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14 March 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 23 March 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
P M Wallace
UKIP Group Vacancy

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 23 February 2017 (to follow).

5 **ITEMS DEFERRED** (Page 6)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 7-10)

6 **APPLICATION NO DOV/16/00576 - LAND ADJACENT TO AND FRONTING ROSEACRE, EAST LANGDON ROAD, MARTIN, DOVER** (Pages 11-20)

Outline application for the erection of two detached dwellings, alterations to the existing access and car parking

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/17/0100 - 26 NORTH ROAD, KINGSDOWN** (Pages 21-25)

Erection of a single storey rear extension and rear dormer roof extension

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/17/00103 - LAND AT GREENACRES, ROMAN ROAD, SHATTERLING** (Pages 26-32)

Outline application for the erection of two detached dwellings (with all matters reserved)

To consider the attached report of the Head of Regeneration and Development

9 **APPLICATION NO DOV/16/01119 - LAND ADJACENT TO MARSHLANDS, JUBILEE ROAD, WORTH** (Pages 33-41)

Erection of two semi-detached dwellings and creation of access and parking

To consider the attached report of the Head of Regeneration and Development

10 **APPLICATION NO DOV/16/00875 - CASINO GARAGE, CANTERBURY ROAD, WINGHAM** (Pages 42-51)

Change of use from car sales forecourt to hand carwash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence

To consider the attached report of the Head of Regeneration and Development.

11 **APPLICATION NO DOV/16/01461 - 4 BEACH MEWS, WALMER** (Pages 52-60)

Creation of amenity deck and erection of balustrades

To consider the attached report of the Head of Regeneration and Development.

12 **APPLICATION NO DOV/16/00530 - SITE ADJACENT TO 5 FRIENDS CLOSE, DEAL** (Pages 61-67)

Erection of a detached dwelling

To consider the attached report of the Head of Regeneration and Development.

13 **APPLICATION NO DOV/16/00442 - THE THREE TUNS, THE STREET, STAPLE**
(Pages 68-77)

Erection of seven dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of a vehicular access, parking area and associated works

To consider the attached report of the Head of Regeneration and Development.

14 **APPLICATION NO DOV/16/01460 - LAND ADJACENT TO FORMER NIGHTCLUB AT ADRIAN STREET, DOVER** (Pages 78-87)

Erection of a portable building to be used as a soup kitchen and provision of a portaloo

To consider the attached report of the Head of Regeneration and Development.

15 **APPLICATION NO DOV/16/01247 - LAND AT WHITE POST FARM, SANDWICH ROAD, ASH** (Pages 88-104)

Outline application for the erection of up to thirty dwellings, creation of vehicular access and parking (existing barns to be demolished)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

16 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

17 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 23 MARCH 2017

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/16/00875** **Change of use from car sales forecourt to hand carwash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence – Casino Garage, Canterbury Road, Wingham (Agenda Item 7 of 23 February 2017)**

2. **DOV/16/00442** **Erection of eight dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of vehicular access, parking area and associated works - The Three Tuns, The Street, Staple (Agenda Item 8 of 15 December 2016)**

3. **DOV/16/00576** **Outline application for the erection of two detached dwellings, alterations to the existing access and car parking – Land adjacent and fronting Roseacre, East Langdon Road, Martin (Agenda Item 13 of 21 July 2016)**

These applications are all dealt with elsewhere on the agenda

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

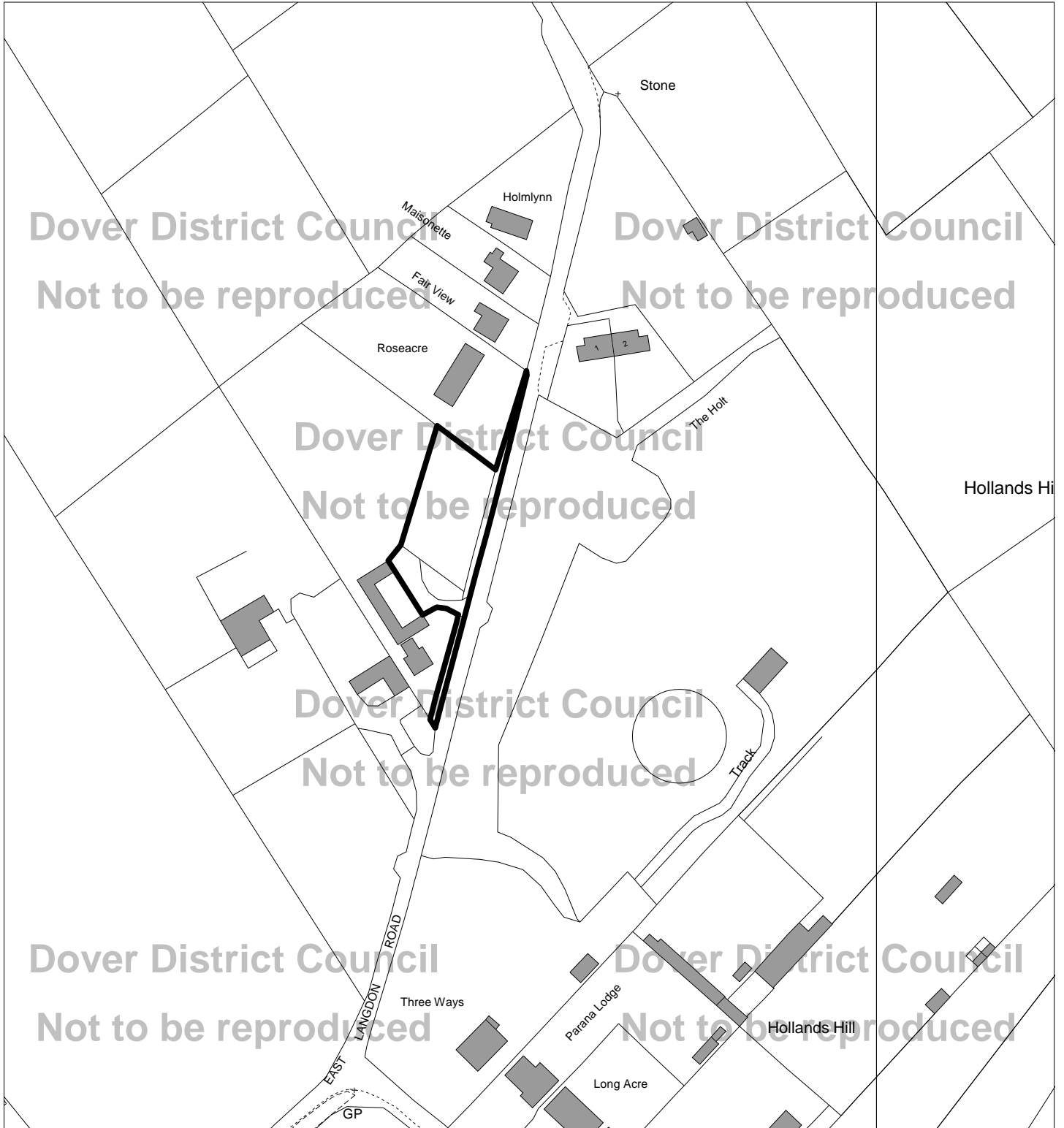
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.

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Not to scale

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Note: This plan is provided for purposes of site identification only.

Application: DOV/16/00576

Land adjacent and fronting Roseacre

East Langdon Road

Martin, Langdon

TR33874665



a) **DOV/16/00576 - Outline application for the erection of two detached dwellings, alterations to the existing access and car parking - Land adjacent and fronting Roseacre, East Langdon Road, Martin, Dover**

Reason for Report: Deferred for submission of Ecology Report and further information regarding transport sustainability.

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM11 states that development that would generate high levels of transport will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:
 - I) in accordance with allocations made in Development Plan Documents
 - II) or justified by the needs of agriculture,
 - III) or justified by a need to sustain the rural economy
 - IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

Land Allocations Local Plan

- None applicable

Dover District Council – Saved policies (2002)

- CO8 states development which would adversely affect a hedgerow will only be permitted if no practicable alternatives exist; or suitable native

replacement planting is provided; and future maintenance is secured through the imposition of conditions or legal future agreements.

National Planning Policy Framework (NPPF) 2012

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Paragraph 55 states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances...”
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils

Other Guidance/Relevant Matters

- Kent Design Guide
- Hedgerow Regulations 1997

d) **Relevant Planning History**

PE/15/00154 - Pre-application advice sought in September 2015 which covered a number of options for the site and adjacent stable block. The advice stated that the erection of either one or a number of dwellings would be contrary to local policies and unacceptable in principle unless the need for a rural worker could be demonstrated.

89/00892 – Erection of a stable block for private use - granted

e) **Consultee Responses –**

County Archaeologist: The application site lies in an area of archaeological potential associated with past discoveries of pre-historic date. It is possible that archaeological remains or features may extend into the application site. Should planning permission be granted then a condition should secure a programme of archaeological evaluation followed by appropriate measures to ensure safeguarding and/or investigation of any remains present.

Parish Council: Raised no objection but commented on the narrowness of the road at this point. In addition commented (in Nov 2016) that should permission be granted the hedge should remain as it gives screening even though it is of limited species type.

Principal Ecologist: The land is not within a domestic curtilage and therefore the hedgerow bounding East Langdon Road may be subject to the Hedgerow Regulations 1997. (The regs cover hedgerows over 30 years old which appears to be the case here). Therefore, if the application is to be refused on the grounds of loss of the hedgerow, an informative should be included stating that the hedgerow may be subject to the Hedgerow Regulations 1997.

The Natural Environment and Rural Communities Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity is a material consideration in planning and the NPPG Natural Environment section states that “Information on biodiversity impacts and opportunities should inform all stages of development ...” and that “an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.”

In this case it would appear that the site could support reptiles and the boundaries and surrounding area with its established network of hedges and mature trees could also be significant for wildlife, including bats. Paragraph 99 of the ODPM Government Circular 06/2005 requires that it is essential that the presence or otherwise of protected species is established prior to the grant of planning permission. It would be normal in such circumstances that an application be accompanied by a preliminary ecological assessment (Phase 1 survey) in order that biodiversity may be considered otherwise the grant of a planning permission would be premature.

Additional comments on the Ecology Report: The ecological survey has corrected the original statement that part of the site was an abandoned field, identifying it as a sand school with a base of sand and chopped rubber. As such, this would not hold any biodiversity feature.

The hedgerow, although in excess of 30 years of age does not contain sufficient features to be considered 'important' within meaning of the Hedgerow Regulations 1997.

There are no biodiversity constraints to development.

The proposed development is amongst a dispersed group of dwellings separate from the settlement of Martin. While the biodiversity the hedgerow may support is not significant in planning terms, the hedgerow provides a useful element in the countryside landscape.

Third Party Responses

Nine letters of support have been received which may be summarised as follows:

- The proposed development will enhance the area
- There would be very little impact on the area
- There is a need for housing in the village
- The proposal will enable those who have grown up in the village to remain
- Would not be obtrusive or detrimental to the landscape

1. The Site and the Proposal

1.1 The site comprises a field covering 0.099 hectares on the north west side of East Langdon Road, outside the hamlet of Martin and beyond any settlement confines, and within the countryside for planning purposes. The site is bounded by hedges/trees to the road and to the north east with the property Roseacre located beyond. Fronting onto East Langdon Road is a substantial and strong established roadside hedgerow which forms part of a more expansive hedge line along East Langdon Road, which is a rural lane. The site rises to the north west, being raised approximately two metres from the road.

1.2 The area including the application site is rural in character and appearance. The existing access to the site serves the stables to the south which were granted under reference 89/00892. The majority of the site appears to be used for the

keeping of horses and has the appearance of a ménage. There is sporadic development on the north east side of East Langdon Road and a pair of semi-detached cottages (The Holt) beyond the site and on the opposite side of the road, beyond Roseacre, to the north east.

- 1.3 The proposal is in outline, with all matters reserved, for the erection of two detached single storey dwellings. It is stated that improvements will be made to the existing access, but the nature of these improvements are unclear as all matters are reserved.

2. Main Issues

- 2.1 The main issues in the consideration of this application are:

- The principle of new dwelling in this location.
- Design and Appearance, rural amenity and street scene.
- The impact on residential amenity.
- Transport/travel.
- Sustainability overview.

3. Assessment

3.1 Principle of Development

- 3.2 Policy CP1 of the Core Strategy identifies the location and scale of development for each settlement in terms of hierarchy. Both Martin and Martin Mill are small hamlets with no settlement confines and for the purposes of planning the site is considered to be within the countryside.

- 3.3 The Council's Authority Monitoring Report, which was reported to Cabinet on 1st March 2017, includes an up to date housing land supply calculation. The Council can now demonstrate a 5 year housing land supply. The relevant Local Plan policies for housing should be considered up to date and appropriate weight can be given to Policy DM1 for decision making purposes.

- 3.4 Policy DM1 of the core strategy identifies that development on land outside rural settlement confines will not be permitted unless specifically justified by, amongst other things, other development plan policies or it functionally require such a location. The proposed dwellings would be located outside the confines, and there is no functional requirement for them to be in such a location. It is not justified by other development plan policies nor by any other material consideration. Accordingly the proposals are contrary to Core Strategy and NPPF policy.

3.5 Design/Appearance, Rural Environment and Street Scene

Design and Appearance

- 3.6 The NPPF identifies that isolated houses in the countryside should be avoided unless there are special circumstances such as the exceptional quality or

innovative nature of the design (para 55). Good design is a key aspect of making places better for people (para 56). Great weight is given to outstanding or innovative design (para 63). Decisions should not attempt to impose architectural style or stifle innovation (para 60).

- 3.7 The application has not provided any details relating to the layout and design of the proposed dwellings and accordingly the proposal can not be considered to comply with NPPF paragraphs 55, 56, 60 and 63.
- 3.8 The site is in a relatively remote location – and does not form part of a regular pattern of development. The site is exposed and as such new dwellings in this location would not meet the exception criteria identified in the NPPF.

Rural Environment and Street Scene

- 3.9 One of the core planning principles of the NPPF is to protect the intrinsic and character and beauty of the countryside. Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:

- I) in accordance with allocations made in Development Plan Documents.
- II) or justified by the needs of agriculture,
- III) or justified by a need to sustain the rural economy
- IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- 3.10 The surrounding area is characterised by a mix of dwelling types, typical of such a rural location, with only sporadic loose knit residential development, open fields to the east and west and has a unspoilt rural character and appearance. The site currently has the appearance of an exercise area for horses (ménage) associated with the stables to the south. No details have been submitted relating to its current use, or whether the proposed development would necessitate a replacement facility to be provided.
- 3.11 The development would be visible from a public footpath some 140 metres away to the north west. This is some significant distance, of course, but there is a limited amount of intervening landscaping, and so the development would be at least noticeable. Landscaping may eventually screen the site from the north west to some extent, however this is not considered to entirely alleviate landscape harm.
- 3.12 The development proposals would be likely to result in loss of hedgerow which would be required to achieve suitable visibility onto the road. Clearly the loss of

such hedgerow would compound the harm to the quality and appearance of the rural street scene and countryside. An Ecology Report has been submitted which concludes that there are no biodiversity constraints to development.

- 3.13 The development proposals are not considered to have satisfied Core Strategy Policies DM15, DM16 nor NPPF countryside protection policy and there is not justification for an exception to be made here. The development would be unacceptable in terms of their effect and impact on the countryside setting and street scene.

3.14 Transport/Travel

- 3.15 To achieve the appropriate vehicular access vision splays the sight lines required within a derestricted area would be 45 metres each way. This cannot be achieved on land within the applicant's control, which extends just 35 metres to the south. Accordingly there are highway concerns. Furthermore, it is likely that in order to achieve the splays that removal/lowering of the existing hedgerow would be required. This would be likely to expose the developed site and hedge removal combined with the proposed development would itself create a streetscene at odds with the rural location and natural unspoilt, characteristic of the streetscene.
- 3.16 The Dover District Settlement Review and Hierarchy describes both Martin and Martin Mill as having no community facilities and just one Public House each. Bus services to each settlement are limited and "although Martin Mill is one of the few rural settlements served by rail, the lack of general facilities would make this settlement unsuitable for further development". Due to the limited level of facilities it is expected that the occupants of the proposed dwellings would have to primarily rely on private motor vehicles for basic day to day needs which is contrary to the NPPF.
- 3.17 Policy DM11 of the Dover District Council Core Strategy states, "Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan Policies". As discussed above, although Martin Mill has a railway station, this is located 800 metres (0.5 miles) away along rural lanes with no pedestrian footways: It is therefore considered that there would be reliance on the private motor vehicle.
- 3.18 Additional Information was requested by Planning Committee in July 2016 regarding information on transport sustainability. The short report submitted by the applicant states that:
- The site is within easy access of Martin Mill railway station
 - A regular bus service passes the site
 - The site is a five minute drive from the Duke of Yorks roundabout (A2)
 - It is within easy access of East Langdon Primary School, the village hall/post office, playing fields and the Lantern Inn at Martin, where a local shop is to be provided.

- 3.19 In order to address the points made in the applicant's report regarding transport sustainability an assessment has been made of the local road network, public rights of way, and footways.
- 3.20 The following comments are made in response to the additional information provided by the applicant:
- There are no footways along East Langdon Road, nor any PROWs to enable safe pedestrian connectivity to Martin Mill Railway Station.
 - The No. 93 is a hail and ride bus service operating Monday to Saturday, which passes the site. There are three services in the morning and two in the afternoon to Dover, with two returning in the morning and two returning in the afternoon from Dover. To Deal there are two services in the morning and one service in the afternoon, with three services returning. However, if you took the latest service arriving in Deal at 1342 there is no return service that day.
 - The proximity of the A2 by private motor vehicle is not considered to promote the use of safe sustainable transport options
 - There are no pedestrian footways along the roadside to East Langdon which uses narrow, unlit, country lanes.
- 3.21 Overall, the proposed development would be unlikely to result in additional vehicle movements and activity on the main and other rural roads, and would fail to maximise walking, cycling and the use of public transport, contrary to the objectives of the Development Plan.

4. Other Matters

- 4.1 The site is located within an Archaeological Site, KCC Archaeology advise that it is possible that archaeological remains or features may extend into the application site. Should planning permission be granted then a condition should secure a programme of archaeological evaluation followed by appropriate measures to ensure safeguarding and/or investigation of any remains present.

5. Conclusion

- 5.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 55 of the NPPF states "Local Planning Authorities should avoid new isolated homes unless there are special circumstances". The proposed development is outside any defined settlement confines and contrary to policies CP1 and DM1 of the Core Strategy. The applicant has not submitted robust justification to explain why the development plan and the NPPF should be overturned in this instance. The proposed sporadic form of development would result in a visually intrusive feature and cause material harm to the character and appearance of the street scene and the surrounding rural character and appearance of the area.
- 5.2 Given that the Council can now demonstrate a 5 year housing land supply the relevant Local Plan policies for housing should be considered up to date and weight can be given to Policy DM1 for decision making purposes. Accordingly the

development is unacceptable and it is recommended that planning permission be refused for the reasons set out in the report.

Recommendation

I Permission be REFUSED for the following reasons:

- (i) The development, if permitted, would result in an unjustified form of sporadic development, beyond settlement confines and remote from any urban or village centre, and would be harmful to the rural character and appearance of the area and street scene, contrary to the aims and objectives of policy CO8 of the Dover District Local Plan (2002) and Policies CP1, DM1, DM15 and DM16 of the Dover District Core Strategy and the sustainability aims and objectives of the NPPF, in particular paragraphs 14, 17, 55 and 109.

- (ii) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine that the proposed access can achieve acceptable highway visibility standards, in a manner that ensures the safe operation/use of the proposed access on to East Langdon Road. The development, due to its location and the works required to achieve satisfactory visibility standards would fail to maximise walking, cycling and the use of public transport contrary to the sustainability objectives and the aims in particular of the NPPF at paragraphs 17 and 56, Core Strategy policies DM11 and DM15, and the Kent Design Guide: Supplementary Guidance - Visibility (Interim Guidance Note 2)

Case Officer

Elizabeth Welch

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Application: DOV/17/00100

26 North Road

Kingsdown

CT14 8AG

TR37954855



- a) **DOV/17/00100 – Erection of a single storey rear extension and rear dormer roof extension - 26 North Road, Kingsdown**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF)

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The Kent Design Guide

This states that ‘the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group’.

Sections 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 72(1) states that, ‘In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

- d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Ringwould with Kingsdown Parish Council

Kingsdown Parish Council has objected to the planning application raising the relevant planning matters:

- The proposed rooflight within the front roofslope would be out of keeping with the character of the front roofscape.
- Single storey rear extension and the dormer extension would lead to privacy issues to the adjoining neighbours.

Heritage Team

Objection has been raised regarding the proposed rooflight within the front roofslope as it is considered to detract from the character and appearance of the Conservation Area.

