because of its mass colour and form. Whether this desirable and/ or appropriate for the location and if it is to what extent is something that requires further consideration.

Further Comments 12th May 2016

The house and surrounding hard landscaping

The existing plans and elevations show the overall dimensions and arrangement of features of the proposed building and the surrounding hard landscaping.

Further drawings are required to show the proposal in greater detail so that the design is fully understood. These will also ensure quality, which is very important because of the design's status as a NPPF Paragraph 55 development.

In essence these further drawings should show each major component / level of the building in greater detail. They should clearly identify key component parts. These parts may be shown in isolation where this articulates a greater level of understanding e.g. the faceted chalk columns. The drawings should explore the juxtaposition between different elements of the building fully e.g. the relationship between the faceted chalk wall on the first floor and the faceted chalkcrete columns beneath. Where features require fixtures and fittings, such as the glass balustrade these should be clearly shown too.

The additional details should be of scale that is appropriate for what they are showing so that all the elements are clearly visible. They may include elevational views, plan views and three dimensional views as appropriate. As a minimum they should included the following aspects of the design:

- Faceted chalk wall
- Front door and window/glazing details
- Chalkcrete columns
- Staircase to landscape
- Garage /stable doors
- Concrete retaining structure to match to chalk (visual appearance, possibly sample)
- Glazed balustrade
- Chalk block work
- Rooflights
- Roof treatments, including terrace and green roof
- precast concrete cappings
- black limestone string course
- pool
- courtyard
- Connections

Landscaping

Planting plans should expand on the landscape plan that has already been submitted, identifying existing vegetation that is to be removed and what areas are to be planted and how. A full plant specification and schedule should be submitted to the council. The information should also include plant supply, preparation and maintenance. All soft landscape operations should be carried out to the relevant British Standard.

The footpath / boundary treatment as per the Design Review comments also needs to be resolved. Comments regarding native planting and screening within the design review also need to be taken into account.

General

The revised landscape visual impact assessment information is acceptable.

Final Comments dated 20.12.2016

The additional details and construction details clearly show how the various component parts of the house come together and function in relation to the building.

The landscaping is simple, which is appropriate all planting should be carried out to the relevant British Standard or appropriate guidance (where relevant). The wildflowers that are proposed for the rear courtyard planter are seasonal, which means that for much of the year they will not provide much interest. As the planter is to be located within a courtyard and will not be visible, other than to those resident within the property this is an observation and not significant.

Trees that fail shall be replaced.

The solar array detail, Drg. No. PL/P/204 illustrates how the changes in level and the arrangement of building heights will screen the solar panels from view. This is very important, no panels should be visible from near or longer views.

4.7 Arboricultural Manager

I can confirm that I am satisfied with the proposed measures contained within the tree protection plan.

I would like to be given five working days notice of the removal of the sleeper wall so that a site visit can be made with the project arboriculturist to observe the operation being undertaken.

4.8 K.C.C. (Planning - Archaeology)

No comments received.

4.9 Kent Wildlife Trust

No comments received.

4.10 Environment Agency

No comments received

4.11 Southern Water

The applicant is advised to consult the Environment Agency directly regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

4.12 Contaminated Land Consultants – (Merebrook Consultancing)

I write further to your request to review the following documents:

- Phase 1 Desktop Study and Site Walkover by Contamination Consultants (ref: CC/MF/TO/1#1) dated December 2013; and
- Phase 2 Intrusive Site Investigation by Contamination Consultants (ref: CC/MF/TO/1#1) dated 4 February 2015.

The documents have been submitted in support of an application for planning consent for construction of a residential dwelling, stable block and garage following demolition of existing industrial structures. The documents have been reviewed with respect to the requirements of Shepway's standard land contamination planning condition which is split into five sections as set out below:

1. Desk Study and Conceptual Model.
2. Intrusive Site Investigation and Risk Assessment;
3. Remedial Strategy and Verification Plan;
4. Verification Report; and
5. Contamination Discovery Strategy.

The condition should be implemented in a phased manner; with each phase only required should a potential risk be identified by the preceding phase. Information has been submitted with regard to parts 1 and 2 of the standard condition. The desk study and site walkover report are considered to be reasonable and to have concluded in a suitable conceptual model to form the basis of the next stage of assessment. The requirements of part 1 of the standard planning condition are considered to have been met.