Public Representations: Seventeen (17) letters of objection have been received, raising the following matters:

- Dormer window would disrupt the roofline of the cottages when viewed from both ends of North Road. It would be prominent feature within the rear roofscape.
- The dormer window and the extension would result in loss of privacy to the adjoining properties.
- The proposal would be out of keeping with the character of the Conservation Area.

f) 1. **The Site and the Proposal**

1.1 The application relates to a terraced dwelling-house which lies within the village confines of Kingsdown, in a predominantly residential area. The application falls within the Kingsdown Conservation Area which is covered by an Article 4 Direction (whereby specified permitted development rights have been removed).

1.2 The front elevation of the host property is finished grey render whilst the rear elevation is finished in light blue render. It has a natural slate tiled roof and timber framed doors and windows. The application property shares boundaries with no.27 to the west and no.25 to the east. It backs onto an unadopted access road to the north. The dividing boundary with the adjoining neighbours nos 25 and 27 comprise a 1.85m high close boarded wooden fence.

1.3 The terraced properties in North Road have a fairly uniform character with a consistent unbroken front roofscape. There is however one dwelling on North Road which has a rooflight within the front roofslope which was apparently permitted prior to the imposition of the Article 4. More generally, the character of this area in terms of the design, size and age of properties varies widely, from smaller terraced properties on South Road and North Road to more substantial detached houses sited within elongated plots fronting onto Wellington Parade. In recent years, there has been more modern development and infilling within the area.

1.4 This application seeks permission to erect a single storey rear extension and a rear dormer roof extension. It is also proposed to install glazed doors and a window to the east (side) elevation of the existing extension facing no.25.

Originally, the application also sought permission for the creation of hardstanding to the rear for the purposes of car parking and a velux rooflight within the front roofslope of the application property. Further clarification and details were requested regarding the proposed hardstanding and concerns were raised regarding the proposed rooflight. The applicant subsequently amended the scheme which involved the withdrawal of the proposed rooflight within the front roofslope and the hardstanding to the rear.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network

3. **Assessment**

Principle of Development

3.2 The site lies within the village confines of Kingsdown. It is considered that principle of the development is acceptable, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

3.3 The proposed single storey extension and the dormer roof extension would be sited to the rear and would not be visible from the front street vantage points. Therefore, no visual harm to the character and appearance of the street scene would occur from the proposal. By virtue of the existing boundary treatment along the rear site boundary and the significant depth of the plot, the proposed single storey rear extension would not be readily visible from the access road to the north (rear); however, the dormer roof extension would be readily visible from the rear. The scale of the dormer extension would be relatively modest and would be centrally located within the roofslope. It would have a white painted timber casement window to match existing and black cast iron gutters. Whilst dormers are an uncommon feature within the rear roofscape of the properties in North Road, having regard for the scale and design of the proposed dormer, it is considered acceptable and as such would not appear as an obtrusive feature within the rear roofscape. Whilst the proposed extension would not be readily visible from the rear access road, regard has been had to the design of the extension. The proposed exterior finish, fenestration and the roofing would be in keeping with the host property. Furthermore, the proposed extension is of a small scale, and would therefore appear as a subservient feature to the host property.

3.4 For the foregoing reasons, your officers are satisfied that the proposal would preserve the character and appearance of the Conservation Area in accordance with Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990.

Impact on Residential Amenity

3.5 No.25 North Road to the east is a terraced property with an existing two storey and single storey rear extension, the combined length of which measures

approximately 8m. It is set away from the dividing boundary with the application property by approximately 1.9m.

- 3.6 The proposed extension would extend beyond the rear wall of the host property by approximately 1.9m. The submitted drawings sufficiently demonstrate the non-infringement of the 45 degree code with regards to the ground floor glazed door opening within the rear elevation of no.25. Furthermore, having regard for the limited scale of the proposal and the proposed roof form, it is not considered that the proposed extension would cause loss of light, sense of enclosure or overshadowing. By virtue of the existing dividing boundary fence measuring 1.85m in height, it is not considered that the proposed replacement of windows to doors to the ground floor side elevation of the existing extension facing no.25 would result in harm from interlooking or overlooking.
- 3.7 With regards to the proposed rear facing dormer window, some views of the rearward parts of the neighbouring gardens would be achievable, rather than the areas closest to the houses where a greater level of privacy could reasonably be expected. It is not considered that this limited potential for overlooking would be significantly harmful to warrant a refusal of the application on this basis.
- 3.8 There are no other properties in the vicinity that would be directly affected by the proposal.

Impact on the Local Highway Network

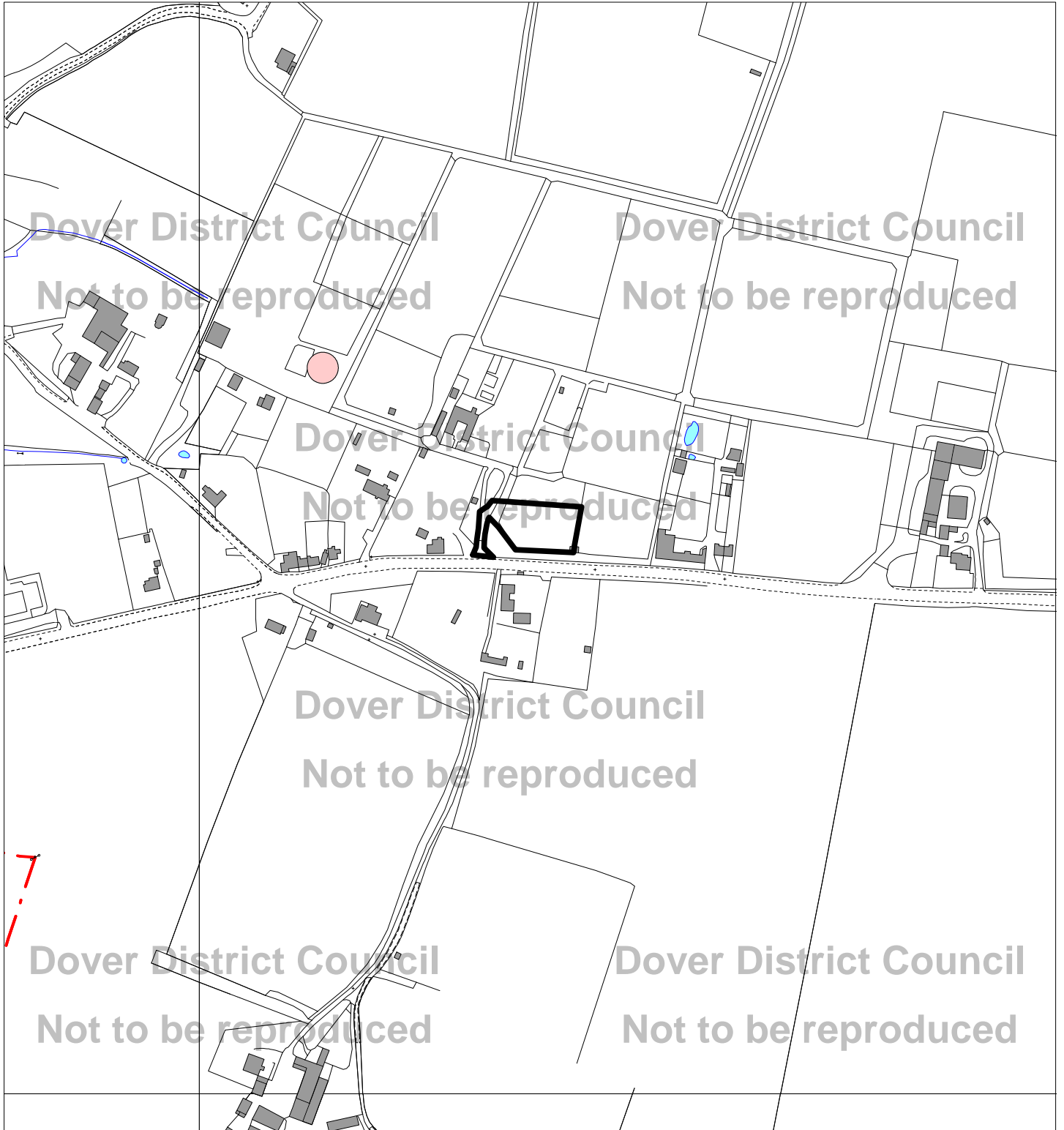
- 3.9 In the event of planning permission being granted, the extended application property would have 3 bedrooms (an increase of one). Vehicles currently park on street, including to the rear of the terrace. It is not considered that one additional bedroom would result in an additional demand for parking sufficient to cause unacceptable harm to the free flow of traffic. As such the residual cumulative impacts of the development would not be severe and the proposal is considered to accord with the paragraph 32 of the NPPF.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to the following conditions: i) Timescale of commencement of development, ii) A list of approved plans (iii) Materials to match existing.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchi



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Application: DOV/17/00103

Land at Greenacres

Roman Road

Shatterling

CT3 1JP

TR26215837



- a) **DOV/17/00103 – Outline application for the erection of 2 no. detached dwellings (with all matters reserved) - Land at Greenacres, Roman Road, Shatterling**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 55 states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances...”
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote:
 - strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
 - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Staple Parish Council

No objections raised.

Ecological Officer

Views not received.

County Highways

The existing access is onto the A257 Roman Road and this is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. The visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres, limited by the change in level of the road as it slopes downhill away from the access. By the same token the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings is likely to result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety.

County Archaeologist

Views not received.

Public Representations: Thirteen letters of support have been received, and have made the following comments:

- Provide housing
- Enhance the security of the properties in the vicinity

f)

1. **The Site and the Proposal**

1.1 The site lies within the countryside, outside of any settlement confines. The area is characterised by a sporadic type of development adjacent to the road. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The application site abuts the northern edge of Roman Road. It has an existing access to the west. The nearest village to the application site is Wingham which is located at a distance of 1.2 miles from the site.

1.2 This application seeks outline planning permission for the erection of two detached dwellings (all matters reserved).

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network

3. **Assessment**

3.1 **Principle of the Development**

The site lies outside of settlement confines, where Policy DM1 applies. Having regard for the wording of the policy which restricts development outside of confines, the erection of two dwellings in this location is contrary to Policy DM1. The general principle (as set out in the pre-amble at paragraph 1.7 of the Core Strategy) is that residential development outside the urban boundaries and rural settlement confines would be a departure from policy and would require “*unusual and compelling justification for permission to be given*”.

3.2 Members will be aware that the Council has until recently been unable to achieve a 5 year housing land supply and that accordingly under paragraph 49 of the NPPF, relevant policies (including DM1) have not been held to be up-to-date and as such have been afforded less weight in decision making. The planning policy circumstances have changed significantly since the time the application was lodged. The Council's five year housing land supply situation has been updated by the 2015/2016 Annual Monitoring Report which was recently agreed by Cabinet (March 2017). This confirms that the Council can now demonstrate a 6.02 year housing land supply and as such the Development Plan Policies relevant to the supply of housing are now considered up-to-date and have full weight. The NPPF paragraphs 11, 12 and 14 (amplifying Section 70(2) of the Act) require planning applications to be assessed in accordance with the up-to-date Local Plan and where the proposal conflicts with the plan they should be refused unless material considerations indicate otherwise.

3.3 In the circumstances, the proposal is contrary to policy DM1 of the Core Strategy.

Impact on the Character and Appearance of the Area

3.4 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of four criteria is met and the development does not result in the loss of ecological habitats.

3.5 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

3.6 The application site is relatively flat and whilst a boundary hedge (which is outside of the application site) provides some screening, it is still readily visible in the countryside and from the main road A257. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The farmed landscape is a key characteristic of this part of countryside. The application site is used for horsiculture and pasture, in keeping with the surrounding area which is characterised by agricultural or managed grasslands. It is considered that the introduction of two residential buildings on this site together with the associated domestic paraphernalia including potential hardsurfacing, fences, walls and gates would be out of keeping with the prevailing unspoilt rural landscape and would fail to conserve or enhance the visual quality and natural beauty of the countryside. The development would also intensify and consolidate the existing sparse built environment in the area, detracting from the intrusive rural character of the area.

3.7 Overall, it is considered that the development would erode the character of this part of the countryside, introducing an urban form of development. As such, the development would be contrary to Core Strategy Policies DM15 and DM16.

Impact on Neighbours

- 3.8 The closest residential property 'Lilac Cottage' lies to the west is sited at a distance of over 20m from the western edge of the application site. It is considered that given the size of the site and its relationship with neighbouring properties, two dwellings could be provided on the site without causing unacceptable harm to the neighbours, subject to acceptable details being submitted in the reserved matters application.

Highways

- 3.9 KCC Highways have raised strong objections regarding the existing access to the site which is onto the A257 Roman Road which is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. As it stands, the visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres and is limited by the change in level of the road as it slopes downhill away from the access. By the same token, the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings would result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety. Therefore, any proposed access would have to accord with the above mentioned visibility splays with a view to overcome the highways objection.
- 3.10 Regard must also be had for whether a new access could achieve appropriate visibility. The application site only extends as far as the highway for the width of the existing access and, as such it would not be possible to provide a safe alternative vehicular access to the site.
- 3.11 Regard has been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwellings would give rise to additional traffic in a location beyond settlement confines and as such would be contrary to the policy.

Other Matters

- 3.12 In this case, paragraph 55 of the NPPF is of particular relevance and advises that with regard to development in rural areas, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as a need for a rural worker to live at or near their place of work; where the development would re-use redundant buildings and lead to an enhancement to its immediate setting; or the design of the dwelling is of exceptional quality. The proposed dwellings would be located in an isolated rural location well beyond any designated settlement confines. It would not provide essential workers accommodation or re-use redundant or disused buildings. It is not considered that the proposal would be of exceptional quality as no evidence has been provided to this effect.
- 3.13 The applicant put forward a case that the need to care for her son was the primary justification for the proposed development. It is not considered that this is sufficient reason for setting aside strong policy objections. Therefore, it is considered that the proposed residential development of this site, which is outside the defined settlement confines and in a rural location with limited

access to services and amenities, would represent an unsustainable form of development.

- 3.14 Reference has been made by third parties to the benefit of providing additional housing, however, the location here is outside the confines of any settlement and therefore in a location where the Development Plan clearly precludes against new residential development.
- 3.15 Regard has been had for whether there are any other material considerations which indicate that permission should be granted contrary to the development plan. However, it is not considered that there are any material considerations that would outweigh the policy harm identified.
- 3.16 Paragraph 17 of the NPPF states that planning should be genuinely plan-led ...[and]... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

Conclusion

- 3.17 It is considered that the proposal would constitute an incongruous and visually intrusive feature in this important rural landscape to the detriment of the character and appearance of the wider countryside. Accordingly the application is contrary to the Development Plan policies and the NPPF. Therefore, it is recommended that the application be refused.

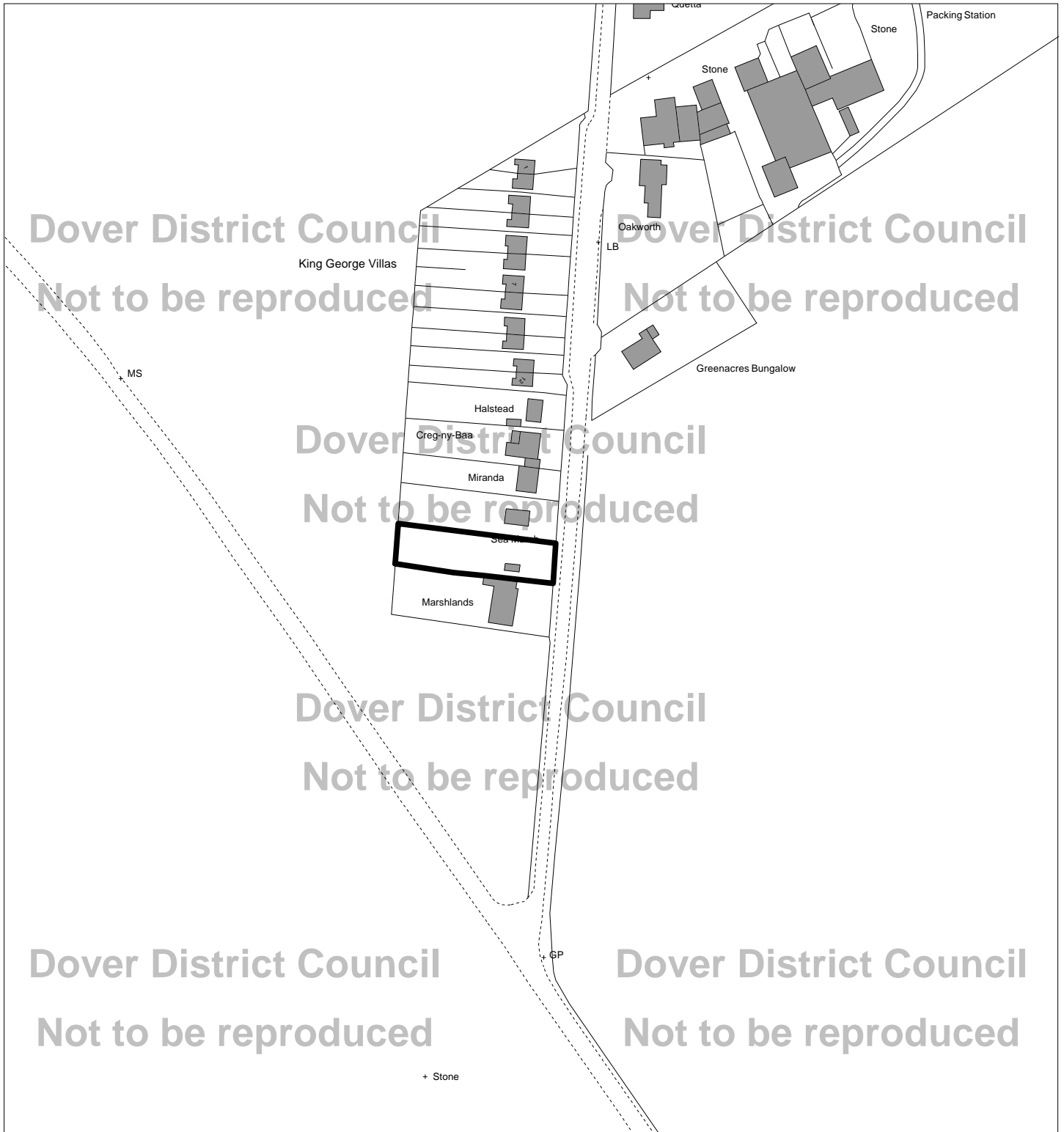
g) Recommendation

I PLANNING PERMISSION BE REFUSED for the following reasons:

- 1. The proposed development by virtue of its location outside of any settlement confines, in a rural location, would result in an undesirable intensification of development in the countryside, detrimental to the rural character and appearance of the street scene and detrimental to the objectives of sustainable development contrary to policies DM1, DM11, DM15 and DM16 of the Dover District Local Plan and paragraph 17, 61, 69 and 109 in particular, of the National Planning Policy Framework.
- 2. The development proposed would result in the intensification of use of an existing private access which has sub-standard visibility splays at its junction with Roman Road to the severe detriment of highway safety, contrary to paragraph 32 of the National Planning Policy Framework.

Case Officer

Benazir Kachchhi



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Application: DOV/16/01119

Land adjacent to Marshlands

Jubilee Road

Worth

CT14 0DT

TR33645536



a) **DOV/16/01119 – Erection of a 2 no. semi-detached dwellings and creation of access and parking - Land adjacent to Marshlands, Jubilee Road, Worth**

Reason for report: Issuing of the Ministerial Statement during the course of the application.

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

Worth Neighbourhood Plan

The Plan states that DDC Core Strategy Policy DM1 would apply to proposals for development outside the settlement confines.

National Planning Policy Framework (NPPF)

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

- contribute to conserving and enhancing natural environment and reducing pollution.
 - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
 - Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
 - Paragraph 128 states that in where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
 - Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

d) **Relevant Planning History**

DOV/15/01261 – Outline application for the erection of a detached dwelling (all matters reserved). Approved.

e) **Consultee and Third Party Responses**

Worth Parish Council

No objections.

Historic England

The field immediately behind the row of residential properties on Jubilee Road was identified as having buried archaeological remains of Romano-Celtic temple and Iron Age settlement site. These remains are designated as a scheduled monument (National Heritage List no 1004225). Further to the identification of the Scheduled monument, Historic England was of the view that because the build site occupies part of a clearly established line of residential properties, it is unlikely that the development will cause harm to the scheduled monument through development within its setting.

Also, given the high archaeological potential of the area, the County Archaeological Advisor was recommended to be consulted regarding this development.

County Archaeology

The site was identified as one with archaeological potential. Therefore, an archaeological field evaluation survey prior to determination was recommended. Following the results from the archaeological field evaluation survey, no objections have been raised subject to conditions.