A site investigation was carried out which included excavation of a trial hole and a number of shallow boreholes. Limited made ground was encountered however two mounds of coal dust were noted to be present. Laboratory testing was undertaken for a broad suite of contaminants and no evidence of gross contamination was identified. The coal dust mounds and localised soils beneath the mounds were associated with contamination by PAH. As a result the report identifies potential risks to the future development and recommends remedial actions which include removal of the coal dust mounds and precautions for construction workers. The report states that a

Remediation Statement will be required setting out the details for the proposed works and their validation.

We broadly concur with the findings of the intrusive investigation and risk assessment and as such can recommend that the requirements of part 2 of the standard condition have been met.

Further information will be required to discharge parts 3 onwards of the condition. A Remediation Strategy and Verification Plan should be produced which set out the details of the identified remedial actions and make provision for physically and chemically suitable soils in garden and soft landscaped areas. The verification plan should allow for chemical testing and inspection of imported soils required for the formation of gardens and soft landscaped areas.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 01.04.2016

5.2 Site Notice. Expiry date 19.04.2016

5.3 Press Notice. Expiry date 21.04.2016

6.0 REPRESENTATIONS

6.1 None received.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, BE16, LR8, U1, U4, U10a, U15, TR11, TR12, CO1, CO4, CO11, CO22.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD2, CSD3, CSD4, CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework

National Planning Policy Guidance, paragraphs 11, 12, 13, 14, 17, 49, 55, 56, 60, 64, 75, 109, 115.

Kent Design Guide

Kent Downs AONB - Landscape Design Handbook and Rural Streets and Lanes Design Handbook

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The primary issues to be considered in the determination of this application are the principal of new residential development within the countryside outside any defined settlement boundary and the design standard of the dwelling and impact upon the landscape in terms of paragraph 55 of the NPPF. Other material planning issues to consider are loss of a rural employment site, horse keeping, ecology, highways, ground contamination, neighbouring amenity, local financial contributions, drainage and archaeology.

Background

8.2 In the consideration of this application, Members' attention is first drawn to the planning history above where it is acknowledged that a similar type of application for the erection of a new house on the site – reference number Y11/0643/SH was refused on three grounds relating to unsustainable development in the countryside, visual harm to the landscape and an unjustified loss of a rural employment site. Whilst these grounds of refusal are still relevant and applicable, the application seeks to overcome them by the proposal of an outstanding and truly innovative design under paragraph 55 of the NPPF that would visually enhance the appearance of the site and override the previous grounds of refusal. In this regard, this new application has a different agent and applicant and the proposal has a completely different rationale.

8.3 Paragraph 55 states,

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future or heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture.

- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

8.4 Members are also advised that the design concept for this proposal has been through an extensive negotiating period where the applicant has had the design independently assessed by the South East Regional Design Panel during which the application has been presented to the panel and Council Officers three times. Other planning considerations were also considered as design is not the only material planning issue.

Policy

8.5 At the heart of the NPPF is a presumption in favour of sustainable development for which one of the core principles is to contribute to the conservation of the natural environment. Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This is consolidated in paragraph 115 which requires that 'great weight' should be given to 'conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'. To promote sustainable development in rural areas, the NPPF resists the provision of new isolated housing in the countryside where there is no essential need unless in exceptional circumstances, such as exceptional quality or innovative nature of the design (Paragraph. 55). Other parts of the NPPF are also relevant being paragraph 75 – the protection of public rights of way, paragraph 100 - meeting the challenges of climate change and flooding and paragraph 118 – conserving and enhancing biodiversity. The NPPF and local policy also advocates the use of previously developed land over green field sites. Whilst it is not clear whether the lawful use is as a coal yard or as a timber yard, either way, it was last in an employment use and falls under the definition of previously developed land.

8.6 There are a number of key strategic policies within the adopted Core Strategy Local Plan. Policy SS1 gives priority to building on previously developed land in the urban area and SS2 sets out the long-term aim to ensure the delivery of a minimum of 350 dwellings per annum on average until 2030/31. Policies SS3, CSD3 and CSD4 directs development towards existing sustainable settlements to protect the countryside and the coastline and ensure development within the countryside is only permitted where it is essential, while having close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which 'should take priority over other planning considerations. Policy CSD4 is a key policy which specifically refers to the AONB stating, planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations. Elsewhere development must not jeopardise the protection and enhancement of the distinctive and diverse local landscapes in Shepway (especially where these support the setting of the AONB), and must reflect the need for attractive and high-quality open spaces throughout the district. Lastly Core Strategy CSD5 requires development proposals to

provide, contribute to or otherwise address Shepway's current/future infrastructure needs through the Community Infrastructure Levy which was introduced by the Council in August 2016.

- 8.7 The key relevant saved policies of the Shepway District Local Plan Review are policy HO1 which allows for residential development and in particular the redevelopment of previously developed sites, SD1 and BE1 relating to sustainability and design issues and BE16 and BE17 that seek the protection of landscape features and trees. Policy CO1 covers development within the countryside outside of any settlement boundary and seeks to protect the countryside for its own sake, CO4 refers to development within special landscape areas and the protection or enhancement of the natural beauty of these landscape areas, CO22 refers to horse keeping and CO11 requires consideration to be given to ecology and the safeguarding of any protected species or habitats within the site or close by. Highway policy TR5 refers to bicycle parking and TR12 refers to car parking standards. Policies U1, U4 and U10a cover drainage and contamination. Safeguarding residential amenities is required under policy SD1.
- 8.8 Lastly, there is also relevant supplementary planning guidance within the Kent Design Guide which is the Council's adopted principle design guide as well as the Kent Downs AONB Landscape Design which are adopted design guidance for proposals within the Kent Downs AONB.

Development within the countryside

- 8.9 It is a fundamental principle of national and local planning policy, encapsulated by policies SS1, SS3 and CSD3 of the Core Strategy, 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, conversions of buildings that contribute to the character of their location, essential public services, community facilities or infrastructure, tourism and diversification enterprises or where it can be demonstrated there is an essential need for farm, forestry or other workers dwellinghouses. This is reinforced by the fact that the site is located within the wider Kent Downs AONB landscape 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. Such areas are afforded the highest status of protection in relation to landscape and scenic beauty.
- 8.10 As such, initial considerations based on policy would therefore suggest that the development is contrary to policy and is a departure from the Local Plan where the development is proposing a residential dwellinghouse within the countryside and AONB and Special Landscape Area. However whilst this is true the development seeks to override these policy constraints by proposing an outstanding and innovative design under paragraph 55 of the NPPF which is discussed in further detail below.

Design and Paragraph 55 of the NPPF

8.11 Of key concern to the determination of this application is Paragraph 55 of the National Planning Policy Framework which this development proposal has been based upon and seeks to comply with. In this regard, Para 55 does allow residential development as an exception to the normal countryside constraints set out above. Paragraph 55 states that:

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as; the exceptional quality or innovative nature of the design of the dwelling. Such a design should;

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas,
- Reflect the highest standards in architecture,
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

This sets an extremely high expectation for proposals to demonstrate truly remarkable and innovative design standards. It should be noted that there are very few examples nationwide where applications have been approved on this basis.

Truly outstanding or innovative, helping to raise standards of design more generally in rural areas.

8.12 In this regard when considering the design, one of the main design features that makes this truly outstanding and innovative is the primary building material which is to be rammed chalk excavated from the site itself. Rammed chalk is not a new building material and has been used in the past by the Victorians. However, it is not common and is fairly unique. It is proposed that the chalk walls would represent the quarried rock faces, like those that would have been present on the site historically. The fact that the material will be sourced from the site itself and be inherently linked to the natural environment contributes to making the proposal innovative, visually interesting and incredibly sustainable in terms of minimising travel distance for material sourcing where it is directly linked to the site and its natural character.

8.13 The massing and form of the building has been inspired by the natural character of the site and its surroundings which also justifies it being truly outstanding and innovative. The proposed tiered form of the dwelling and layered levels follow the gradient of the escarpment, being inspired by the existing terraces within the chalk grassland. Siting the house into the hill slope also provides more of an intrinsic link to the natural environment, ensuring the building height is kept low to minimise its visual dominance and provides the excavated material for the build.

8.14 Lastly to warrant being truly outstanding and innovative, the development is proposed to fully embrace sustainability and incorporate renewable energy

and efficiency devices. In this regard the house is proposed to be carbon neutral. It is also proposed for the house to be designed to operate 'off grid' in terms of electricity for at least 6 months a year and be self sufficient as well as being highly water efficient

Reflect the highest standards in architecture

8.15 In terms of its overall appearance and architecture the second test in paragraph 55 requires outstanding design of the highest quality or architecture, whilst being sensitive to the local area. In this regard it is considered that the architecture presents a timeless neo-classical design synonymous with its surroundings. The rhythm of openings and size of the volumes have been dictated by the limitations of the chalk as a structural building material. The restricted spans, deep eaves, preference of blank walls and use of columns lead the design to evoke ideas of neo-classical architecture where the simplicity of geometric form and straight lines are embraced.