Ancient Monument Society

Views not received.

f)

1. **The Site and the Proposal**

1.1. The site lies within the countryside, outside the Worth settlement confines. The application site comprises a plot of land fronting Jubilee Road and located to the north and south of two residential properties – Marshlands and Sea Marsh respectively. The site appears to have been in use as garden land associated with Marshlands and is subdivided by close-boarded fencing and hedging. To the front of the site is an existing vehicular access and driveway. The site measures approximately 55m by 15m. Marshlands would retain its own existing access and the front boundary wall would also remain.

1.2 Jubilee Road runs north from the Deal Road towards the village of Worth. Development along Jubilee Road predominantly comprises clusters of dwellings separated by gaps, some of which are substantial in size. These gaps are often formed by agricultural farmland, allowing long distance, open views across countryside when travelling along Jubilee Road.

1.3 The application seeks permission for the erection of 2 no. semi-detached dwellings including parking for 4 cars and vehicular access. The dwellings would each provide three bedrooms, a kitchen/dining room and a living room, together with bathrooms, en-suites, and utility and storage rooms. The total built-up area to be provided, per dwelling, is approximately 114sqm.

1.4 The dwellings would be finished in horizontal cream cedar boarding and red stock brickwork. The semi-detached pair would have a hipped roof which would be finished in mixed russet tiles (forticrete). The proposed dwellings would have timber front doors and white UPVC windows and French doors. Guttering and rain water pipes would be concealed within the building. The hard standings would be provided in block paving with sand infill (permeable) whilst the rear gardens of the dwellings would be subdivided by 1.8m high timber fencing.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the countryside and the street scene
- The impact on residential amenity
- The impact on the living conditions of future occupiers
- The impact on the highway network
- Archaeology

3. **Assessment**

Principle of the Development

- 3.1 The site lies outside of settlement confines, where Policy DM1 applies. Having regard for the wording of the policy, the erection of two dwellings in this location is contrary to Policy DM1. The general principle (set out in the preamble at paragraph 1.7 of the Core Strategy) is that residential development outside the urban boundaries and rural settlement confines would be a departure from policy and would require *“unusual and compelling justification for permission to be given”*.
- 3.2 The Worth Neighbourhood Plan (WNP) was adopted in 2014 and forms part of the Development Plan. It seeks to direct residential development to within the settlement boundary as identified by the Core Strategy. It allocates sites for housing; however, the application site has not been identified as a potential housing site to meet the housing need in the village which includes the provision of family housing. Rather the site and the adjoining residential properties are expressly identified in the WNP as falling within built environment that lies outside the settlement confines. Paragraph 3.23 of the WNP states that Policy DM1 would apply to proposals for housing development outside the settlement confines.
- 3.3 Members will be aware that the Council has historically been unable to achieve a 5 year housing land supply and that accordingly under paragraph 49 of the NPPF, relevant policies (including DM1) have not been held to be up-to-date and have therefore been afforded less weight in decision making. This was the case at the time the application was lodged and was taken into account by officers in the giving of initial advice on the proposal.
- 3.4 During the course of the application however a Ministerial Statement was published on 13th December 2016 which confirmed inter alia, provided a local authority can demonstrate a 3 year housing land supply, then in respect of Neighbourhood Plans, their policies relating to the supply of land for housing would not be deemed out-of-date. As at December 2016, Dover could demonstrate a 4.175 year housing land supply. Accordingly, the approach as set out in the Worth Neighbourhood Plan would no longer be out-of-date and should be afforded full weight as Development Plan Policy. The implications of this change are significant for considering the principle of development in this location.
- 3.5 Since the issuing of the Ministerial Statement, the Council’s latest 5 year housing land supply situation is contained within the 2015/2016 Annual Monitoring Report. This was been agreed by Cabinet (March 2017) and confirms that the Council can now demonstrate a 6.02 year housing land supply. As such the Development Plan Policies as they apply to the whole district are now considered up-to-date and have full force. The NPPF paragraphs 11, 12 and 14 require planning applications to be assessed in accordance with the up-to-date Local Plan and where the proposals conflict with the Plan they should be refused unless material considerations indicate otherwise.
- 3.6 While regard must be given to whether there are any material planning considerations that suggest that a departure from policy would be justified, the Core Strategy indicates that these would need to be of an unusual and compelling nature to warrant the grant of planning permission for residential development outside settlement confines.

Impact on the Character and Appearance of the Area

- 3.7 The area is rural in character, with small clusters of residential properties sporadically located along Jubilee Road. The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of four criteria is met and the development does not result in the loss of ecological habitats.
- 3.8 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance and mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 3.9 The proposal would introduce a pair of dwellings onto an area of former garden land between two dwellings forming part of a row of detached and semi-detached dwellings fronting Jubilee Road. The impact of this would be to reduce the openness and spacing between the dwellings. It is considered that this would erode the prevailing semi-rural character at this point by consolidating the built frontage to Jubilee Road and removing the openness which compliments the wider rural setting. As such, the proposal would be contrary to Policies DM15 and DM16.
- 3.10 The proposed development would be a symmetrical pair of dwellinghouses with a traditional form, detailing and materials including redstock brickwork and boarding to the exterior façade and UPVC fenestration. Having regard for the scale, detailed design and proportions of the building, it is considered to respond to the prevailing character of the buildings within the locality area. However, this does not overcome the fact that the proposal would introduce two dwellings in a location where planning policies restrict development and seek to protect the countryside.

Impact on Living Conditions of Future Occupiers

- 3.11 The dwellings, together with individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. Each property would be provided with a private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Impact on Residential Amenity

- 3.12 The application site shares boundaries with Marshlands to the south and Sea Marsh to the north. The proposed dwellings would be sited at a distance of 4m and 2.5m from the side elevations of the properties 'Sea Marsh' and 'Marshlands' to the north and south respectively.
- 3.13 Sea Marsh to the north
The proposed dwellings would extend beyond the rear wall of Sea Marsh by approximately 1.5m; however, given the separation distance, no loss of light, sense of enclosure or overshadowing would result from the proposal. A window is proposed to the ground floor level to serve the living room; however, given the proposed 1.8m high wooden fence, no interlooking or overlooking would occur from this window. Another window has been proposed to the first

floor of the side elevation facing Sea Marsh however it would serve the bathroom and can be conditioned to be obscure glazed.

3.14 Marshlands to the south

Marshlands would extend beyond the rear wall of the proposed dwellings by 3m. Therefore, given the existing relationship between the two sites and the separation distance, it is not considered that the proposed dwellings would result in a loss of light, sense of enclosure or overshadowing. A window is proposed to the ground floor level to serve the living room; however, given the proposed 1.8m high wooden fence, no interlocking or overlooking would occur from this window. Another window has been proposed to the first floor of the side elevation facing Marshlands however it would serve the bathroom and can be conditioned to be obscure glazed.

3.15 There are no other properties in the vicinity that would be directly affected by the proposal.

Highways/Travel Impacts

3.16 The development would provide two new vehicular accesses onto the site from Jubilee Road. It should be noted that whilst the application site falls within the 30mph zone, the visibility splays would extend to the point where it would enter the 50mph zone. Having regard for the geometry of the road and the location of the accesses, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 56m x 2.4m x 56m).

3.17 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two open car parking spaces per dwelling, meeting the needs generated by the occupiers of the dwellings. No formal visitor parking is shown, although it would be relevant to note that there are parking bays along the street to the north. As such, the development would provide sufficient car parking provision. Equally, it is considered that the site provides adequate manoeuvring space.

3.18 The development does not include any defined provision of cycle parking spaces, as recommended by the Kent Design Guide (including Interim Guidance Note 3) and the NPPF. However, it is considered that the proposed sheds within the gardens would be more than sufficient to provide the three cycle spaces which would be recommended for dwellings of the size proposed.

3.19 Regard has also been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwellings would give rise to some additional travel in a location beyond settlement confines where the Plan restricts such development and as such would be contrary to policy. That said, it is recognised that the Deal/Sandwich bus route uses Jubilee Road and that there are bus stops near the site. There is also a lit footpath with access into the historic centre of Worth, some 800m distant. In the circumstances, while the proposal would

work against sustainable travel objectives, it is likely that the harm would be more limited than might otherwise be the case.

Archaeology

- 3.20 The field immediately behind the row of residential properties on Jubilee Road was identified as having buried archaeological remains of Romano-Celtic temple and Iron Age settlement site. These remains are designated as a scheduled monument (National Heritage List no 1004225). Given the proximity of the Scheduled monument to the application site, Historic England was consulted. They raised no objection but advised that given the high archaeological potential of the area, the KCC Archaeological Advisor should be consulted.
- 3.21 KCC advised that an archaeological field evaluation survey be undertaken prior to the determination of the application. It demonstrated that significant archaeology survives at the site, seemingly related to a major Iron Age settlement. Further to the survey, the applicant has proposed that by using a combination of a shallow depth raft foundation and the localised building up of ground levels, it is possible for the development to safeguard the significant archaeology through preservation in situ – i.e. by keeping the foundations above the archaeology. Having regard for the above, KCC Archaeology have suggested that the proposed development could be accommodated subject to appropriate conditions to secure the archaeological safeguarding measures.

Fall-Back Position

- 3.22 Planning permission (outline) exists on the site for one detached dwelling. This was granted under DOV/15/01261 and at a time when the Council was unable to demonstrate a 5 year housing land supply meaning that Development Plan Policies restricting residential development were afforded reduced weight. This fact was particularly material in the on balance decision to approve the application. The permission expires February 2019.

Conclusion

- 3.23 The application involves two dwellings located outside the village confines of Worth. The proposal would be contrary to Development Plan Policy which as a consequence of the recent Ministerial Statement and the achievement of a district 5 year housing land supply are now up-to-date and can be afforded full weight. The proposal would work against the objectives associated with countryside protection and sustainable travel. With the full weight now applied to the Development Plan policy, it is considered that the application should be refused unless material planning considerations indicate otherwise. The Core Strategy pre-ambule suggests that such material planning considerations would need to be unusual and compelling to justify permission being granted. While the fall-back position (arising from DOV/15/01261) is relevant, that proposal is for one dwelling, whereas the current application is for two, which exacerbates the concerns relating to the loss of openness and the consolidation of the built frontage and the conflict with sustainability (in particular travel) objectives. It is not considered that any other material considerations apply in this case (having regard also to the matters set out at Part c) of the report) that would outweigh the conflict with policy.

- 3.24 A core principle of the NPPF (paragraph 17) is that planning should be genuinely plan-led ...[and]... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 3.25 It is recognised that the change in the weight afforded to policy has emerged part way through the assessment of this application and in this respect, some sympathy is extended to the applicant who, on the basis of earlier officer advice had thought that the proposal might be acceptable and did incur expense associated with KCC's requirement for a pre-determination archaeological evaluation. Notwithstanding, the nature of the planning process is such that material considerations and the weight to be given to issues can change and evolve, sometimes suddenly in response to changes in policy and Government Guidance. In this case, the Ministerial Statement issued in December 2016 (followed by the achievement of a 5 year housing land supply) altered the planning balance immediately and substantially, with primacy now to be given to the Development Plan policies. For this reason, the recommendation at g) below is to refuse planning permission.
- 3.26 While this application was capable of determination under delegated powers, in view of the circumstances outlined at paragraph 2.26 above, it was considered appropriate to report this matter to Committee.

g) **Recommendation**

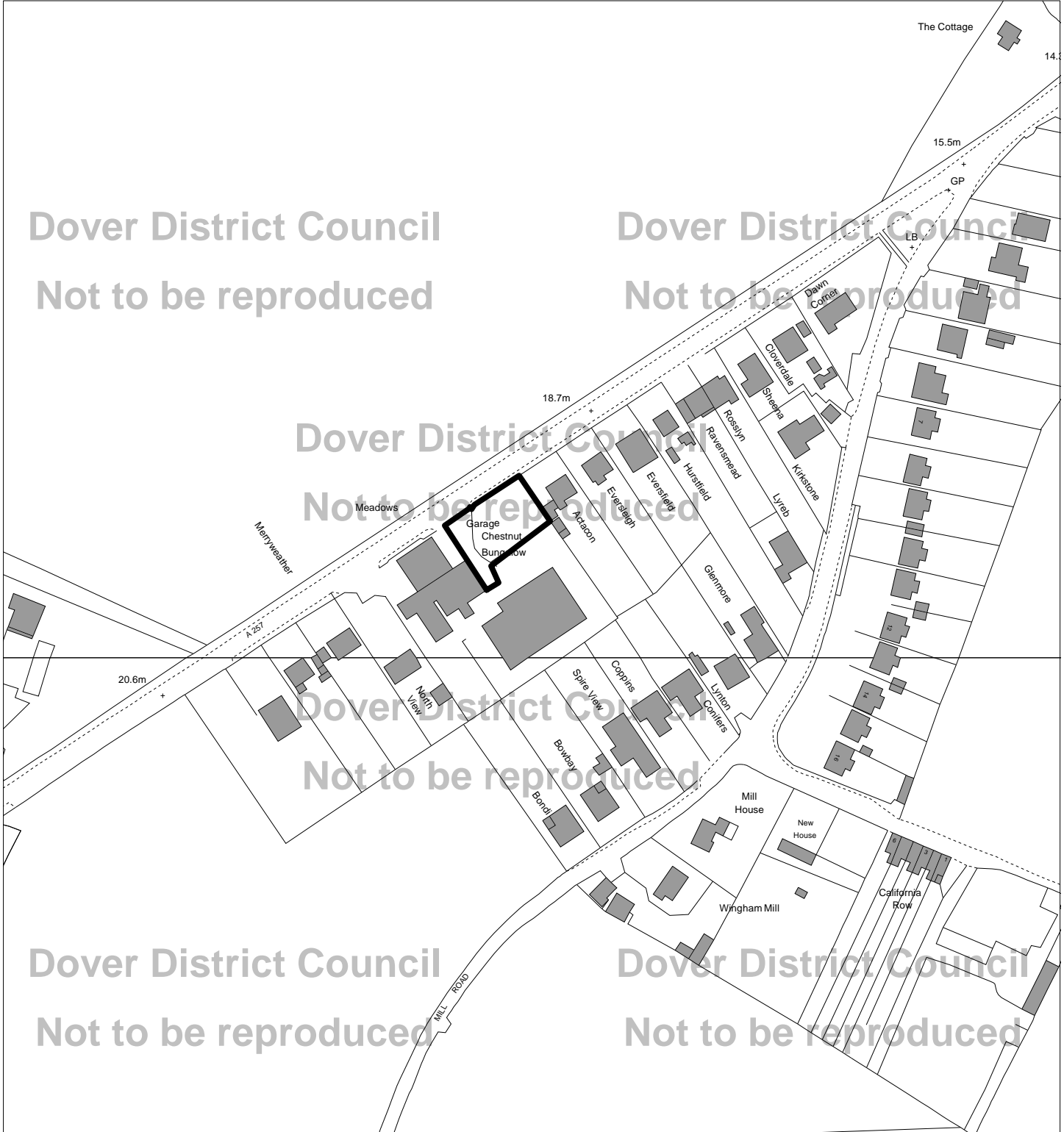
- I Planning Permission be REFUSED for the following reason:

The proposed development by virtue of its location outside of the Worth settlement confines, in a rural location, would result in an undesirable intensification of development in the countryside, detrimental to the rural character and appearance of the street scene at this edge of village location and detrimental to the objectives of sustainable development contrary to policies DM1, DM11, DM15 and DM16 of the Dover District Local Plan and contrary to the provisions of the Worth Neighbourhood Plan and paragraphs 17 and 109, in particular, of the National Planning Policy Framework.

Case Officer

Benazir Kachchi

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Application: DOV/16/875

**Site at casino Garage
Canterbury Road
Wingham**

TR23295704



- a) **DOV/16/00875 – Change of use from car sales forecourt to hand car wash with the erection of new office building, 3-metre high screens and 1.8-metre high boundary fence - Casino Garage, Canterbury Road, Wingham**

Reason for report: This Report was deferred by the Planning Committee on 23 February 2017 to undertake a Site Visit, which is scheduled to take place on 21 March 2017. The Planning Committee also sought further information about the proposal, which is provided in Section 2 of this Report. A few changes have also been made to the original Report.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 – Prevents development on land outside urban boundaries and rural settlement confines unless if functionally requires such a location, or it is ancillary to existing development or uses.
- DM2 – Seeks to protect employment land or uses to ensure maintenance of supply.
- DM3 – New commercial development or the expansion of an existing business in the rural area will be granted if within a Rural Service Centre or Local Centre. In all cases, if outside the settlement confines it should be demonstrated that no suitable site exists or there is a functional requirement for it to be located elsewhere.
- DM15 – seeks to protect the countryside for its own sake

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 3 of NPPF supports a prosperous rural economy, the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

- d) **Relevant Planning History**

DOV/15/00269 – Withdrawn, for the change of use from car sales to car hand wash forecourt, erection of screens and siting of office.

e) **Consultee and Third Party Responses**

Parish Council: Raises no objections, but is concerned with the potential impact of queuing vehicles on the highway. The Parish Council also seeks assurance that appropriate drainage will be in place.

Environmental Health: The noise levels arising from the operation of the car wash would be unlikely to cause loss of residential amenity to nearby residents. Conditions are suggested to safeguard against the impact upon nearby residents.

Kent Highways: Adequate car parking has been provided within the site and the route for the car wash is acceptable. There is adequate space within the site to hold an adequate number of vehicles in a queue. Conditions are suggested to safeguard highway safety.

Environment Agency: Raises no objections subject to the imposition of a planning condition with regard to contamination and protecting vulnerable groundwater resources.

There have been 10 letters received as a result of the consultation of the application, which raise objections to the proposal. In summary, these letters of objection raise the following concerns:

- 1) The use would give rise to queuing and congestion which would harm highway safety along Canterbury Road and be prejudicial to the customers and pedestrians crossing the site and visiting the existing garage/use.
- 2) The use would give rise to noise and disturbance and comings and goings on the site that would harm residential amenity and introduce activity on the site at times when the existing/previous use has not operated (not always on Saturdays and not on Sundays).
- 3) The proposed use fails to address the existing drainage problems that are experienced by local residents and does not suitably address drainage concerns arising from the proposed use.
- 4) The proposal lacks suitable facilities for staff and customers.
- 5) There is concern that staff may live on site.
- 6) The cleaning products within the jet wash would cause harm to the operation of the body shop through air borne transference.
- 7) The buildings would prevent views of the body shop building to the rear of the site.

f) 1. **The Site and the Proposal**

Site

1.1 The application site forms part of a larger site that is in use as a petrol filling station with car sales, body shop, car repairs and servicing. There are three buildings on the larger part of the site. The first building comprises the petrol filling station building and its canopy (part of this building is used for car sales). The second and third buildings are linked industrial buildings in use for car repairs/servicing and are located immediately south of the application site.

The site, the subject of this application, was last in use for the sale of motor vehicles. It has an open forecourt and is located to the east of the petrol filling station and to the north of the car repairs/body shop buildings. There is a gated access to the site angled across part of the forecourt of the petrol filling station. The site has a shared access and is not served by its own access from Canterbury Road.

1.2
1.3 The site is visible from the A257 Canterbury Road and from nearby gardens of residential properties. It is also visible from the nearest dwelling (Actacon) which has windows in its western flank elevation. A car port also exists alongside this dwelling.

1.4 The application site and its surrounding land comprises the only commercial use within an enclave of residential properties. These residential properties are built in linear form along a short section of Canterbury Road (extending to the west and east). The residential properties are also built along Mill Road to the south of the application site.

1.5 The confines of Wingham Village are located some 1000m to the east of the site. A footway exists along the northern section of Canterbury Road, but only grass verges and driveways to residential properties exist along the southern section of Canterbury Road – leading towards Wingham.

Proposal

1.6 The proposal is to change the use of the forecourt from car sales to a car hand wash operation.

1.7 To supplement the change of use the proposal also includes the erection of an office building, a designated washing bay area with Perspex doors at each end and Perspex sides under a roof canopy, two small kiosks for accommodating pressure washers and vacuum cleaners, parking spaces for up to 8 vehicles, acoustic screens, boundary fence and a new drain run.

1.8 The existing access to the site would be retained and widened. The gates would be utilised to provide an “in-out” traffic flow.

1.9 The way the use would typically operate would include vehicles arriving onto the site and then remaining stationary between acoustic screens while the jet washers are used to clean the vehicle, the vehicle would then be “soaped” down with clothes/sponges etc, the vehicle will then be rinsed off with jet washers, the vehicle would then be hand dried/polished, the vehicle will then move to the far side of the screened area and inside will be vacuumed.

Not all vehicles will be vacuumed, but based upon observations from other similar operations the exterior cleaning takes some 5 minutes (of which the jet washers are active for 70% of the time) and the interior cleaning takes some 7 minutes (of which the vacuum cleaners are working for some 74% of the time).