Significantly enhance its immediate setting & be sensitive to the defining characteristics of the local area.

8.16 Owing to its design ethos, as a paragraph 55 house it is intended to stand out and enhance the site as a bold statement, whilst having a direct connection with its natural environment. This would then be further complimented and enhanced by the highly contemporary and modern replacement dwelling to be built following the removal of the existing Outlook bungalow, approved very recently under reference Y16/0063/SH. This was submitted following discussions with officers where concern was raised that the setting of the proposed paragraph 55 house would be seriously undermined if the existing bungalow were to remain. Here the intention is to create a visual relationship between the Upper and Lower Outlook with the Upper Outlook appearing subservient to the larger more grandiose Lower Outlook that would visually enhance the site and its setting. This would be controlled by planning condition by requiring the applicant to agree a time table for demolition and site clearance work of the existing Outlook dwellinghouse.

8.17 The site is within the open countryside and is surrounded agricultural land. It is positioned at the foot of a steep chalk grass escarpment that has natural undulating and tiered topography that is landscaped with native trees, hedgerows, wild flowers and plants. As previously stated above, the house would respond to and be sensitive to its immediate setting where it is proposed to set into the chalk escarpment whilst being constructed of chalk. The site has a rural character that is distinctive to the wider AONB landscape. It would also have a sedum living roof which would significantly enhance the setting and appearance compared to its former commercial use that has a negative impact upon the landscape.

8.18 As well as the construction of the house, the development also proposes to extensively landscape the land surrounding the house, retaining existing hedgerows and trees on site as well as planting new native species. In this

regard, it is proposed to introduce species and manage the site to enhance the chalk grassland habitat and encourage biodiversity ensuring it is sensitive to the defining characteristics of the local area as required by the paragraph 55 criteria. The development also proposes the house to have a sedum living roof covering various flat roof sections with a re-created chalk and limestone grassland which will visually soften it and help blend the house into its natural surroundings and the wider landscape.

- 8.19 For the reasons set out above, it is considered that the development presents a high standard of design that is truly outstanding and innovative which would significantly enhance its immediate rural setting and is sensitive to the defining characteristics of the local area. Furthermore the development it is considered to respond to local character and history and reflect the identity of local surroundings and materials in accordance with Local Plan design policy BE1. Whilst this is the opinion of officer, it is also the independent opinion of the South East Regional Design Panel as the proposal has been presented to this panel for consideration and feedback. The panel concluded that overall, this development is considered to meet the requirements of paragraph 55 stating “The panel consider that the house can now be said to measure up positively to the four key points of defining a “paragraph 55” house. There is a powerful story to this being a “paragraph 55 house”: in the use of the local material to construct the house; and the way the two houses are embedded into the local landscape context”.

Landscape Impact

- 8.20 Closely associated with the standard of design and architecture is how it responds to the landscape and its resulting visual impact. As previously advised above, the site is located within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area which have the highest status of protection in relation to landscape scenic beauty. In this regard, whilst the house has been designed to interrelate with and respect the site and its surroundings, it has also been designed to appear as a bold, exciting and innovative development so that (as a paragraph 55 development) it can be seen as outstanding development improving the quality of architecture in the countryside. Intrinsicly linked with this proposal is the adjacent site (Upper Outlook) where a new replacement dwelling (reference Y16/0063/SH) has recently been granted planning permission. The strategy for the site and the two developments combined is to shift the current focus from the Upper Outlook dwelling which is a 1970's style bungalow of poor architectural merit which is currently quite insignificant yet remains a blight on the landscape. The focus, under this application, will move to the proposed new Lower Outlook, therefore enhancing the wider rural site through the outstanding and innovative architecture of both developments. As previously stated above, the removal of the existing house and site clearance would be controlled by condition.
- 8.21 The site is positioned at the foot of a south facing escarpment where it will be visible from vantage points to the south including the public highway of Stone Street. However the existing hedgerow, trees and proposed landscaping will screen the development to some degree and assist it to sit

comfortably within the hillside without appearing unduly dominant and visually harmful. Traversing across the site is a public right of way from which the development will be highly visible in close proximity. However, this will be a vast improvement upon the current landscape impact from the existing site by the removal of the visually incongruous coal yard and bland appearing dwellinghouse and the introduction of the very high standard of architecture to the site and wider landscape and complimented by the Upper Outlook development where the overall character and appearance is considered to be enhanced. From the northern vantage points (at the top of the footpath) looking down on the development, owing to its form and siting cut into the escarpment together with the living grass roofs, it is considered that the development would blend into the grassy hillside and would not appear overly intrusive and would visual integrated. From western vantage points within the landscape, the site would be screened by the band of mature trees along the western boundary and similarly from the east, it would also be partly screened by the existing and proposed landscaping.

- 8.22 As previously stated above, the retention of the existing landscaping features and introduction of new native landscaping to enhance the site and encourage biodiversity will soften the development and enhance the site which can be further controlled by condition. Lighting can also be controlled by condition to retain the dark sky and prevent illumination within the AONB at night. It is therefore considered that, although the dwelling will be visible from certain vantage points within the landscape, this is the intention so that the high standard of the architecture can be enjoyed and so it can visually enhance the site and its setting, compared to the bland and uninspiring current appearance of the site. On this basis, it is therefore considered that the visual impact upon the AONB and Special Landscape Area is acceptable.

Loss of rural employment

- 8.23 The last use of the site was for a coal yard which dates back to the early 1960s following the grant of planning permission for a temporary period for the use of a relatively small part of the existing site. It is understood that the site was last used in 2007 as a timber store yard, although this was not its lawful use. As such the existing site represents an employment use in a rural area which Saved Local Plan policy E6a generally supports the retention of, unless there are overriding reasons. The loss of the site as a rural employment site formed a ground of refusal for the previously refused application Y11/0643/SH and therefore this needs to be addressed.
- 8.24 It is considered that the site as an employment/commercial site is of poor quality where it has several constraining factors that are likely to limit its potential future re-use. In this regard, it is constrained by a poor access off a narrow rural lane that would be via a steep sloping driveway. It is also limited in size and the existing buildings are dilapidated and unfit for secure storage and safe commercial use. Furthermore it is also considered that the aim of the policy is to retain employment uses in sustainable village locations and given that this is not within a village but in the open

countryside it could be argued that the retention of this employment use was not really in the spirit of the policy. Therefore it is considered that the site is unlikely to be attractive to a potential business and future commercial investment and requiring its retention as an employment site would not be considered reasonable. Furthermore, even if it were to be argued that the employment site should be retained, this would need to be weighed up against other policy requirements, including the requirement to protect the character of the AONB and aims of para. 55 on the NPPF. In this respect the current appearance of the site is uninspiring and has a negative impact upon the area. As a paragraph 55 development that proposes a truly outstanding and innovative design, this proposal is considered to justify overriding any requirement to retain this site for a rural employment use and it would be a vast visual improvement compared to its untidy and run down appearance that makes a negative contribution to the local area. In this regard, it is therefore considered that on balance, the loss of the rural employment site would be acceptable and the visual benefits of the high standard of architecture would override the need for the retention of a low quality commercial yard.

Horse keeping

8.25 As well as the construction of the new dwelling, this application also proposes to change part of the use of the land (outside of the proposed residential curtilage) for the keeping of horses. This area is proposed to the north east of the proposed new house, essentially upon the chalk grass escarpment and has an area of 4.3 acres. It is proposed for a maximum of three horses to be grazed on the land. In this regard, this is generally considered to be acceptable, subject to further details being required to be submitted and approved by condition. The grazing of horses is considered to be an acceptable activity within the countryside.

8.26 In accordance with saved Local Plan Review policy CO22, the grazing area is considered large at 4.3 acres and considered to be of an appropriate size to cater for 3 horses without resulting in an over-intensive use of the field. As such it is considered unlikely to lead to a poor environment from poaching and hoof trampling. The three stables and store room would be constructed within the entrance courtyard area of the new dwelling and not within the field area, helping to reduce the visual impact of the stables within the landscape and incorporating them within the main build area. It is considered that owing to the large courtyard entrance area there will be adequate provision to meet access, servicing and parking requirements without detriment to the amenities of the area. It is not considered that the development would unacceptably affect local amenity by virtue of smell, noise, lighting or fencing and any jumps or equipment can be stored out of sight when not in use which can all be further controlled by condition. It is also considered that suitable provision can be made to deal with foul and surface water from bedding and controlled also by condition. It is therefore considered that the use of the land for the keeping of horses is acceptable in accordance with saved Local Plan Review policy CO22.