- 1.10 The proposed hours of operation are 0830/0900 hours to 1800 hours in Summer and 0830/0900 hours to 1700 hours in the Winter and 1000 hours to 1600 hours on Sundays. Staff set up and set down would be 30 minutes either side of opening and closing times.
- 1.11 The vacuum units and jet washing process will be within the enclosed washing bay (and the motor and body of the vacuum unit will also be stored within an enclosure).
- 1.12 Daily vehicle movements are predicted to be some 50-60, with peak times just after opening, lunchtimes and late afternoon.
- 1.13 An Acoustic Noise Assessment has been submitted with the application. Further information with regard to screens a fence and materials and their acoustic capabilities has also been submitted. These have been taken into account by the Council's Senior Environmental Protection Officer.

2. Main Issues

Introduction

- 2.1 The Planning Committee deferred consideration of the application at its last meeting in February 2017 so that a site visit could be undertaken. The Committee also sought further information about the proposal with regard to highways, pollution, visual and noise impacts, and the impacts upon adjacent properties.
- 2.2 In response on highway matters, the entrance to the application site is from and uses the same access from Canterbury Road (A257) as the other operations that take place on the larger site of which the application site forms part. The entrance to the application site is proposed to be widened. There will be a separate entrance and a separate exit for vehicles using the car wash facility (at present only one entrance/exit exists). To address queuing and to avoid vehicles backing up onto the A257 the submitted drawing shows at least 6 spaces for customers on the site.
- 2.3 The Council's Environmental Pollution Officer considers that the issue of air borne chemicals being blown towards the body shop or other properties is principally a health and safety matter that is enforced by the Health & Safety Executive. Pollution from car washes are not a District Council issue, rather a Health & Safety Executive issue. The applicant considers that as the car wash bay will be enclosed there will be little or no spray beyond the bay area. Washing water will be contained within the booth/bay and will go into a silt trap before being discharged into the drain at a steady rate. The general drainage of the site is proposed to be addressed with through re-surfacing works and

the introduction of falls, which are proposed by the applicant to address the comments of the residents.

- 2.4 With regard to the visual and noise impacts, the applicant's response is that the bodyshop is at least 8m from the boundary with the site and there is one office window that faces the proposed car wash facility. The proposed office/enclosed car wash bay will partly screen the views of the body shop building from the highway, but it is not anticipated that this would give rise to undue harm to amenity. The access from the A257 and a separated entrance to the body shop are being retained.
- 2.5 The principal noise of the vacuums is from their motors – which are to be enclosed in soundproofed boxes or units as shown on the drawings to mitigate noise. The noise mitigation is supplemented by the acoustic fencing along the boundary of the site and the nearest dwelling "Actacon".
- 2.6 The likely general noise and disturbance caused by the comings and goings of customers and the banter between staff will be 'in the open'. I have no doubt that to some extent this will be audible to the occupiers of nearby dwellings. However, the operating hours and the acoustic fencing proposed would go some way in mitigating the impact of this. The existing car sales operation on the site is not controlled by planning conditions and therefore should this use be re-instated there would be uncontrolled opening hours and no acoustic fence along the boundary to what is a commercial activity on a commercial site.
- 2.7 With regard to external lighting, a planning condition imposed should ensure that the lighting of the site is controlled to turn on and off 30 minutes before and after the normal openings hours of the use. Details of the lighting to be used and located on the site can also be controlled by condition.
- 2.8 With regard to the issue about toilets for staff, the applicant has confirmed that these can be installed. It is suggested that the details of the layout of the office building could be submitted for the Council's approval and these details should include an area set aside as a staff toilet.
- 2.9 The previous report is set out as follows, with some minor changes.
- 2.10 The main issues are:
- The principle of the development
 - The impact upon the existing character and appearance of the area
 - The harm to residential amenity
 - Highway Safety

Principle of Development

2.11

An assessment is required as to the acceptability of the principle of the development on this site. The determination of the application should be considered within the context of development within the countryside, safeguarded by policies to protect the countryside and to restrain development within it.

- 2.12 The proposed use does not seek to expand an existing business or enterprise. However, the proposed use seeks to re-use an existing site that forms part of a wider commercial site for a new business purpose.
- 2.13 The proposal does not encroach further into the countryside – rather it reuses the existing hard surfaced area previously in use for car sales. As such, I consider that in principle the proposed change of use would not harm the character and appearance of the countryside.
- 2.14 The proposal seeks a change from one commercial business (car sales) which is a sui generis use and not a Class B business use, to another commercial business (car washing) which is also a sui generis use. It does not require additional land take and retains a quasi-employment use.
- 2.15 In effect, the proposal does not result in the loss of an existing employment use (Class B use), but retains an employment generating use of the land. As such, I do not consider that the proposal conflicts with Policy DM2.
- 2.16 For the above reasons, it is considered that in principle the proposed change of use is an acceptable form of development on the site making an efficient use of a vacant part of a commercial site for additional employment generating purposes. It is considered that the proposal meets the overarching objectives of the policies in the Core Strategy and paragraph 28 of the NPPF that seeks to promote the rural economy.

Character and Appearance

- 2.17 The existing use of the land is for the sale of vehicles. This is an open use of the land as the parking and storing of cars on it is usually only for short periods; before vehicles are moved, washed, sold and new cars are parked on the land.
- 2.18 The use of the land is also visually contained: with industrial buildings to the south, residential development to the east and the petrol filling station building and canopy to the west. The land does not form part of a continuous open landscape.
- 2.19 The proposal includes cars coming and going across the site (in an in-out direction) with an office building, and a steel framed bay area containing Perspex screens under a canopied area. Two units or kiosks would be located within this bay area. The buildings are modest in scale and located within the site close to existing buildings. They would not be prominent in the street scene and given their location and the context of the wider commercial activities and buildings they would not appear obtrusive.

- 2.20 Although the use of the land would appear different and more transient in character I do not consider that in its context the proposal would harm the existing character and appearance of the area.

Residential Amenity

- 2.21 There has been a series of exchanges of correspondence between the applicant and the senior Environmental Protection Officer with regard to the potential harm to residential amenity from the use of the site. This matter has now been resolved with conditions suggested by the Environmental Protection Officer which in his view would overcome his concerns.
- 2.22 As such, with safeguarding conditions on hours of operation, the use of jet washers and vacuums within enclosed/screened areas and storage of them within the store area identified it is considered that the use can take place without harm to residential amenity.
- 2.23 There is the further consideration of comings and goings close to existing residential properties and the operation taking place beyond the hours associated with the previous car sales use (not usually on the weekend). The site is located on a busy road and its former use would have been associated with comings and goings. The site also forms part of a wider commercial site which has car repairs, servicing and the petrol filling station with some other car sales taking place. As a result, it is not considered that the proposed use would give rise to undue harm to residential amenity over and above what already occurs. A further consideration is that the existing commercial uses are not restricted by planning conditions limiting hours of operation (neither was the previous car sales use). As such, the planning authority cannot control the future operation times of these uses and would not control the hours of operation should car sales continue on the application site.
- 2.24 A 1.8m high boundary fence is proposed along the eastern part of the site, which should provide further barriers to noise and disturbance and would help limit the visibility of the proposed use from the wide windows of the adjacent property.
- 2.25 With the safeguarding conditions being imposed, it is considered that the proposed use would not give rise to undue harm to those residents living close to the site.

Highway Safety

- 2.26 The concerns expressed about highway safety through the public consultation exercise have been considered. The Kent Highways officer has responded on the highway safety issues raising no objections, subject to conditions regarding parking and layout being provided in accordance with the submitted drawing.
- 2.27 The use will be able to accommodate some 6 vehicles queuing within the site (within the gated area). It is considered that room for this number of cars is sufficient. Up to 8 staff car parking spaces are provided on site.

- 2.28 There is additional space on the forecourt of the petrol filling station between the highway and the gated access to the site that would separate the queuing cars from Canterbury Road – this area would appear to act as a potential overflow waiting area should it be necessary.

Other Matters

- 2.29 The submitted drawings show how the surface water will be drained through gullies – to a drain located away from the nearest residential property. Details of the drainage is subject to a planning condition.
- 2.30 The proposal does not indicate any sleeping accommodation for staff. It is considered that other staff and customer facilities should be provided at the operator's discretion and the issue is not a planning matter.

Conclusion

- 2.31 The proposed use seeks to re-use an existing hardsurfaced area previously used for car sales, within a small group of other commercial uses on a larger site. The proposal does not encroach further into the surrounding countryside than the existing use.
- 2.32 The change of use does not involve the loss of Class B employment floorspace – but retains a quasi-employment generating use.
- 2.33 The site is visually well contained and the proposed use with the associated development would likewise be visually contained within the site and would not be seen to be within the open countryside. The proposal would preserve the character and appearance of the area.
- 2.34 Subject to safeguarding conditions it is considered that there would be suitable protection from noise and disturbance for local residents.
- 2.35 Whilst local residents have expressed concern with regard to highway safety impact, Kent Highways consider that the proposal, as set out and shown on the submitted drawing, would not give rise to highway safety concerns.
- 2.36 With regard to achieving sustainable development, the proposed use has an economic benefit in providing employment opportunities; it also provides a limited social benefit in providing a service to customers. The potential for social dis-benefits arising from the proposal will be addressed through the imposition of conditions to safeguard residential amenity. Finally, the impact on the environment is considered to be neutral.
- 2.37 In conclusion, on balance, the proposal is supported as a sustainable form of development in this location.
- 2.38 Conditions are suggested to enable the use and the operation around the use to be suitably controlled.

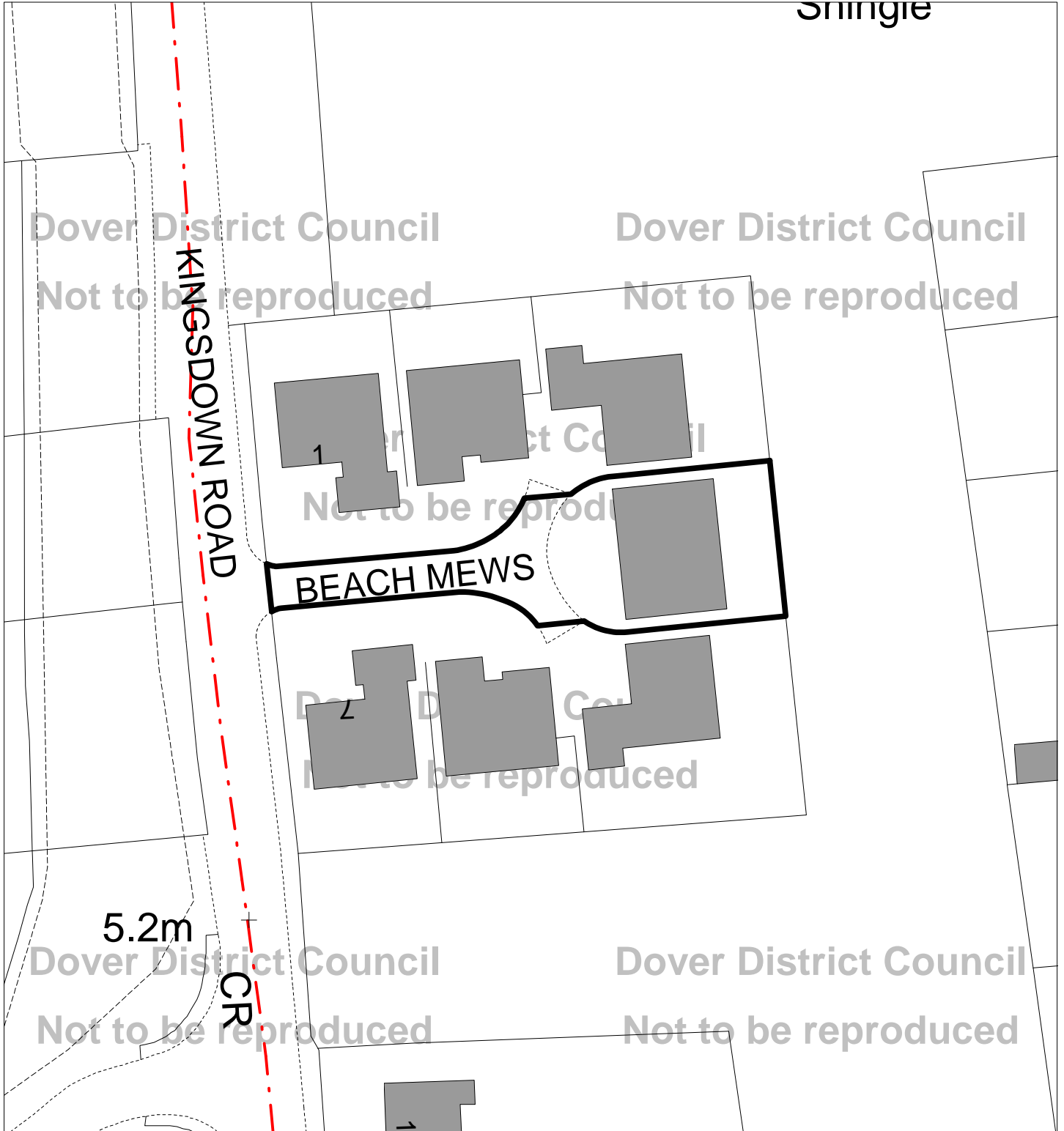
g)

Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions set out in summary to include: i) commencement within 3 years, ii) carried out in accordance with the approved drawing, iii) hours of use to be limited to 8.30am to 5pm Mondays to Saturdays and 10am to 4pm on Sundays, iv) Details of surface water discharge to be submitted and approved v) The erection of the acoustic screen/fencing before the use commences vi) the jet washing and vacuuming shall only take place within the screened area vii) parking for staff and personnel to be provided and retained viii) details of construction vehicle delivery and turning areas to be submitted and approved ix) The layout of the site to conform to drawing 003/15A x) If contamination is found during construction development shall cease until a remediation strategy is submitted and approved xi) details of materials to be used in the external surfaces of the buildings and the hardsurfacing on the site shall be submitted and approved xii) The office building shall only be used for purposes ancillary to the use of the land as a car wash facility. Details of the layout of the office floor space, which shall include a staff toilet, shall be submitted for approval prior to the use commencing xiii) No outside storage shall take place unless otherwise agreed in writing xiv) There shall be no external lighting unless otherwise agreed in writing and operating details of any lighting shall be submitted for approval xv) The jet washers and vacuum units to be stored only within the building hereby approved
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer:

Vic Hester



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Application: DOV/16/01461

4 Beach Mews

Walmer

CT14 8AP

TR37874891



a) **DOV/16/01461 – Creation of amenity deck and erection of balustrades - 4 Beach Mews, Walmer**

Reason for report: Number of views contrary to officer's recommendation

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- Policy DM1 states that development will not be permitted outside the settlement boundaries unless it is ancillary to existing development
- Policy DM15 seeks to protect the character and appearance of the countryside.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles set out in paragraph 17 which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 56-59, 61 and 64 seek to promote good design and resist poor design.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development and advises that context should form part of the decision making around design.

Relevant Planning History

- d)
- DOV/15/0906 – Granted, Installation of wider windows to second floor level (east elevation) and minor alteration to building footprint.
 - DOV/11/00664 – Granted, Erection of 7 dwellings and construction of a vehicular access. Condition 12 of this permission states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the flat roof area on any dwelling hereby permitted shall not be used as a balcony or terrace or any other form of external amenity space associated with the dwelling.

Reason: In order to avoid unacceptable overlooking and to preserve the character of the development.

e) **Consultee and Third Party Responses**

Parish Council: Unable to support the proposal and reached a decision – “other”.

Public Representations:

There have been 22 responses to the public consultation of the application. Of these, there are 14 objections and 8 responses in support. The objections can be summarised as follows:

- The proposal leads to additional unacceptable overlooking
- The proposal would give rise to loss of privacy to those properties along Wellington Parade
- The proposal contravenes the reasons behind Condition 12 of permission 11/00664
- The proposal contravenes the reasons behind Condition 11 of permission 11/00664 (this condition relates to altering windows, permission for which on this property was granted in 2015, as set out above)
- If granted, there would be precedent for other similar proposals

1. **The Site and the Proposal**

- 1.1 The application building is a detached house on a new housing development of 7 houses, built in a horse-shoe shape around a large, central area which is served by a centrally located access from Kingsdown Road. The development is prominent in the street by reason of the design, appearance and scale of the houses and their visually isolated position, separate to other development within the immediate area – with open/undeveloped land around the estate’s northern, eastern and southern boundaries. The site falls outside the village confines of Kingsdown and is therefore within the countryside.
- 1.2 The application property is located at the estate’s turning head – opposite the access from Kingsdown Road. The 7 dwellings on the estate have two types of roof design – Nos. 2, 4 and 6 have a flat roof at second storey level, with the addition of a flat roofed projecting element centrally located within the roof that provides further accommodation in the form of a single room. The other roof design type occurs at Nos. 1, 3, 5 and 7 and comprises a pitched roof over a two storey building, with little or no flat roofed areas.

- 1.3 The additional room on the roof of the application building is currently used as an office/gym/sitting area. It benefits from glazing in the front and rear elevations (facing towards Kingsdown Road and the rear of properties in Wellington Parade and the sea beyond). The room is quite well lit and well ventilated. It serves as ancillary living accommodation for the occupiers of the dwelling. On the rear elevation of this upper room (facing Wellington Parade), the glazed area comprises a set of doors that open inwards, with an iron balustrade across the opening so as to form a 'juliet' balcony – allowing views out but without increasing the floor space of the room.
- 1.4 A further supplementary drawing has been submitted by the applicant showing a section of the house and in particular the finished floor levels of the upper room and the flat roof of the house. The drawing demonstrates that the finished floor level of the room is slightly below the level of the flat roof area of the main house. A parapet wall as an extension of the rear elevation of the building rises above the level of the flat roof area by some 200mm.
- 1.5 The proposal seeks to use part of the flat roof area as a terrace, immediately beyond the Juliet balcony. The works proposed include decking this area of the roof, providing 1.7m high etched screens (which would prevent views through) to both sides of the decked area and erecting a 1.1m high screen along the parapet roof to the rear of the building. The height of this screen from finished roof level is 1.1m in total, but for the purposes of understanding the proposal and its potential impact the different sections of the screen can be considered as follows:
- Overall Height of Screen – 1.1m above the height of the flat roof of the main house
 - Height of Screen from the flat roof to the top of the parapet – 0.2m
 - Height of screen from the top of the parapet – 0.9m
 - Section of obscure (etched) glazing immediately above parapet – 0.65m
 - Section of screen with clear glazing which is located above the etched section – 0.25m

2. **Main Issues**

2.1 The main issues are:

- The impact of the proposal on upon residential amenity
- Whether a precedent would be set

3. Assessment

Residential Amenity

- 3.1 The applicant has been mindful of the number of objections that have been received against the proposal and has submitted a further drawing showing a Section of the proposed house and roof terrace with associated works, to provide supplementary information and to amend part of the proposal. This Section drawing assists in being able to assess the existing and future opportunities that exist for overlooking those properties in Wellington Parade and the additional harm that might ensue. The applicant is now proposing to etch (obscure glaze) part of the balustrade along the rear parapet wall (originally submitted this was shown as clear glazed) – whilst retaining its height at 1.1m.
- 3.2 Condition 12 of the original permission was imposed to prevent the occupiers of the 7 houses permitted or unrestricted rights to use their roof areas as a terrace for sitting out. As with many conditions that are imposed on planning permissions that remove certain development rights or allowances the purpose behind such conditions is to enable the Council to consider the impact of additional development or uses of land on a case by case basis. It does not necessarily follow that any future occupier is precluded from submitting a planning application to override or set aside a condition and it does not automatically follow that each further application for planning permission on the land or to vary or remove a condition imposed should be refused. Rather, the opportunity is afforded to the Council to be able to determine the application on the merits and circumstances of the particular case.
- 3.3 As Condition 12 applies to each and all the 7 dwellings on the estate, separate planning permission is required to use the roof of this building as a terrace, as any variation to Condition 12 would apply to all 7 houses and not just No.4 - the application property.
- 3.4 In essence therefore, the Council is being asked to consider the merits of whether the creation of a terraced area on the roof of No.4 causes harm to the public interest. The reason why the condition was imposed remains relevant, but an assessment needs to be made on this application as to whether the creation of the terrace would lead to material harm.
- 3.5 The inside and outside of the house has been inspected by the case officer and time has been spent standing on the roof to assist in the assessment of this application.
- 3.6 There are rear windows serving bedrooms on the first floor of the house. From these windows there are unimpeded views of No.96 and No.98 Wellington Parade in particular – their rear elevations, rear windows and rear gardens, with views of the sea beyond. From one bedroom window views of the rear elevation of No.94 are impeded by a

Holm Oak tree located on land between the application site boundary and the rear gardens of those properties fronting Wellington Parade. The distance to the rear elevations of those properties in Wellington Parade varies, but is some 59m at the nearest point. The rear garden depth of No.96 is some 29m. This is the garden that is mostly orientated behind the application site.