Ecology

- 8.27 In terms of ecology the site does not have any national or international nature conservation protection. However, the site is located in a rural area and has been the subject of previous uses and it is therefore reasonable to consider that protected species such, badgers, newts, lizards and snakes may be found within the site and close by. The applicant has therefore surveyed the site for protected species including specific surveys for bats and badgers. The surveys were undertaken by professional independent consultants who identified a small number of bats roost in the outbuildings and that there is Calcareous grassland which is a priority/BAP habitat. Regarding the bats, whilst the reports recognise the need for a mitigation licence to be obtained from Natural England prior to development and demolition of the buildings no mitigation and compensatory measures for the loss of roosting sites have been given to confirm that the favourable conservation status of the bats can be maintained. This is also the case for the Calcareous grassland, as no details of how the impact of the horse keeping will be mitigated and managed have been submitted. Clearly it would be preferable for this information to have already been submitted and agreed up front. It is therefore recommended that this be submitted and approved in conjunction with KCC Biodiversity Officers prior to planning permission being granted. An update will be provided on the supplementary sheets.
- 8.28 The badger survey identified that badgers use the proposed development site and nearby areas for foraging and as corridor habitats. Although no badger sets are on site and there would be no direct harm to badgers, there may be a loss of habitat. The survey therefore highlights several mitigation measures and procedures to protect badgers which can also be controlled by planning condition. Therefore, subject to a satisfactory mitigation strategy and management plan being submitted to and agreed the development is not considered to be significantly constrained by ecology and in this regard considered acceptable in accordance with saved Local Plan Review policy CO11 of the Local Plan Review.

Highways and Transportation Issues

- 8.29 In terms of access, the development proposes to retain the existing access which is shared with the Upper Outlook dwelling which is considered to be reasonable and as such acceptable. Given its former commercial use, it is considered that the use for a single dwelling would result in a reduction in the intensification of the use of the access and therefore be acceptable. For parking a double bay garage is proposed together with plenty of parking within the entrance courtyard which is considered acceptable and in accordance with adopted parking standards.
- 8.30 Public Right of Way HE214 crosses the land on a south west – north east direction. This is not proposed to be adversely affected or blocked and is proposed to be retained and it is recommended that a condition be imposed to further control this. The KCC Public Rights of Way Officer has been consulted and raised no objection.

Ground contamination

- 8.31 The site is previously developed land and has had various historical uses. Therefore there is a reasonable likelihood that the ground is contaminated and for that reason the application has been accompanied by a contamination survey carried out by a competent professional which included an intrusive ground investigation. The report identifies potential risks to the future development and recommends remedial actions which include removal of the contamination and precautions for construction workers. The report states that a remediation statement will be required setting out the details for the proposed works and their validation.
- 8.32 This has been assessed by the Council's contaminated land consultant who broadly concurs with the findings of the intrusive investigation and risk assessment and recommends that this is acceptable. Further information is still required which can be controlled by condition.

Neighbouring Amenities

- 8.33 In terms of the impact upon neighbouring residents amenities, owing to the isolated rural location, the nearest neighbouring properties are a sufficient distance away to not be affected by the new dwelling or the keeping of horses. As such, it is considered that the residential amenities of neighbouring occupiers would be safeguarded as a result of the development.

Drainage

- 8.34 For foul drainage there are no public sewers within this area and the development proposes to use a package treatment plant. For surface water disposal, the development proposes to use soakaways and SUDS techniques as such the living roof system. These are generally considered to be acceptable subject to the agreement from the Environment Agency with further information to be submitted to and approved in writing in conjunction with the Environment Agency via condition.

Archaeology

- 8.35 The entrance to the site is identified to be partly within an area of archaeological interest. KCC Archaeological Officers have been consulted but have not commented. It is considered that given only a small part of the site (at the entrance) is within this area and given that the land is previously disturbed ground, it is unlikely that remains would be found and therefore it is deemed that no archaeological works are necessary in this instance.

Local Finance Considerations

- 8.36 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.

- 8.37 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In this case, the minimum value of the New Homes Bonus as a result of the proposed development is estimated to be approximately £1.8k per annum for 4 years (subject to consultation outcome). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.
- 8.38 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 £125 per square metre for new dwellings.

Human Rights

- 8.39 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.
- 8.40 This application is reported to Committee at the discretion of the Head of Planning owing to being a paragraph 55 (NPPF) proposal.

9.0 SUMMARY

- 9.1 This applications seeks full detailed planning permission for the change of use from storage and distribution (B8) to residential (C3) with associated horse keeping together the construction of a new detached dwelling, attached stable block, garage and retaining structure, following removal of existing buildings. The application seeks permission under paragraph 55 of the NPPF: 2012 as an outstanding and innovative designed dwellinghouse.
- 9.2 The principle issue to be considered in the determination of this application is therefore whether the development meets the criteria set out in paragraph 55 to justify a rural location outside of any settlement boundary. In this regard, it is considered that owing to its primary building material of rammed chalk to be sourced from the site, its siting cut into the hillside, its neo-classical

architecture, native landscaping and exceptionally high level of sustainability (carbon neutral), it is indeed considered to be a truly outstanding and innovative development proposal that, it is considered meets the paragraph 55 tests and justifies this countryside location. This is further reinforced by the independent view of the South East Regional Design Panel that fully supports the proposal.

- 9.3 In terms of the landscape impact upon the AONB and Special Landscape Area, it is acknowledged that it will be visible from some important vantage points within the countryside. However it is intended to be visible to make a statement to be able to enhance the site and make a positive visual improvement upon the setting and appearance of the site compared to the current situation and therefore is acceptable within the landscape. This would be further complimented by the fact that full planning permission has recently been granted for a replacement dwelling at the Upper Outlook which is also of a very high design standard and innovative design that would also enhance the wider site, where together they would make a significant visual contribution to the area.
- 9.4 The site was previously used as a small storage coal yard and as such is considered to be a rural employment site, where the proposed development would result in the loss of such a use. In this regard, owing to its location, size and poor condition, it is not considered that there would be a significant loss of an important site where the outstanding and innovative design would override and compensate for this.
- 9.5 The development also proposes to change the use of the land for the keeping of three horses which is considered acceptable. In terms of ecology, protected species and priority/BAP habitat were identified on the site and further mitigation and management information is recommended to be submitted and agreed in conjunction with KCC Biodiversity Officers before planning permission is approved. All other planning material considerations such as highways, contamination neighbouring amenities, local finance considerations, drainage, and archaeology are considered to have been addressed and the site is not significantly constrained by these issues. Given the above assessment, it is considered therefore that the application is acceptable, and is recommended for approval subject to conditions.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions(s) and upon the submission of a satisfactory ecological mitigation and management plan:

1. Standard 3 year time.
2. Approved plans.
3. Samples of materials to be approved inclusive of a sample panel - Chalk to be sourced from the site only and window samples.4. Water efficiency.
5. House to be constructed to be carbon neutral standard
6. Ground contamination
7. Removal of PD Rights (classes A – H).
8. Details of the means foul drainage and surface water disposal to be approved.
9. Before commencement of development, details of existing and proposed ground levels and finished slab levels together with full details of the roof ridge lines and eaves levels of the proposed dwelling in relation to the surrounding ground levels shall be submitted to and approved in writing by the Local Planning Authority and the work shall be undertaken in accordance with the approved details.

Reason:

To ensure control over the height of the dwelling when constructed in the interests of the visual amenity of the landscape in accordance with Saved Local Plan Review policies SD1, CO1, CO4 and BE1 and the NPPF: 2012.

10. The development shall be carried out in accordance with the recommendations set out in Bramley Associates bat survey and badger survey dated September 2015 unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of ecology and protected species in accordance with saved Local Plan Review policy CO11.

11. The development shall be carried out in accordance with the recommendations set out in the Philip Wilson Tree Protection Plan and Methods to BS 5837 (2012) report 160301 v2 of 4th March 2016 unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of good arboricultural practice in accordance with saved Local Plan Review policy BE16.

12. All hard and soft landscape works shall be carried out in accordance with the details set out on the Landscape Architect plans numbered 001, 002, 003, 004, 005, 006, unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out prior to the occupation/first use of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area in accordance with policies SD1 and BE16 of the Saved Local Plan Review and the NPPF: 2012.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the dwelling and the first use of the land for the keeping of horses hereby permitted. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the amenity of residents in accordance with Saved Local Plan Review policies SD1, BE1, CO1, CO4 and CO22 and the NPPF: 2012.