- 3.7 From the upper room, there remain unimpeded views of No.96 and No.98 Wellington Parade. The glazed door in this upper room is set back from the rear elevation of the building and therefore behind the line of windows in the first floor of this elevation.
- 3.8 From the roof area, there remain unimpeded views of the rear elevations and gardens of No.96 and no.98 (a distance in excess of 50m elevation to elevation).
- 3.9 On a like for like basis, there is no difference or additional viewing advantage gained from standing on the roof looking towards the Wellington Parade properties and standing within the first or second floor rooms looking out of the windows/door towards the rear of these properties.
- 3.10 On the basis of assessing overlooking, it is not considered that there would be a material difference between the existing and proposed views for the occupiers of the application property and therefore it is not considered that the existing overlooking of those properties would be materially changed.
- 3.11 Notwithstanding the non-material change in overlooking, it is considered that the use of the roof area as a terrace could lead to a greater perception of being overlooked and therefore a greater perception of a loss of privacy for those occupiers of No.96 and No.98 Wellington Parade. Views of other properties from this height are also available, but a further distance away and at a more acute angle of view. The reason for this increased perception is that the proposed use as a terrace would be an 'open' use (on the roof top); not contained behind the solid walls and windows of the house. Activity on the roof would also be noticeable.
- 3.12 Having considered the concerns raised, the applicants now propose to etch (obscure glaze) part of the balustrade along the rear parapet wall. This has two benefits: First, the obscure glazed balustrade (even at 1.1m in height) would help screen 'downward' views into the garden area, ground and first floor windows in the rear elevations of Nos. 96-98 Wellington Parade from within the upper floor room (thus limiting the existing overlooking of those properties) and; second, the obscure glazed balustrade would help screen the applicants using the terraced area.
- 3.13 The issue of whether the living conditions of the occupiers of those properties in Wellington Parade would be unduly harmed is finely

balanced for the following reasons:

- Ordinarily, as the distance between properties is well in excess of 21m, which often acts as a rule of thumb for the Council when considering overlooking and loss of privacy impacts, it would not normally be sustainable to refuse an application on the grounds of overlooking or loss of privacy for a distance of over 50m (window to window).
- There are terraces and balconies on the rear of a number of buildings within the immediate area and further afield with equivalent or shorter distances between properties.
- The existing windows within the building already provide unrestricted means of looking down and across into the gardens and at the rear elevations of No.96 and 98 (and less so to those other properties along Wellington Parade).
- The proposal, as amended, would reduce the opportunity for overlooking from within the upper floor room.
- The proposal, as amended, would limit the visibility of those sitting out on the terrace from the surrounding properties and immediate area, and would prevent views of the rear gardens and elevations of those properties in Wellington Parade by those sitting out on the terrace.
- Should the occupiers of the application property stand on the roof terrace this would increase the perception of those living in the properties to the east of being overlooked and increase their feeling of losing privacy.

3.14 On balance, and in view of the existing circumstances and distance to those nearest properties, Officers consider that the application should be approved.

Precedent

3.15 The planning application should be determined on its own merits. On this basis, the opportunity for a precedent to be set is unlikely because the application building is the only house on this estate that has a flat roofed area and looks directly towards the properties in Wellington Parade. Those other houses on the estate that have a flat roof and projecting roof element (Nos. 2 and 6) either look north across open land or look south across open land towards the flank boundary of the nearest property in Kingsdown Road. In any case, each planning application has to be considered on its own merits.

Other Matters

- 3.16 Policy DM1 - the proposal would be used for purposes incidental/ancillary to the use of the existing house. As such, the policy objectives are met.
- 3.17 Policy DM15 - the additional balustrades would be visible from the publically accessible land to the rear of the eastern boundary, and visible between the gaps in houses from views in Wellington Parade. However, due to the limited scale of the development, its design and proximity to these publically available views, it is not considered that the appearance of the rear of the application building at roof level would be unduly harmed. As such, it is considered that the character and appearance of the countryside would be safeguarded. For the above reason it is also considered that the proposal would not harm the character of the development.

Conclusion

- 3.18 Good design is a key aspect of sustainable development and should contribute positively to making better places for people. It is considered that the residential amenity of the occupiers of those properties in Wellington Parade would not be unduly harmed by the proposal. It is also considered that the design and appearance of the development will not be out of keeping with the host property and the overall character and appearance of the area.
- 3.19 It is considered that the proposal complies with the policies of the Development Plan, as set out above, and meets the design criteria set out in paragraphs 17, 56-59, 61 and 64 of the NPPF.

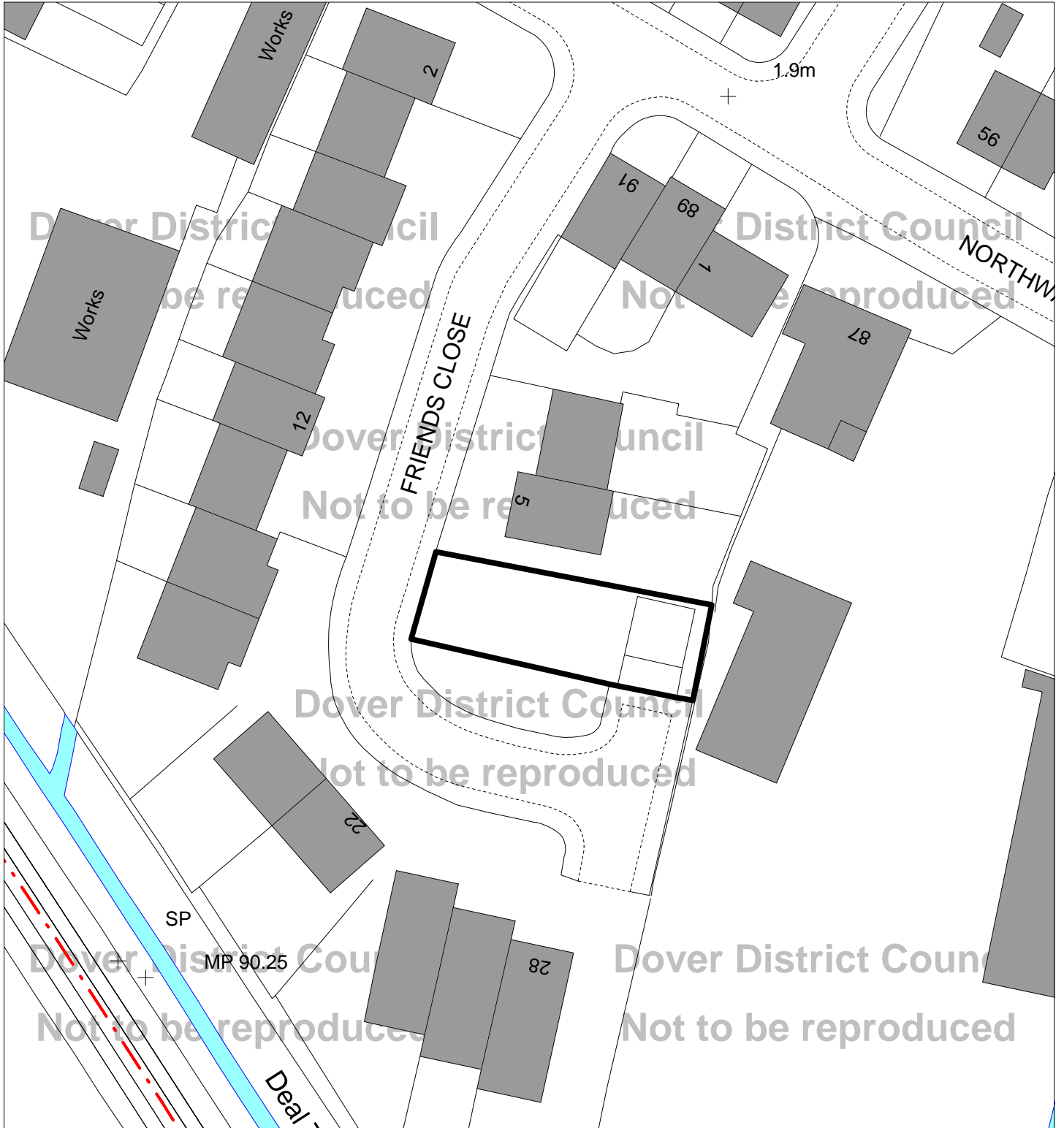
g)

Recommendation

- I PERMISSION BE GRANTED subject to conditions to include:
- i) Commencement of Development ii) Compliance with Drawings 02/48/2016 and 01/48/2016 iii) Requirement for the balustrades to be obscure glazed (incapable of clear views through) and installed before the terrace is first used, and retained thereafter iv) Requirement for the prior approval of the proposed decked terraced area – including materials and finished levels
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording of conditions in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester



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Application: DOV/16/00530

Site adjacent to 5

Friends Close

Deal

CT14 6FD

TR37175331



a) **DOV/16/00530 - Erection of a detached dwelling - Site adjacent to 5 Friends Close, Deal**

Reason for Report – the number of contrary views that have been received with regards to this application and Councillor Bob Frost call-in

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Core Strategy

- Policy CP1: Settlement Hierarchy
- Policy CP4: Housing Quality, Mix, Density and Design
- Policy CP5: Sustainable Construction Standards
- Policy DM1: Settlement Boundaries
- Policy DM13: Parking Provision

Dover District Local Plan 2002 (saved policies)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan (LALP)

There is no policy within the LALP directly related to this proposal.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Section 6: Delivering a wide choice of high quality homes;
- Section 7: Requiring Good design ;
- Section 10: Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (NPPG)

Provides guidance on matters relating to the main issues associated with development.

Other Documents

The Kent Design Guide sets out design principles of development.

d) **Relevant Planning History**

DOV/04/00261 Site at Northwall Road, deal: Erection of 19 no. new 2 storey dwellings plus all associated works – GRANTED.

DOV/04/00261/C Site at 89 Northwall Road, Deal: Amendments to approved planning permission DOV/04/00261 – changes to roof levels and children's play area and additional parking – GRANTED

e) **Consultee and Third Party Responses**

The Environment Agency were consulted and raised no objection to the development subject to conditions which relate to the internal floor levels of the building.

Deal Town Council were consulted and made the following comments:

'Strongly object to this planning application as the promised completion to both the road and paths by developer is yet to be done meaning they remain un-adopted causing major health and safety issues, damage to local cars, additional dwelling means lack of car parking space. The residents were previously promised a green area incorporating a children's play area and that no additional build would take place by developer. Concerns over flooding and overshadowing.'

KCC Archaeology were consulted and stated that no archaeological measures are required.

Neighbouring properties were notified of the application, and a site notice was placed on site. 10 objections were received with regards to this application, with the concerns raised summarised below:

- The proposal will lead to overlooking and loss of privacy on neighbouring properties;
- It was promised that the land would be laid to lawn and a play area established;
- The roads and paths surrounding the site are unfinished;
- Parking is an issue on Friends Close and the erection of a new dwelling will exacerbate the issue;
- The original planning applications were for a greater number of dwellings and were steadily reduced until permission was granted. As a number of dwellings have been on concern before, existing restrictions on the no. of dwellings should not be circumvented by subsequent, piecemeal additions;
- Environmental impact in terms of noise, dirt and general disruption during the proposed build would negatively impact many of local residents; and
- Already regular flooding on Northwall Road and it would appear that existing drainage is inadequate and as such the proposed development would appear inappropriate.

Councillor Frost requested that the application be heard before Planning Committee on the basis that:

- There is significant public interest;
- The site was proposed to be used for recreation;
- The status of the access to the site;
- The proposal would be over water holding tanks.

f) The Site and Proposal

1. The application site is located within the urban settlement boundary of Deal and consists of a piece of open land adjacent to the existing residential properties to the south of the close. The site is a rectangular piece of land which currently in use for storing building materials, however in a previous planning application (ref: 04/00261) it was allocated for use as a children's playing area, although a more recent application has seen this allowed to be used as open space. The surrounding area is predominately residential apart from immediately to the east and west of Friends Close are two storage yards.
2. The dwellings on Friends Close are 2 and 3 bed properties, and all of two storey, as are the majority of the properties within the wider vicinity. The pavements along Friends Close are unfinished leading to them being uneven and unusable for disabled residents or pram users – a complaint that numerous objectors have raised through the consultation process.
3. The site falls under Flood Zone 2 and 3 according to Environmental Records, as does much of the central area of Deal.

The Proposed Development

4. The proposed development seeks planning permission for the erection of a single 3 bedroom detached dwelling. The proposed dwelling would be finished in white render with brick detailing and have a slate effect pitched roof and 2 car parking spaces to the rear.
5. The building would have a maximum width of 8.1metres, a depth of 8.4metres, and a height of 8metres (to ridge). The property would be set back approximately 6metres from the edge of the highway (to the front) and 10metres to the edge of the highway to the side. Existing car parking spaces would lie between the property and the highway to the south (side). The property would have a rear garden of a depth of approximately 11 metres which would be relatively consistent with the neighbouring properties.

Assessment

Principle of Development

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
7. The NPPF states that any proposed development that accords with an up-to-date Local Plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a

presumption in favour of sustainable development and for decision taking this means approving development that accords with the development plan.

8. The site is currently an open piece of land used to store a small amount of building materials as well as being slightly overgrown. It is within the development of 19 dwellings (ref: 04/00261) which permitted the construction of the dwellings which form Friends Close. The area was previously conditioned to be a children's play area, however, further permissions have been granted which have seen this given over as open space within private ownership (DOV/04/00261/C).
9. The Council do believe that the provision of open space is important within urban areas, and as such would ordinarily be reluctant to permit any application that would result in its loss. However, this open space, which was originally set aside for a small play area, has never be used for this purpose, and there is now no prospect of this taking place due to land ownership (i.e. it not falling within the control of a management company). This loss has already been agreed through the granting of non-material amendment DOV/04/00261/C). It should also be noted that the North Deal Recreation Ground is approximately only 0.3km away from the proposed site that local residents can use.
10. The key considerations for this application are therefore whether the proposal would result in any visual harm, or any harm upon the residential amenity of the neighbouring occupiers.

Visual Impact

11. It is important to first consider whether the loss of the existing land (as open space) would be to the detriment of the character and appearance of the locality. At present the site is overgrown with building materials stored to the rear. The appearance of the site currently therefore detracts from the character and appearance of the locality. That said, should the site be cleared and fully landscaped, then there would be some benefit to the area – so I afford its current state very little weight.
12. That said, this is a relatively small site, and it is considered that because of its location, at the end of the cul-de-sac, the benefits of the open space would be limited (it is not of a scale to draw residents from beyond the very immediate vicinity). With this in mind, the loss of the open space would have a limited effect and would not be particularly harmful to the character and appearance of the area, subject to the design of the proposed building being of a suitable scale and design for this locality.
13. In this regard, the proposal has been designed to replicate the design of the properties that have been constructed within the cul-de-sac. With this in mind, no objection is raised to the proposal. It would sit well within the street scene and would not look out of place.
14. Perhaps more importantly, is the consideration as to whether the proposal would result in a cramped form of development. The proposal would result in a detached dwelling that would be set off the boundary with number 3 by two metres and a separation distance from the highway of six metres. When assessing this against the existing pattern and grain of development within the vicinity this appears comparable and it is therefore considered that this would not appear as incongruous when viewed from within the street.

Residential Amenity

15. The proposed dwelling would be located alongside number 3 Friends Close, and would be side on, with no windows proposed on the side elevation. The existing property does have two side facing windows, neither of which serve habitable rooms. Whilst this proposal would result in a loss of light to these windows, it is not considered that this would be to the detriment of the existing occupiers.
16. The position of the dwelling would also ensure that the proposal would not have an adverse impact upon the rear amenity space of this rear garden. There would be no unacceptable overlooking of this amenity space, nor any overshadowing/loss of light.
17. Whilst concerns have been raised with regards to an additional building within the Close, it is not considered that it would have a detrimental impact upon residential amenity.

Highways

18. The proposed dwelling would be provided with two off street car parking spaces, to the rear. This is considered to be an appropriate level of car parking provision for a dwelling of this scale, and as such there are no objections raised with regards to the impact upon highway safety.
19. The matter of the unfinished footpaths and highway within the existing development has been raised by a number of local residents. This matter is however not material to the consideration of this application. However it is noted that as a gesture of goodwill the applicant has submitted a Unilateral Undertaking which would require the existing roads and footpaths to be completed within three months of the first occupation of the dwelling if a planning permission is granted. This undertaking is not a material consideration as it is not considered necessary to make this development acceptable, and cannot be taken into account in determining the application. The undertaking would however be binding and enforceable.

Other Matters

20. In terms of flood risk, the submitted FRA details that the evidence provided can be used to demonstrate that the risk is significantly lower than that depicted by the coarse Environment Agency Flood Zone Map. The Environment Agency were consulted on this application, and have reviewed the submission, and are satisfied that this application can be approved subject to the imposition of a condition controlling the internal floor level of the building.

Conclusion

21. This application would see the loss of an area that was previously designated as open space. However, given the planning history on this site, it is now considered that the loss of this space would not have a detrimental impact upon either the character and appearance of the locality, nor upon the availability of appropriate open space for occupiers of the development. With this in mind, and the acceptability of the design, and impact upon residential amenity, it is concluded that this development is acceptable, and it is therefore recommended that

Members give this application favourable consideration and grant planning permission subject to the conditions set out below.

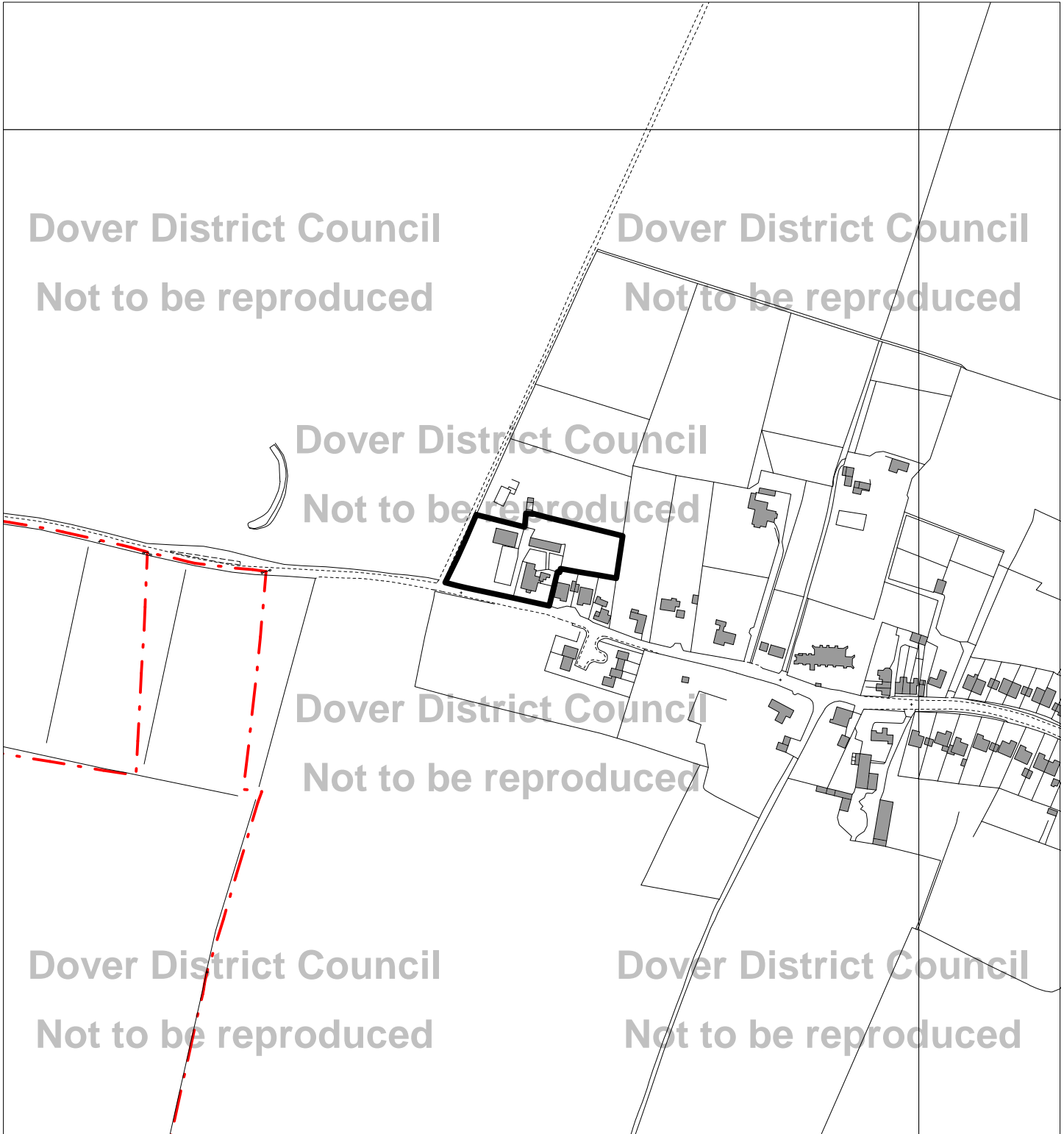
g) Recommendation

- I Planning permission be granted, subject to conditions set out to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) details of materials to be submitted iv) details of cycle and refuse storage; v) any conditions requested by KCC; vi) any conditions requested by KCC Archaeology vii) any conditions requested by the Environment Agency.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins

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Application: DOV/16/00442

Three Tuns

The Street

Staple

CT3 1LN

TR26735670



a) DOV/16/00442 – Erection of seven dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of a vehicular access, parking area and associated works – The Three Tuns, The Street, Staple

Reason for Report – the number of contrary views and to report back following the previous deferrals at the Planning Committee meetings held on 22 September 2016 (for further consultation) and on 15 December 2016 (seeking amendments to the scheme).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.*”

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Dover District Core Strategy

- CP1 – Part of the application site falls within the Village of Staple where the tertiary focus for development in the rural area is suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- DM1 - Development will not be permitted outside the settlement boundaries.
- DM4 – Reuse or conversion of Rural Buildings will be permitted for structurally sound, permanent buildings within Local Centres for commercial, community or private residential uses.
- DM11- Location of development and managing travel demand.
- DM13- Parking provision.
- DM15- Protection of the countryside.
- DM24 – Retention of Rural Shops and Pubs. Permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable

and genuine and adequate attempts to market the premises for retail purposes or as a pub have failed.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is the presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development; economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependant. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- Paragraph 12 sets out that proposals should be determined in accordance with the development, if it is up to date, and should also be refused if not in accordance unless material considerations indicate otherwise.
- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report.
- Paragraph 17 sets out 12 core principles, which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- Proposals should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 28 of NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development.
- Paragraphs 69-70 of NPPF seek to promote healthy and viable communities.
- Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the National Planning Practice Guidance.