14. No burning of manure or other stable waste shall take place on the site.

Reason:

In the interests of the amenities of the area, in accordance with Saved Local Plan Review policies SD1 and CO22 and the NPPF: 2012.

15. No jumps or other structures shall be placed on the land unless details of them and their siting have first been approved in writing by the Local Planning Authority. Any such jumps or other structures as approved shall be removed from the land when not in use and stored in an area to be agreed with the Local Planning Authority.

Reason:

In the interests of the visual amenity of the landscape in accordance with Saved Local Plan Review policies CO1, CO4 and CO22 and the NPPF: 2012.

16. No external lighting shall be installed on the land or building the subject of this application, without the prior submission to and approval of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details. Thereafter, no additional lighting shall be installed on the land.

Reason:

In order to reduce light pollution within the AONB, in accordance with the Saved Local Plan Review policies SD1, CO1, CO4 and U15 and the NPPF: 2012.

17. Details showing the position, dimensions and materials to be used for the provision of a manure storage area, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the land for the keeping of horses and the manure storage area shall be constructed in accordance with those details and used for those purposes and thereafter maintained.

Reason:

In the interests of the amenities of the area, to prevent nuisance in accordance with Saved Local Plan Review Policies SD1, CO22 and U4 and the NPPF: 2012.

18. No parts of the land hereby approved for the keeping of horses shall be permanently sub-divided for any purpose in connection with the approved use. Any temporary sub-division of the approved land shall not take place until full details of the form and type of demarcation and/or fencing (including electric fencing) required in connection with the sub-division have been submitted to and approved in writing by the Local Planning Authority and any such fencing shall only be installed in accordance with the approved details. The approved fencing shall be removed upon the cessation of the approved use, or when the sub-division is no longer required.

Reason:

In the interests of the visual amenity of the landscape in accordance with Saved Local Plan Review policy CO1, CO4 and CO22 and the NPPF: 2012.

19. The use of the land for the keeping of horses hereby permitted shall be limited to a maximum of three (3) horses/ponies at any one time, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To prevent an overintensive use of the land and prevent excessive land poaching and erosion in accordance with Saved Local Plan Review policies SD1, CO1, CO4 and CO22 and the NPPF: 2012.

20. The stables and use of the land hereby permitted shall not include the keeping of horses/ponies other than those kept for the use and enjoyment of the owners/occupants of the dwelling hereby approved and shall not be used for any commercial purposes or for hire or reward including use as a riding school or for livery purposes or use as an animal sanctuary.

Reason:

In order to safeguard the character of the area and the amenities of adjoining properties in accordance with Saved Local Plan Review policy CO22 and the NPPF: 2012.

21. The area shown on the approved plan as car parking/garaging and turning area shall be adequately surfaced before the dwelling is first occupied and thereafter kept available for parking purposes in association with the site.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and safeguard the amenities of adjoining areas in accordance with Saved Local Plan Review policies SD1 and TR12 and the NPPF: 2012.

22. The public footpath HE124 shall be kept available for use at all times and the following points below adhered to unless other agreed in writing with the Local Planning Authority;
 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority;
 2. There shall be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development;
 3. There shall be no close board fencing or similar structure over 1.2 metres erected which will block out the views;
 4. No hedging or shrubs shall be planted within 1.5 metres of the edge of the Public Right Of Way.

Reason:

In the interests of the protection of the Public Right Of Way in accordance with the NPPF: 2012.

23. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority setting out a time table of the proposed demolition and site clearance works for the property known as The Outlook, Pilgrims Way Postling. Thereafter, the demolition and site clearance works shall be carried out in accordance with the approved details, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason

To ensure the visual setting and character of the site as a whole is appropriate to meet the standards required by paragraph 55 of the NPPF.

24. In conjunction with condition 23 above, the existing dwellinghouse on site known as The Outlook, Pilgrims Way Postling shall be demolished within 3 months of the first occupation of the dwellinghouse hereby approved, unless otherwise agreed in writing with Local Planning Authority.

Reason:

To ensure the visual setting and character of the site as a whole is appropriate to meet the standards required by paragraph 55 of the NPPF.

Decision of Committee

Y16/0062/SH
The Outlook
Pilgrims Way
Postling