The Historic Environment in Local Plans; Good Practice Advice (GPA) (2015)

This document provides information to assist in implementing policies in the NPPF and the NPPG.

National Planning Policy Guidance (NPPG)

This provides guidance relating to matters contained within the NPPF.

d) Relevant Planning History

There is extensive planning history for this application site. This is summarised as follows:

DOV/91/00934	Conversion of barn into 5 chalets. Granted 09/04/1992
DOV/07/0205	Erection of marquee- Withdrawn 12/04/2007
DOV/09/0449	Retrospective application for the erection of a marquee. Granted 3/07/2009

This planning application was deferred at the Planning Committee meeting on the 15 December 2016 on the basis that Members were concerned with the level of development that was proposed within the rear, and the impact that this would have upon the wider character and appearance of the locality. This proposal has now sought to address the concerns raised by Members, as set out below.

e) **Consultee and Third Party Responses**

Neighbouring occupiers were notified and to date, 10 letters of objection and 27 letters of support have been received. The main comments within these letters are summarised below:

Objections:

- There are quite a lot of new builds in the area
- High density housing development which is out of keeping with the surrounding area
- The Street is inadequate for the volume of traffic it carries
- The number of proposed parking spaces is inadequate
- Proposed design is out of keeping with the village
- Loss of privacy
- The Three Tuns is a landmark in Staple and would be hidden behind buildings
- Part of the site falls outside the village confines
- The pub was once thriving and could once again under the right ownership
- Drainage in the village might be inadequate.
- Outside the village confines
- Land to the rear of the properties named 'Casacde', 'Apollo' and 'The Old Post Office' is greenfield not brownfield
- Often speeding along Staple Road
- Lack of footpath near proposed shop
- Water supply and sewage problems

Support:

- Pub is currently unsightly and underused.
- Scheme would create jobs
- Good road links to London and Canterbury
- Street scene would be improved
- Would create family housing
- Gravel car park is unsightly
- Will benefit young families and retired alike
- The surrounding infrastructure will support development
- Sympathetic to its surroundings

Southern Gas Networks were consulted and advise that no mechanical excavations should take place within 0.5m of a low/medium pressure system or above or within 0.3m of an intermediate pressure system.

Southern Water were consulted and advise that no development should be located within 3 metres either side of the public sewer and no new soakaways should be located within 5 metres of a public sewer.

Environmental Health Officer (DDC) was consulted and has no observations to make on the application.

Kent Highway Services were consulted and raise no objections to the scheme subject to conditions, which include the completion of a footway within the site and connecting the existing footway on the south side of The Street prior to first use of the site commencing, the provision and maintenance of visibility splays.

Senior Heritage Officer (DDC) was consulted and outlines that the Three Tuns is a dominant building with significant presence in the street. Recommends that the existing hedgerow is maintained to retain the generous space around the listed building, that plots 1 and 2 with the blank side elevation do not relate to the surrounding context. Also note that the bulk, massing and architectural detailing of plots 1, 2, 5, 6 and 7 should be reworked so that they appear subservient. Considers that in its current form the proposal would compete with the listed building and would cause less than substantial harm to the Grade II listed building.

Staple Parish Council were consulted and recommend refusal due to concerns regarding the density of the development. Request that village confines are checked which are believed to run through the site.

Principal Infrastructure and Delivery Officer (DDC) was consulted and made the following comments:

'The development generates a need for 0.094 hectares of open space. She has advised that as the site is located approximately 1 km from the play area in Staple and is not currently accessible by footpath, it would be most appropriate to provide this on site. A suitable area of open space has not currently been provided.'

Senior Archaeological Officer was consulted and advises that the site is within an area of archaeological potential and that a programme of works should be implemented if permission were to be granted.

Kent County Council Development Contributions were consulted and outline that no contributions will be sought as the development is for ten units, in accordance with advice contained in the Starter Homes Ministerial Statement of 2 March 2015.

KCC Highways: No objections following addition of conditions.

Stagecoach: We note that drawing 22589/10 Rev C has been further revised to Rev E, but our concerns regarding the location of the existing bus stop have not been addressed.

f) **The Site and the Proposal**

- 1.1 The site is an irregular shaped parcel of land on the edge of the village of Staple to the north of The Street, the main route through the village. A significant proportion of the site - including the car parking area and part of the gardens - lies outside the village confines, whilst the public house and area covered by the marquee falls within the village envelope. Approximately 30% of the site lies within the village, with the remainder outside.
- 1.2 The site is currently occupied by the Three Tuns, which was formerly used as a public house as well as a marquee. There are single storey outbuildings to the rear, an associated gravelled parking area and garden, and associated fences and walls. The site is accessed from the Street via an access to the west of the Three Tuns. The north and west of the site are bound by dense vegetation with established conifers to the northern boundary and a deciduous hedge to the western boundary. There is a low wall to the front of the site where there is a bus stop. The eastern, and part of the front boundary is treated by a fence.
- 1.3 The Three Tuns was listed in 1979 at Grade II. It was constructed in the 17th and 18th centuries of red brick with a plain tiled roof. It is two storeys with an attic, a hipped dormer with sash windows to the first floor and timber casements to the ground floor and a central projecting 20th century porch.
- 1.4 The applicant has outlined that The Three Tuns was once a thriving village pub. It was open for business as a wedding venue until March 2014 and until late 2015 traded as a B and B.
- 1.5 The outbuilding to the rear is single storey clad in dark timber and appears to have been in use for holiday accommodation.
- 1.6 The proposal comprises the change of use and conversion of the Three Tuns to a single dwelling house and the erection of seven dwellings together with associated access, turning head, garages and car barns. The applicant has confirmed that the plans which were submitted on 31 May and 12 May are to be considered rather than the more recently submitted set of plans.
- 1.7 The conversion of the pub would include the demolition of a single storey rear extension which currently houses a toilet block. It would also comprise a living room, dining room and kitchen at ground floor, five bedrooms, bathrooms and en-suites to the upper floors. The house would be served by a car barn with a sliding gate and have gardens surrounded by a hedge.
- 1.8 The development of the remainder of the site includes the demolition of a single storey outbuilding, referred to within the application as a chalet. This is understood to have provided holiday accommodation and to have been constructed between 1940 and 1960 as shown on historic maps. A further seven dwellings are proposed surrounding the Three Tuns.
- 1.9 Of the new build dwellings, unit 1 would be a two storey property that would front onto the highway, units 2 and 3 are a pair of semi-detached two storey dwellings which would be sited to the rear of the Three Tuns, but would be visible from the end of the proposed access road. Plots 4 and 5 are now two storey properties which would have timber clad gable projections, and would be located directly to the rear of the listed public house. Plots 6 and 7 would appear as single storey when viewed from the front, but would have two storey elements to the rear.

- 1.10 None of the properties would be provided with garages within the site, but instead off street parking is proposed. The access road would be constructed to adoptable standard up to the turning head, and then treated as a private drive beyond.

Assessment

- 1.11 As set out within the planning history section, Members previously resolved to defer this planning application on the basis that they considered there to be too many units within the development and there was too much hard standing.
- 1.12 Negotiations have taken place with the applicants, and plans have subsequently been submitted, which sees the reduction of units to seven, and has also reduced the number of detached garages within the development to just one garage (which would be associated with the listed public house). Subtle changes have been made to the elevations of a number of the proposed units too, in order to soften the development, and to integrate it more appropriately into the surrounds (and with regards to the context of the listed building).
- 1.13 The key consideration is therefore whether the application has been amended sufficiently to warrant approval.
- 1.14 The loss of one of the units, through the deletion of a row of three terraced houses, and the erection of a pair of semi-detached units is considered to address the previous concerns of bulk and mass within the site. These units are located to the rear of the list public house, and as such have a direct relationship with it when viewed from the public highway. This amendment would reduce the amount of built form, which in turn would reduce the impact upon the listed building. It is considered that the design of these properties, being of brick and timber clad construction with gable elements within the front elevation, would be of a scale and form that would appear subordinate to the listed building.
- 1.15 The proportions of these buildings would also be considered appropriate, and would provide an attractive street scene within the development itself. The breaking up of the mass of the building with the use of timber cladding on the gable projections is considered to be an appropriate treatment of these dwellings.
- 1.16 In terms of the other buildings that have been amended, this would see the inclusion of timber cladding to soften plots, as well as the inclusion of brick plinths and recessed windows, which better reflect the eclectic mix of house types within the village, and its historic setting. The proposal now also provides sufficient gaps between the properties, which would better respond to the pattern and grain of the existing settlement, particularly given that this is an edge of village location.
- 1.17 In terms of the overall layout of the proposal, this would now see a significant increase in openness through the loss of the garages and the removal of one dwelling. This has enabled the site to be 'opened up' which seeks to address Members' concerns regarding the previous layout.
- 1.18 It is now considered that the proposal would be acceptable in context of the setting of the listed building, the village itself and the wider open countryside.

Five Year Housing Land Supply

- 1.19 Since the application was previously presented and debated at Committee, the Council have completed their Annual Monitoring Report (AMR), which has been

assessed by Cabinet (on 1 March 2017). This AMR sets out that the Council are of the view that they are now able to demonstrate a five year supply of housing land, within the District.

- 1.20 In accordance with the requirements of the NPPF and in particular paragraph 49 of this document; this states that planning applications should be considered in the context of sustainable development (as set out within this document). Relevant policies for the supply of housing should not be considered up to date if the Council is unable to demonstrate an appropriate supply of land. Conversely, policies can be afforded full weight if the Council are able to demonstrate such a provision. Policy DM1 of the Core Strategy states that *'Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.'* Policy DM15 also states that development within the open countryside should be restricted to five specific forms of development – with private houses not among them.
- 1.21 Given that the Council now consider that they have this supply, these policies of restraint can now be given appropriate weight in the determination of planning applications. Members should therefore consider this application on the basis of it falling, in part, outside of the village confines, and whether there are specific circumstances that would allow for the application to be approved, i.e whether there are now material considerations to indicate that there should be a departure from the Development Plan.
- 1.22 To my mind, this was, and remains a balanced case, however there are a number of reasons why it is considered that a positive recommendation can be given and these are set out below:
- 1.23 The viability and vitality of the listed building – whilst no viability appraisal has been submitted, it is clear from my site visit that the listed building is both substantial in size, and also in terms of the level of works required to refurbish it. This proposal would bring about an injection of investment that would be unlikely to otherwise occur – the matter of marketing was discussed in the previous report. This is a prominent and important building within the Conservation Area, and a focal point at the entrance of the village. Enhancements to its setting and its fabric would therefore be of significant benefit to the character and appearance of the locality.
- 1.24 Vitality of Staple – within the Council's adopted Land Allocations Local Plan it states *'To help sustain and strengthen Staple's role in the settlement hierarchy, it is considered that additional housing will be required over the lifespan of this plan. The opportunity for further development in Staple is limited by its rural character and the setting of listed buildings.'* Whilst the Council have approved four additional dwellings at 'Orchard Lea' which is within the centre of the village, it is considered that additional development here would also contribute towards the ongoing vitality of the village, but would also be a proportionate level of development.
- 1.25 Provision of additional car parking and footpath – this proposal includes the provision of nine car parking spaces for community use. These are provided on the basis that at present significant overspill parking takes place within the car park of the public house when there are services at the nearby church. Given the narrow nature of Staple Road it was considered beneficial to maintain this if possible. The applicant has therefore included this within the proposal which is considered to bring about a benefit to the village.

- 1.26 Limited visual impact – as set out within the previous Committee report, this proposal – particularly now amended - would have a limited impact upon the character and appearance of the locality. There is a significant and thick boundary to the rear of the site, which would restrict views into and out of the site, and whilst the western boundary is more open, it is this area of the site that has the least development proposed – and the plans now showing additional landscaping provision in any event.

Weighting of the Matters

- 1.27 Clearly it is for Members to weigh up the potential benefits of the proposal, against the fact that part of the site does lie outside of the village confines. It is considered that the proposal would bring about a good level of benefit to the village, and the level of local support appears to indicate an acceptance of this within the vicinity. It is important for Officers and Members to demonstrate consistency in decision making, and given the Council consider they now have a five year supply of housing land, Members need to be clear as to what the benefits are of approving this development, and why these matters outweigh the existing policies of restraint.
- 1.28 Paragraph 12 of the NPPF highlights that the starting point for decision making is the Development Plan. The Council's Development Plan is now up-to-date and therefore carries full weight. That said in the absence of identified *harm*, and where material considerations indicate otherwise, the NPPF is clear that if development is sustainable it should be approved. It is also noted that the Objectively Assessed Need (OAN) is not a limit to development, but rather a target. The Council has the ability to depart from the Development Plan and permit development outside of confines if they consider there to be good reason to do so, when all material considerations have been assessed – although these decisions are likely to be the exception rather than the rule. .
- 1.29 It is Officers' opinion that in this instance, the benefits outlined do outweigh the harm, and as such the principle of development is acceptable because of these very special circumstances.

Conclusion

- 1.30 Following on from the meeting on the 15 December 2016, negotiations took place with the applicants who have subsequently amended the plans to address the concerns. Whilst officers initially suggested a greater reduction of house numbers, it was agreed that should all detached garages be removed, and the house types altered (together with the loss of one unit) an amended proposal could be put forward that would fully address Members' concerns.
- 1.31 Whilst the Council now considers that it has a five year supply of housing land, an assessment has been made with regards to the benefits and dis-benefits of the proposal, and whilst the site lies part outside of confines, it is still considered to represent an acceptable form of development in this instance.
- 1.32 It is therefore recommended that Members now give this application favourable consideration and grant planning permission subject to the imposition of the conditions as set out below.

g) Recommendation

- I Planning permission be granted, subject to conditions set out to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the

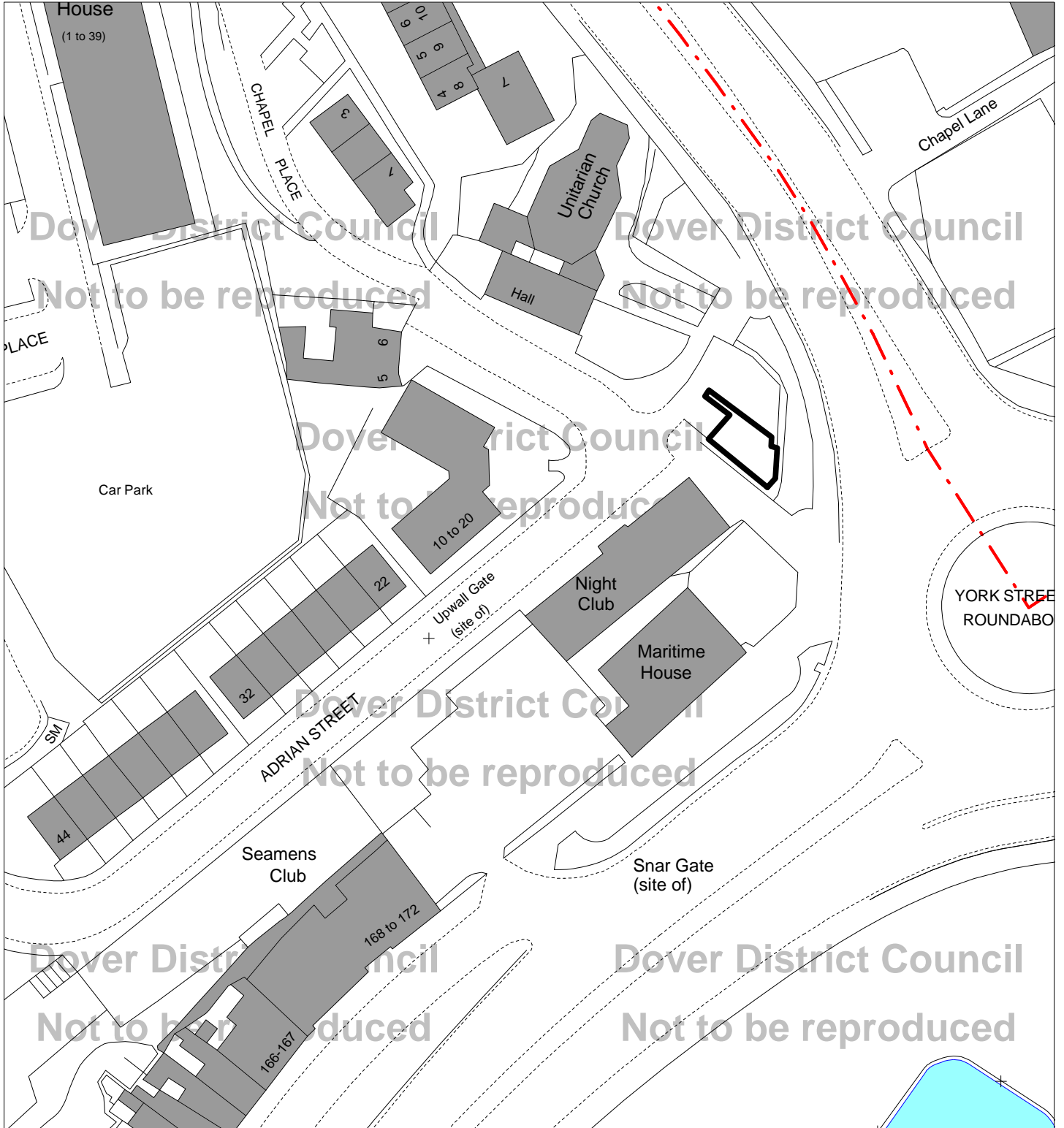
approved drawings; iii) materials to be submitted (which shall include timber cladding); iv) details of fenestration (joinery details); v) details of roof overhangs and recessed windows (1;10); vi) details of cycle and refuse storage; vii) sample panel of brickwork; viii) any conditions requested by KCC; ix) any conditions requested by KCC Archaeology. X) condition relating to car park provision (prior to occupation).

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission conditions in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins

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Application: DOV/16/01460

Land adjacent to Former Nightclub

Adrian Street

Dover

CT17 9AT

TR31914124



- a) **DOV/16/01460 – Erection of a portable building to be used as a soup kitchen and provision of a portaloo - Land adjacent to former nightclub at Adrian Street, Dover**

Reason for report – the number of third party contrary representations

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP8 – Dover Waterfront.

DM1 – Settlement boundaries.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

“7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role...
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role...”

“8. These roles should not be undertaken in isolation, because they are mutually dependent...”

“17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- take account of the different roles and character of different areas...

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

“61. ... planning... decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

“69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities... local planning authorities should aim to involve all sections of the community in... planning decisions. Planning... decisions... should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...”

“70. To deliver the social, recreational and cultural facilities and services the community needs, planning... decisions should:

- plan positively for the provision... of... and other local services to enhance the sustainability of communities...”

OTHER CONSIDERATIONS

DOV/15/00321 – Pencester Road Car Park, Dover – Erection of a portable building to be used as a soup kitchen – GRANTED (18 months temporary permission, now expired).

St James redevelopment – regeneration ongoing – leisure and retail park being erected on the St James site between Castle Street, Woolcomber Street, Townwall Street and Mill Lane.

Dover Waterfront strategic allocation – mixed use regeneration initiative opposite site north east of York Street and south east of the A20 Townwall

d) **Relevant Planning History**

(Adjacent, night club site) – DOV/06/01190 – outline application for the erection of 15 flats (existing building to be demolished) – GRANTED (not built).

e) **Consultee and Third Party Responses**

DDC Environmental Health – considered, no observations.

Dover Town Council – strongly support.

KCC Archaeology – no archaeological measures required.

Crime Prevention Design Advisor – recommends list of security measures including grilles, mortice locks etc. and promotes staff training and emergency procedures.

Public comments – 19 x objections, 63 x support

Objections

- To near to residential.
- Children playing the area, safety issues.
- Anti-social behaviour transferring from Pencester Road to Adrian Street.
- No CCTV and poor lighting.
- Located on tourist trail – South Coast Path, Saxon Shore, North Downs Way.
- Residents just recovering from anti-social behaviour associated with nightclub.
- Should be next to Police Station.
- Should be in an empty shop in town.

Support

- Central location.
- Noise from road will mask noise from facility.
- Addition of WC will be better than previous facility.
- Community benefit as a whole, humanitarian requirement.
- Acknowledges need for permanent solution.
- Three exits from site make it safe.

f) **1. The Site and the Proposal**

The site is located adjoining Adrian Street, adjacent to the junction of York Street and the A20 Townwall Street, in Dover. Immediately north of the site is the Unitarian Church and south west of the site is a currently disused nightclub, which has been known by a number of names. Opposite the site on the east of York Street, is the St James redevelopment area.

- 1.1. The site comprises part of a small car parking area, which has been hard surfaced. Bounding the car park on its eastern and southern edges is some vegetation, which is up to 1.5 metres in height. The site is nevertheless in close proximity to and is visible from the A20. On the western side of the site, adjacent to the nightclub, is a small footway ramp leading down to the A20.
- 1.2. Adrian Street is primarily a residential road with ornate terraced housing dating from before 1940, a three storey block of flats and a retirement housing block.
- 1.3. Dimensions of the site are:
 - Width – 9 metres.
 - Depth – 6 metres.
 - Car park dimensions – 15 metres x 12 metres.
- 1.4. East of the site (95 metres), and on the eastern side of the A20/York Street junction, adjacent to the Bench Street/Cambridge Terrace

subway, is a CCTV camera. This is the camera cited by the applicants. It is understood that this is a recording device only and is not continuously monitored.

- 1.5. Proposal
- 1.6. The proposed development is the temporary siting of a portable building and a portaloo (also temporary in form), to be used by the Dover Soup Kitchen. The buildings would be sited on the eastern side of the car park, on a north west/south east axis, opening to the east.
- 1.7. The portable building would have an infrared sensor triggered lamp mounted on its roof with a bracket.
- 1.8. The buildings would be open for use between 6pm and 7pm daily.
- 1.9. Dimensions of the buildings are:
 - Width (portable building) – 6.1 metres.
 - Depth (portable building) – 2.4 metres.
 - Height (portable building) – 2.9 metres.
 - Width (portaloo) – 1.2 metres.
 - Depth (portaloo) – 1.2 metres.
 - Height (portaloo) – 2.3 metres.
- 1.10. The proposed development is required to serve food and drink to people that would otherwise have difficulties in this respect.
- 1.11. The proposed development results from the temporary permission at the previous site, at Pencester Road car park, having expired. Renewal has not been sought. It is understood from the applicant's own documentation that this is primarily associated with anti-social behaviour connected to users of the soup kitchen. Prior to that time, the soup kitchen was located at the Russell Street car park, but this location is now the subject of the St James regeneration initiative.
- 1.12. Under the Pencester Road application, DOV/15/00321, temporary permission was granted for 18 months with a view to the soup kitchen's organisers finding a permanent site for the facility. This has not yet been achieved.
- 1.13. Appendix 1 to the report details Cabinet decision 134, made on 6 February 2017, in respect of the future of the soup kitchen, stating "that it was the view of Cabinet that the best long-term solution was for the Soup Kitchen to be located inside suitable premises".
- 1.14. The site at Adrian Street was rated top by the applicants, considered against the following criteria:
 - Impact on private gardens/private spaces and the right to the enjoyment of these.
 - Lighting and CCTV coverage.
 - Proximity to both port and the town centre.
 - Impact on residential premises.
 - Impact on town centre businesses and vibrancy of the town.
 - Visibility of the site, to discourage anti-social behaviour.
 - Impact on vulnerable persons.

- Number of people impacted by the proposed location.
 - Ease of finding the soup kitchen for those who need it.
- 1.15. Other sites assessed were:
- Ladywell car park.
 - Maison Dieu Road car park.
 - Stembrook car park.
 - Dover Leisure Centre car park (adjacent to Townwall Street).
 - Fishmongers Lane car park.
 - Camden Crescent car park.
 - Parking area at the rear of the library.
 - Albion Place car park.
 - Norman Street car park.
 - Buckland Bridge former WC building.

2. Main Issues

- 2.1. The main issues to consider are:
- Principle
 - Visual amenity
 - Residential amenity
 - Highways

3. Assessment

3.1. Principle

The site is located within the urban boundary of Dover and is in principle acceptable, subject to its details and other material considerations.

3.2. Visual Amenity

The proposed development involves the siting of two functional, temporary buildings. They are not attractive in themselves and are visually incongruous in a location which is the subject of regeneration initiatives, including the reworked A20 Townwall Street. The works to the A20 have, in effect, given prominence to it as a key route from which travellers experience Dover, including how the revised junctions at Union Street, York Street and Woolcomber Street are/will be perceived. The St James development is effecting a change in character at this location which is important for the future success of Dover more generally.

- 3.3. The buildings would be sited adjacent to some vegetation, which would provide some screening, although this would be insufficient to screen the buildings entirely.

- 3.4. It is considered that the location is very exposed and not appropriate as a long term solution for this proposal. However, given that the St James redevelopment is ongoing, a strict 12 month temporary stationing of these buildings may result in the scheme being acceptable such that it may be able to be accommodated within the

current wider context for a short period.

3.5. Residential Amenity

Although in a busy town centre location, Adrian Street does in part have the characteristics of a predominantly residential street. Local residents have expressed concerns over a number of issues, including the potential for snit-social behaviour and some objections cite the use of the car park by children as play space. Whether this is the case, the site is not designated for such purposes.

3.6. The Community Safety Unit (CSU) at Dover District Council has not objected to this proposal and neither has the Environmental Health team. It is recognised that based on previous experiences, the proposed siting of the soup kitchen does have the potential for adverse effects on residential amenity, however, the applicants have proposed a management scheme, which could be the subject of a condition if permission is to be granted.

3.7. The applicants identified an issue relating to the lighting of the site, which would be an issue between October and March. The site presently does not have adequate lighting, so the applicant has amended the scheme to incorporate a sensor light attached to the larger temporary building.

3.8. The applicants have used the potential for CCTV coverage as part of their criteria for choosing a suitable location. The CCTV images from the nearest camera, based on the eastern side of the York Street/A20 Townwall Road junction, however, have been confirmed by the CSU as being unclear for this location. This is compounded by the siting of the proposed buildings themselves, which would block some views from the camera, as would the intervening vegetation. The existing vegetation, as noted though, is useful for its partial screening effect (in visual amenity terms), and its assistance in greening the adjacent junction as an amenity feature, and its removal to allow clearer views into the site would be considered to be harmful to the street scene. Accordingly, as part of the details of the management scheme, the applicants would be required to submit details of a bespoke CCTV solution.

3.9. There are concerns over the potential for anti-social behaviour disturbance. However, with a proper management plan in place, sufficient lighting and surveillance, for a short period only, it is likely that harmful effects on residential amenity could be sufficiently mitigated.

3.10. Highways

There are no highways issues associated with the site. There is road access for volunteers bringing food and safe pedestrian access for other people walking to the site. The site would not be a distraction to road users due to its partially screened location above and to the side the highway.

3.11. Conclusion

There are concerns over the suitability of this location for the soup kitchen, but any grant of planning permission would be subject to conditions for a management scheme, including CCTV and lighting, and a temporary 12 month permission. The applicants have themselves noted previous anti-social behaviour associated with the facility, which would appear to support the need for a permanent location in a permanent building. The grant of a temporary planning permission would enable the search to continue in accordance with the Cabinet recommendation of 6 February 2017.

- 3.12. The location itself is sensitive in the regeneration of Dover – many people travelling to and from the port, as well as locals, will have their first experience of Dover on Townwall Street. The St James redevelopment is ongoing and in the relatively early stages of construction, but in 12 months are likely to be significantly further advanced.
- 3.13. Having recognised these issues, planning has a social role to fulfil and as such, support for this facility to continue operating, albeit temporarily, helps to provide disadvantaged people with food and drink where otherwise they may not receive anything. The work of the soup kitchen is acknowledged in this respect.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions to include: (1) Time (2) Approved plans (3) Temporary permission 12 months (4) Management scheme including details of CCTV (5) Hours of operation.
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

<p>Date 14 February 2017</p>			<p>formal decision.</p>	
<p>Decision Status CAB 133 6.2.17 Open Key Decisions No Call-in to apply Yes Implementation Date 14 February 2017</p>	<p>Record of Decision <u>YOUTH SERVICES IN THE DOVER DISTRICT</u> It was agreed that the Scrutiny (Community and Regeneration) Committee's recommendation, made at its meeting held on 18 January 2017 (Minute No 79), be approved as follows: That the Portfolio Holder for Skills, Training, Tourism, Voluntary Services and Community Safety engage with the Kent County Council-commissioned provider, Pie Factory, in respect of the delivery of youth services in the Dover District.</p>	<p>Alternative options considered and rejected (if any) None.</p>	<p>Reasons for Decision The Scrutiny (Community and Regeneration) Committee, at its meeting held on 18 January 2017, received a briefing from the Kent County Council Cabinet Member, and made a recommendation to Cabinet regarding the delivery of youth services in the Dover District.</p>	<p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p>
<p>Decision Status CAB 134 6.2.17 Open Key Decisions</p>	<p>Record of Decision <u>DOVER SOUP KITCHEN</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's</p>	<p>Alternative options considered and rejected (if any) None.</p>	<p>Reasons for Decision The Scrutiny (Policy and Performance) Committee, at its meeting held on 17</p>	<p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p>

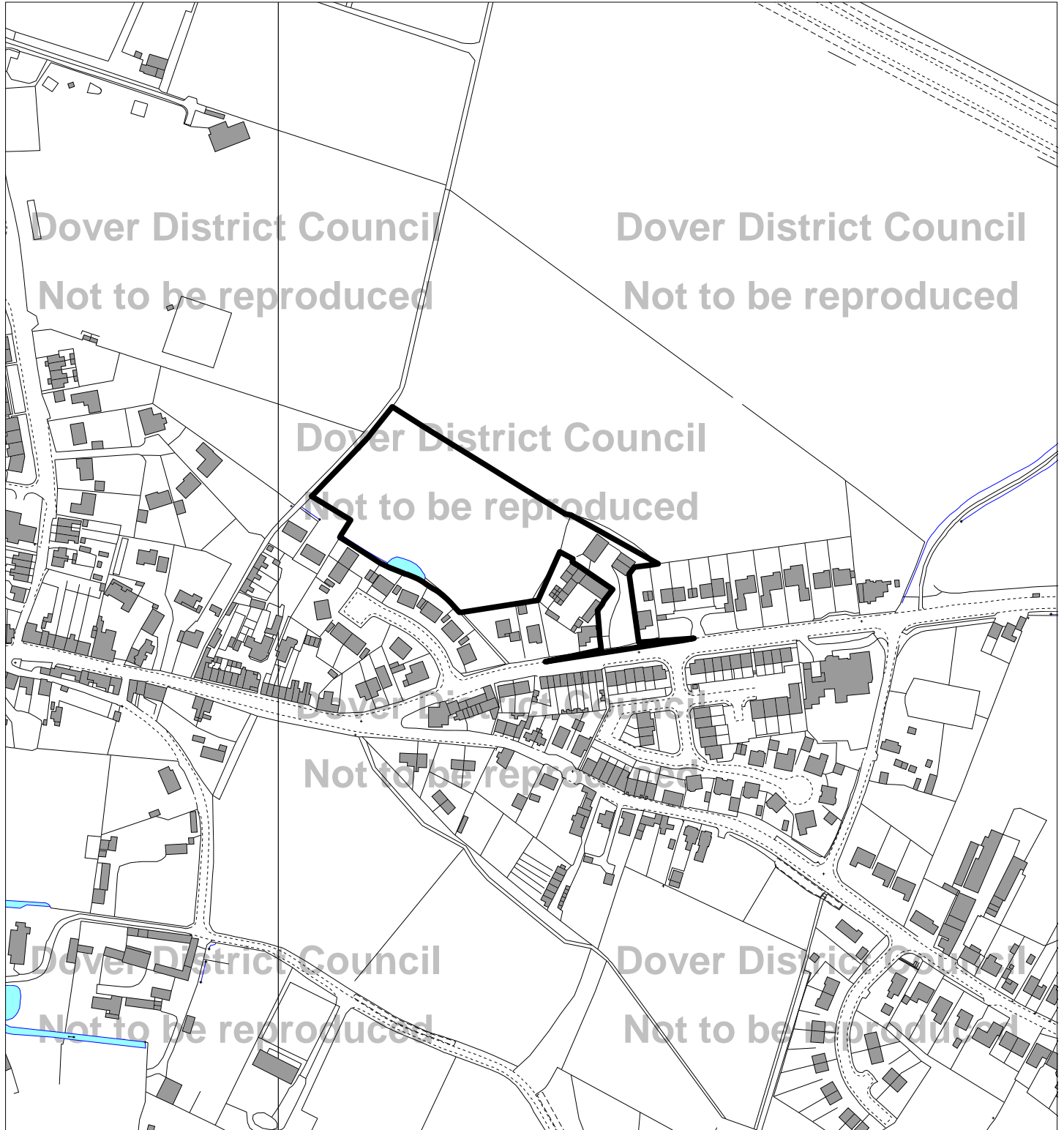


<p>No Call-in to apply Yes Implementation Date 14 February 2017</p>	<p>recommendations (a) to (d), made at its meeting held on 17 January 2017 (Minute No 136), be approved as follows:</p> <p>(i) That the Scrutiny (Policy and Performance) Committee be provided with the details of the scoring exercise used to determine Adrian Street as the most suitable site for the Dover Soup Kitchen. It was noted that the Head of Assets and Building Control had already made arrangements to provide this information to Scrutiny members.</p> <p>(ii) That the Scrutiny (Policy and Performance) Committee be provided with the reasons why Maison Dieu Car Park was not considered a suitable site for the Dover Soup Kitchen. It was noted that the Head of Assets and Building Control had already made arrangements to provide this information to Scrutiny members.</p> <p>(iii) That the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, be requested to facilitate dialogue on finding a permanent solution for Dover Soup Kitchen and that Councillor P Walker be involved in any such dialogue. It was noted that the Portfolio Holder was working with the Head of Assets and Building Control on this matter and that Councillor Walker had been involved in discussions.</p> <p>(iv) That, in future, District Councillors should be consulted at an early stage on matters such as this involving their wards.</p> <p>(b) That it was the view of Cabinet that the best long-term solution was for the Soup Kitchen to be located inside suitable premises.</p>	<p>January 2017, made recommendations to Cabinet regarding the Dover Soup Kitchen.</p>	
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Decision Status	Record of Decision	Alternative options	Reasons for Decision	Conflicts of interest
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Application: DOV/16/01247

Land at White Post Farm

Sandwich Road

Ash

CT3 2AF

TR29135846



- a) **DOV/16/01247 – Outline application for the erection of up to 30 dwellings, creation of vehicular access and parking (existing barns to be demolished) - Land at White Post Farm, Sandwich Road, Ash**

Reason for report – the number of third party contrary representations

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM5 – Provision of affordable housing.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

DM27 – Providing open space.

“To meet any additional need generated by development, planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. This applies to accessible green space, outdoor sports facilities, children’s equipped play space and community gardens in accordance with the standards that are contained in Table 1.2. Applications will also be required to demonstrate a minimum of 15 years maintenance of facilities. The need arising for other types of open

space (operational cemeteries, European site mitigation and landscape mitigation) will be assessed on a development specific basis.

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances contained in Table 1.2 and the capacity of those facilities can be expanded to meet the additional demand, then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements.”

National Planning Policy Framework (NPPF) (2012)

7. Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

12. Development that is in conflict with an up-to-date development plan should be refused unless material considerations indicate otherwise.

14. Presumption in favour of sustainable development.

17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes... and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...

49. Housing applications should be considered in the context of the presumption in favour of sustainable development...

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

61. ... planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

128 – 135. Give guidance on how to consider development proposals which impact on heritage and non-designated heritage assets.

OTHER CONSIDERATIONS

Conservation area – Ash – Street End – designated 9 December 1976.

Planning (Listed Buildings and Conservation Areas) Act 1990.

“72 (1) ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area.”

d) **Relevant Planning History**

No planning history. It should be noted that the site was put forward as part of the work leading up to the adoption of the 2002 Local Plan as a proposed main modification. However, the site was withdrawn from the process by the landowner prior to the council submitting the plan for examination and subsequently being adopted by the council in 2002. The Inspector's report dated 14 May 2001 states “This site was once favoured by DDC and included in the proposed modifications” ... and ... “whilst there are those in the community who still see this as one of the most suitable sites and APC (assume Ash Parish Council) leave it with some reluctance, the evidence before me is clear that it will not be available for the foreseeable future ... it would be pointless to allocate it in the absence of some certainty that it would be made available within the plan period ...”

Effectively the Inspector did not include the proposed allocation in the (at the time) proposed modification because of uncertainty of it ever coming forward.

e) **Consultee and Third Party Responses**

DDC Principal Infrastructure Officer

Requests contribution towards existing Queens Road play area and towards upgrade of existing sports changing room (at the pavilion).

DDC Heritage

“The proposal site is adjacent to the Street End, Ash Conservation Area, however it is screened from the streetscene by modern development. Views into the conservation area, from Burford's Alley for example, are equally screened. Other than any improvements to the current entrance there will be no impact on the conservation area in my view.

A key view of the grade I listed St Nicholas's Church is afforded across the site from the NE corner, however the church is viewed within the context of dwellings and other buildings to the middle ground. The impact on the setting of the church is therefore negligible.

One key point of interest is the existing barns. Those to be removed are of no interest, but the historic barns that will remain are considered to be undesignated Heritage Assets (as is the existing dwelling). Whilst these are not included within the site plan there is a minor concern that their conservation may be at some risk as a result of the development. The group of buildings is compact and the access road to the proposal site would restrict space around the buildings further which could prejudice their future use/reuse.”

DDC Environmental Health

No objection subject to conditions for a construction management plan and for noise and vibration insulation relating to the occupation of any dwellings permitted.

DDC Ecology and Landscape

The ecology report is competent and raises no constraints to development here.

The site has only limited visibility from the A257 and it is likely that there would only be glimpses from the Sandwich Road and White Post Gardens, although houses in Havelock Place have gardens opening onto the site. The main intervisibility is with the Recreation Ground and a number of footpaths close by (EE106, EE53A, EE465 and EE107 – Burford's Alley) as well as the more distant Public Bridleway EE466 (Hill's Court Road) that abuts the proposed development to the east.

Given the proximity of the PRow network and the recreation ground, both visual impact and green infrastructure need to be considered with particular thought given to the maintenance and enhancement of the public amenity provided through the footpath network. The block plan with the footpath link would support this. Soft boundary treatments (e.g. post and wire fencing and hedging) could reduce any adverse effects on the public amenity.

There are no objections on landscape or green infrastructure grounds.

DDC Trees

No comment.

DDC Housing

"The Developer has advised in his Design & Access Statement that "affordable housing at 30% can be accommodated (in accordance with Dover District Council Policy DM5) within the development."

The tables included in the planning application indicate that the affordable housing will comprise 2 x 1 bedroom and 7 x 2 bedroom houses for social rent. The proposed provision of 9 units of affordable housing is therefore in line with Council policy (30% of 30 units). The Council would normally look for a smaller percentage of the affordable homes to be provided as shared ownership but given the total number of units is quite small, this is not a significant issue. However, it would be useful to understand the design of the 1 bedroom units and also clarify whether the developer has had discussions with any Registered Providers of affordable housing regarding the affordable housing proposed.

KCC Highways

Raised initial concerns relating to access and the internal site road being able to accommodate refuse vehicle movements. Also requested further information in relation to any necessary retained access for retained farm buildings.

No objection after further information was provided, subject to a number of highways conditions.

"The proposals are likely to generate around 15 two-way vehicle movements in each of the network peak hours and this is unlikely to have a severe impact on the highway network."

KCC PROW

No objection. Seeks contribution towards the upgrade of EE107 with tarmac due to increased usage arising from the development.

KCC Archaeology

Requests condition for an archaeological scheme of investigation to be undertaken in accordance with details submitted to and approved by the local planning authority.

KCC LLFA

No objection in principle. Advises that dwellings shown on the indicative plan as 6, 7, 14 and 15 would need to be relocated to avoid the worst areas of surface water flooding.

Requests condition for submission of a surface water drainage scheme, a timetable for its implementation and details of its management and maintenance.

Natural England

Designated nature conservation sites – no objection.

Notes potential for impact on Thanet Coast and Sandwich Bay Special Protection Area, however, notes that this can be addressed by contributing to the relevant mitigation strategy.

Environment Agency

No comments.

Crime Prevention Design Advisor

Proposes condition or informative relating to the submission of reserved matters, requesting that these are informed by the Crime Prevention Through Environmental Design (CPTED) guidelines.

Canterbury and Coastal CCG (NHS)

Requests contribution towards local surgery upgrade (1000 extra patients).

Southern Water

No objection subject to submission of drainage details for foul and surface water. Foul water sewers will require infrastructure upgrade in order to accommodate development.

Application will be required to connect to public sewer.

No comment made regarding water supply beyond the need to design scheme based on connection to water mains.

EDF Energy

No comment made.

Southern Gas Networks

“On the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.”

National Grid

No comment made.

Rural Planning Advisor

“... I consider it would be fair to attribute some degree of significance to the loss of BMV agricultural land in this case, but it would be for the council to consider a) how significant this particular issue appears within the overall balance, b) whether the loss has been shown to be “necessary” in accordance with the criteria in para 112 of the NPPF, and c) whether this is a case where land of poorer quality should be sought instead.”

Kent Fire and Rescue

No comment made.

Ash Parish Council

“The site is outside the village confines and is not one of the allocated three sites that have already been agreed, after extensive consultation, for over 200 new homes for the village of Ash. This application could have a detrimental effect on the viability of already allocated sites. It would negatively impact on the ability of the village of Ash to integrate future allocated developments into the life of the community.

The site is within a conservation area which acknowledges the contribution the White Post Farm makes to the historical context of the village. The site is within an area of archaeological importance. The precedent set by this application being accepted could enable residential development across conservation areas and greenfield / agricultural land outside village confines, both in Ash and the District.

The lack of a 5-year land supply as noted in the 2014-15 Local Authority Report is out of date and therefore the validity of using this as a material consideration could be challenged. It is understood that the updated report to March 2016, will be ready in February 2017. Additionally, the report will not include the planning applications granted or awaiting consideration specific to Ash since March 2016.

Traffic matters – local experience shows that the access for traffic to and from the site will expediently increase the existing problems of noise, pollution, congestion along one of the main entrance and exit roads to the village. The increase in volumes of traffic, taken in conjunction with the equivalent increase from the allocated site opposite to this application, will have a detrimental impact on the quality of the lives of residents along Sandwich Road and in Ash. The objection by Stagecoach details the issues arising from the increase in traffic for the bus service. There are safety issues arising from poor sight lines along a road which alters from 60 mph to 30 mph without any buffer, exacerbated by the number of parked vehicles along the road.

Southern Water has acknowledged the problem with the existing inadequate waste and water infrastructure the consequences of which residents constantly experience. Suggested mitigation is suggested by pooling with night pumping which is more likely to cause problems ‘downstream’ which just moves the problem onto other Ash residents. Surface flooding will increase with the loss of open land to absorb water which already has caused flooding to adjacent properties. The potential for flooding from the specific topography

and soil type can only increase for the houses on site as well as adjacent and near-by properties.

The Rural Planning Limited's report letter explains why the loss of Grade 2 agricultural land is significant even on small sites. Further this land is in cultivation, as is the adjacent agricultural land.

PROW EE107 is on the western boundary and is hedged and not a tree line. It has been managed to prevent it overshadowing the adjacent allotments and is due to be topped again this winter. It is not possible to let it grow into a tree line without making the footpath impassable and parts of the long established allotments uncultivable.

Residents have seen bats and a wide variety of wildlife on and near this site and a full bat survey is requested. It is noted that the ecological report's summary recommends the installation of bat (and bird) boxes which acknowledges that bats are present on the site.

The houses adjacent will suffer from overlooking. The loss of the open space will result in the significant loss of visual and rural amenity for the adjacent properties and the area.

Over-all the adverse impact on the residents of Ash significantly and demonstrably outweigh any benefits from this application."

Public representations – 72 x objections and 400 signature petition

- Available land should be developed first, including PDL.
- Concerns about safety of access
- Site is outside village boundary.
- Ash infrastructure is under pressure.
- Site is BMV agricultural land.
- Ash would be taking a disproportionate amount of the district's housing target.
- Link into Burford Alley would create disturbance for people already living in and around it.
- Sewer issues.
- Land should be used for allotments.
- Heritage impact, setting of CA and views towards Ash church.
- Loss of local habitats.
- Light pollution.
- Questions need for dwellings.
- Is affordable housing truly affordable – consideration for younger residents of village.
- Not a sustainable location – encourages travel by private vehicles.
- Loss of green areas.
- Development creep towards A257.

f) **1. The Site and the Proposal**

1.1. The Site

The site is located on the northern side of Sandwich Road in Ash. It primarily consists of an arable field, approximately 1.2 hectares in size. It is orientated on a north west/south east axis. The site is

accessed at its eastern extent, from Sandwich Road, between existing residential dwellings 24 Sandwich Road (the White Post Farm farm house), and Finches.

- 1.2. Existing farm buildings are sited towards the eastern end of the site, dating from the 1970s. Adjacent within the farm but not within the proposed development site are historical farm buildings dating back to the 1870s or before, with a traditional farmyard arrangement still evident. The older and newer farm buildings are within the Ash – Street End conservation area.
- 1.3. Ash settlement confines bisect the site – the southern part of the site near to Sandwich Road, which includes part of the corner of a barn and access road, is in the conservation area, and inside the confines. The remainder of the barns, and the arable field to the north of the site are outside the confines, but are immediately adjacent to them.
- 1.4. Adjacent to the southern site boundary are the rear gardens of an existing residential development – White Post Gardens, dating from the 1960s. The dwellings in White Post Gardens are single storey. Mature vegetation forms the western site boundary and much of the northern site boundary. Running adjacent to the western boundary is Burford’s Alley, a public right of way designated EE107, which links The Street in the centre of Ash north to the A257 and beyond. Adjacent to the northern site boundary and stretching north to the A257 are arable fields, which themselves are partially bounded by mature hedgerow and trees. East of the site is a residential development dating from 1980s and 1990s/early 2000s.
- 1.5. An area of vegetation is located on part of the southern site boundary, between the arable field and the rear (northern) boundaries of the dwellings in White Post Gardens. Also included at this location is a depression, which variously can be dry or filled with surface water forming a pond.
- 1.6. Site dimensions are:
 - Width – 190 metres (approximately).
 - Depth – 80 metres (approximately).
- 1.7. Proposal

The proposed development, which is outline in form, with the exception of the access, is for the erection of up to 30 dwellings. The dwellings would comprise the following mix : Market dwellings - 2 no x 2 bed units, 14 no x 3 bed units, 5 no x 4 bed units; Affordable units - 2 no x 1 bed units and 7 no x 2 bed units. The indicative drawing submitted with the proposal shows access taken from Sandwich Road with the dwellings erected in a cul de sac arrangement.
- 1.8. The access road would loop around the northern edge of the older farm buildings and pass through where the existing metal barns are. These would be demolished.
- 1.9. A new access for number 24 is proposed directly from the new site access road. The existing vehicular access to number 24, taken directly from Sandwich Road, is proposed to be permanently closed.

- 1.10. A pedestrian link with Burford's Alley is proposed at the western end of the site is also proposed as well as upgrade works to the existing footpath.
- 1.11. It is noted that the agent for the site has submitted a letter in which an interim approach to the issue of the five year supply of housing is advocated, allowing for the change in circumstances (the relevant policies of the local plan now being considered up to date) to be phased in. The Cabinet decision of 1 March, however, did not include such an approach.

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle of development
 - Visual and rural amenity
 - Residential amenity and scheme proposals
 - Agricultural land classification
 - Ecology
 - Heritage
 - Highways and access
 - Water supply, drainage and flooding
 - Planning obligations

3. Assessment

3.1. Principle of Development

On 1 March 2017, the DDC Cabinet agreed that the 2015/2016 Annual Monitoring Report (AMR) be approved and made available. The AMR includes the most recent housing supply figure of 6.02 years. This meets the Government requirement that local planning authorities be able to demonstrate a 5 year supply of deliverable housing land.

- 3.2. Policy DM1 is now considered up to date and must be given full weight for decision making purposes.
- 3.3. Much of the application site - around 90%, is outside the settlement confines. The proposals, are now contrary to development plan restraint policy in respect of policy DM1. Having said that, policy CP1 identifies Ash as being a local centre, suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. It has all the facilities and services expected of a local centre. The NPPF is clear that development proposals that conflict with an up-to-date plan should be refused unless other material considerations indicate otherwise.
- 3.4. Clearly, it is for members to weigh up the material considerations in reaching a decision. The decision maker has to be sure in taking such a decision, contrary to the Development Plan, that there is no misdirection with regards to the principles taken into consideration, and consideration of the issues is thereby an exercise of judgement.

3.5. It is important for officers and members to demonstrate consistency in decision making, and given the council now has a five year supply of housing land, members need to be clear about the justification for granting planning permission that would be a departure from the development plan. It is noted that the objectively assessed need (OAN) is not a limit to development, but rather a target. The council has the ability to depart from the development plan and permit development outside of confines if they consider there to be good reason to do so, when all material considerations have been assessed – although these decisions are likely to be the exception rather than the rule. So the development is contrary to development plan policy DM1, however, it is necessary to assess other material considerations, as discussed below.

3.6. Visual and Rural Amenity

It is considered that the site is well located in spatial terms to the built confines of Ash, such that its development would not appear uncharacteristic of the organic and historic growth that has occurred over time. It is largely contained between allotments to the north west and White Post Gardens to the south west and built confines development to the south.

3.7. At a distance and seen from public vantage points to the north and north east, an intervening field boundary helps to interrupt views towards the site. Closer views of the site from public right of way EE107 are partially screened by existing mature vegetation which forms the northern site boundary. This vegetation would be retained and to some extent encloses the site.

3.8. Given that views towards the site are primarily seen from the north and north east development of the site would be largely read against existing development. As such, it is not considered that the development would be unduly harmful in terms of either visual, rural or landscape amenity. The DDC Ecology and Landscape Officer has confirmed this, subject to a suitable boundary treatment being implemented. In this regard therefore the development although resulting in a small area of a small area of countryside as defined, would not adversely affect the wider character and appearance of the countryside or landscape.

3.9. Residential Amenity and Scheme Proposals

The proposed development at this stage is in outline form and as such, only indicative drawings have been provided with a view to what the site layout could look like. No elevational drawings have been provided, however, it is reasonable to assume that with the necessary considerations informing the detailed design stage, the residential amenity of existing neighbouring occupants would be protected through design.

3.10. Although specific scheme details are limited as the application is in outline, the housing type mix and parking provision are considered to be suitable. Layout and specific design solutions would be considered at the detailed design stage. However it will be important to ensure a suitable and well related development which would reflect the

characteristics of an edge of settlement location and the countryside beyond.

3.11. Agricultural Land Classification

Best and most versatile (BMV) agricultural land is defined as grades 1, 2 and 3a.

3.12. The breakdown of land types within the site is as follows::

- 80% is grade 2 BMV.
- 20% is other land.

3.13. Development of the site would involve the loss of 0.96 ha of best and most versatile agricultural land. The NPPF directs that where development is 'necessary' on 'significant' areas of agricultural land, land of a lower quality should be sought.

3.14. There is no guidance in relation to what constitutes "significant development of agricultural land", however, the Oxford definition of significant is as follows;

"Sufficiently great or important to be worthy of attention, noteworthy..."

3.15. White Post Farm used to be a larger concern, maps from as recently as the 1980s depict a farm track running north east from between the metal barns. The 1990 aerial photograph, however, shows this track having been ploughed over north of the farm, and the 1ha field associated with White Post Farm, subject of this application, remaining. The farm in its current configuration is discrete and would not appear to lend itself to larger scale agriculture, or the economies of scale that would be associated with such a holding.

3.16. The rural planning advisor does note that the "losses of individual, smaller parcels can accumulate..." and that "it would be fair to attribute some degree of significance to the loss of BMV agricultural land... but it would be for the council to consider... how significant this particular issue appears within the overall balance...". Clearly the loss of grade 2 land is a material consideration. However, this has to be weighed against all other material considerations.

3.17. Ecology

In accordance with the Habitats Directive and the Wildlife and Countryside Act 1981, it is necessary to ensure the application (a 'project') does not harm a European Site. The Land Allocations Local Plan 2015 (LALP) establishes that residential development across the district will cause in combination effects on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. However, the LALP also provides a suggested mitigation against these cumulative impacts of development, setting out a mitigation strategy to avoid potential impacts, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £1624. Consequently, it is not considered that the development would cause a likely significant effect

on the SAC or SPA. A legal agreement will be required in order to secure this contribution.

- 3.18. In relation to on site and localised impacts, concern has been raised about the potential for bats to be living in the hedgerow which partially bounds the site. The stage 1 ecological survey submitted with the application reports that no bat habitats were found. Additionally, no reptiles were found, nor dormice.
- 3.19. In relation to bats transiting the area, the study recommends that a lighting scheme is submitted with a view to minimising any disturbance for commuting bats.
- 3.20. The survey has made further recommendations in line with the NPPF, for the purpose of enhancing ecological habitats, and halting the overall decline in biodiversity. These include:
- Retaining a wildlife corridor along the southern site boundary, which would be fenced off to prevent it becoming domestic curtilage of the proposed new dwellings.
 - Planting and reinforcing the boundary hedge/scrub along the northern site boundary.
 - Providing native and species rich planting as part of any soft landscape plan.
 - Using nest boxes for house sparrows and other nest boxes for tits, blackbirds, and thrushes, as well as smaller boxes for robins and wrens.
- 3.21. The ecology officer considers the ecological information to be competent. Accordingly, details of the lighting scheme and proposed ecological enhancements would be sought through condition were permission to be granted.

3.22. Heritage

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a duty that special attention be paid to “the desirability of preserving or enhancing the character or appearance” of the conservation area in which a relevant application/site is located.

- 3.23. The council’s heritage officer has commented in this case that the effect of the development on the setting of the conservation area is considered to be negligible, given the existing residential development which forms the context of the site. Further discussion with the heritage officer confirms that no harm is considered to result from the proposal.
- 3.24. The heritage officer does comment that the proposed access road could possibly restrict the space around the retained farm house (number 24) and farm buildings (which are noted as being both non-designated heritage assets and as being outside of the site), which in turn could impair the future use/re-use of these buildings.
- 3.25. It is considered, however, that the proposed development does not necessarily preclude the future use/re-use of these buildings. Highways information submitted by the applicant shows that the buildings would still be able to be accessed by the necessary vehicles

(in the case of the farm buildings, this is taken as being in connection with their ongoing farm use, although in reality, with the buildings no longer serving a farm unit, the access of larger farming vehicles is considered unlikely to be necessary).

3.26. Highways and Traffic Impact

The highways officer has commented that; “The proposals are likely to generate around 15 two-way vehicle movements in each of the network peak hours and this is unlikely to have a severe impact on the highway network.”

3.27. The officer did raise a number of concerns relating to the proposed size of the access, which were addressed by the applicant. Accordingly, no further issues have been raised by the highways officer, subject to the use of a number of highways related planning conditions.

3.28. The proposal is therefore considered to be acceptable in highways terms.

3.29. Water Supply, Drainage and Flooding

Southern Water supplies water at this location. The exact location of the public water main should be determined prior to the layout of the development being finalised. This would be dealt with at the reserved matters stage should the proposal be permitted.

3.30. Foul water drainage. A desktop study undertaken by Southern Water indicates that the foul water drainage needs of this development would require additional local infrastructure in order for it to be accommodated. Southern Water has requested a pre-commencement condition for a drainage strategy to be submitted to and approved in writing by the local planning authority, however, given that the application is outline, it would be suitable for these details to be submitted as part of the reserved matters.

3.31. Surface water drainage/flooding. The site falls within flood zone 1 – outside of the flood risk zones and the local lead flood authority (KCC) has no objection in principle to the development, but does require that a detailed surface water drainage plan is submitted to the local planning authority for approval before development begins. This would involve a timetable for implementation and a management and maintenance plan for the lifetime of the development. It is considered suitable that these details would also be submitted as part of the reserved matters.

3.32. The flood officer advises that dwellings shown on the indicative plan as 6, 7, 14 and 15 would need to be relocated to avoid the worst areas of surface water flooding, which are located adjacent to the southern site boundary close to the existing pond. The layout at this stage is indicative and the development is for up to 30 dwellings. As such, this could be dealt with as part of a design solution at the reserved matter stage should the development be permitted.

3.33. Planning Obligations

The applicant has submitted draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The proposed obligations are based on consultee responses and are as follows;

- 3.34. Affordable housing – in accordance with Core Strategy policy DM5, an on-site contribution of 30% (up to nine dwellings) is required. The applicant has agreed, and proposed that these would be social rented dwellings.
- 3.35. Secondary education – £2359.80 per dwelling, towards Roger Manwood School Phase 3. Total – **£70794** – agreed by applicant.
- 3.36. Library – contribution towards book stock at Ash village library, at £48.02 per dwelling. Total – **£1440** – agreed by applicant.
- 3.37. Health – the Canterbury and Coastal Clinical Commissioning Group has requested a contribution towards an identified scheme which would increase the capacity of the existing surgery by 1000 patients. The total cost of the scheme would be £78660. Applying the council's standard housing size mix to the development and using the KCC New Build Survey, the development is projected generate approximately 79 new patients. As a proportion against the total cost of the scheme, the requested contribution is **£6214** – agreed by applicant.
- 3.38. Open space – in accordance with policy DM27 of the Land Allocations Local Plan, the development would give rise to the need for the following quantities/types of open space – 0.17ha of accessible green space, 0.09ha of outdoor sports facilities, 0.004ha of children's equipped play space and 0.016ha of allotments/community gardens. Due to the size of the site and its location in close proximity to existing open space facilities, it is impractical to provide an on-site contribution. Based on discussions with the council's Principal Infrastructure Delivery Officer, it is suggested that an appropriate contribution (towards the maintenance of the existing Queen's Road equipped play area, and towards improved changing facilities at the existing sports pavilion should be sought. Such necessary contributions have been agreed by the applicant.
- 3.39. Thanet Coast and Sandwich Bay SPA mitigation strategy – noted above, contribution of **£1624** – agreed by applicant.
- 3.40. Public Right of Way. The proposed development would connect to Burfords Alley (EE107). The PRoW office has requested a contribution towards the upgrade of the footpath at this location. Details of upgrade works have been supplied by the PRoW office and these have been agreed by the applicant.

4. Conclusion

- 4.1. It is clear that development of this site, outside the confines would not be in accordance with policy DM1. Clearly there is also a loss, albeit a comparatively small area, of BMV agricultural land. However, in terms of its location, in favour of the development in this respect is its close

proximity and relationship to the Ash confines. The site is discreet and any development would be seen in the context of existing housing.

- 4.2. The development would bring affordable homes to the village and make other relevant contributions towards local infrastructure and services. To all intents and purposes, although contrary to the development plan, the development would be beneficial to the local economy, make a positive contribution in social terms and cause no undue harm in environmental terms.
- 4.3. It should be borne in mind that historically (around 15 years ago) the council identified this site as being suitable for development, and the reason why it was not taken forward was a change in landowner intentions. This prevented its inclusion in the proposed main modifications, which ultimately became the 2002 Local Plan.
- 4.4. The council will shortly be undertaking a call for sites for further housing allocations as part of its current local plan review, and putting aside the consideration of this application, it is likely that were the site put forward as part of that exercise the planning merits of the site would remain apparent in any new assessment.
- 4.5. In May 2016, at which time there was a deficit against the five year housing land supply requirement, the applicants undertook pre-application advice from the council, and the development of the site was considered favourably by officers. During the course of consideration of this application, the council went from not having a five year land supply to having a five year land supply, and policy DM1 became up to date.
- 4.6. Views of the Parish Council and local residents have been taken into account in consideration of the proposals.

g) **Recommendation**

- I. Subject to the submission and agreement of a section 106 agreement to secure contributions, planning permission be GRANTED, subject to conditions to include: (1) Outline time limits (2) Approved plans (3) Affordable housing scheme (4) Reserved matters to include layout, elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, samples of materials, bin storage and street scenes, details of foul water drainage, details of surface water drainage and maintenance (5) Hard and soft landscape plan (6) Lighting strategy (7) Ecological mitigation and enhancements (8) Full details of measures to protect boundary vegetation (9) Details of noise mitigation (10) Details of all highways works, including wearing course, and timetable (11) Completion of access works (12) Closure of access to number 24 (13) Completion of certain highways works prior to first occupation of each dwelling (14) Provision of visibility splays (15) Provision of cycle parking (16) Measures to prevent discharge of surface water onto the highway (17) Bound surface 5 metres (18) Archaeology (19) PRow upgrade works to standard specified (20) Construction management plan.
- II. Powers to be delegated to the Head of Regeneration and

Development to settle any necessary planning conditions and to agree a section 106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett