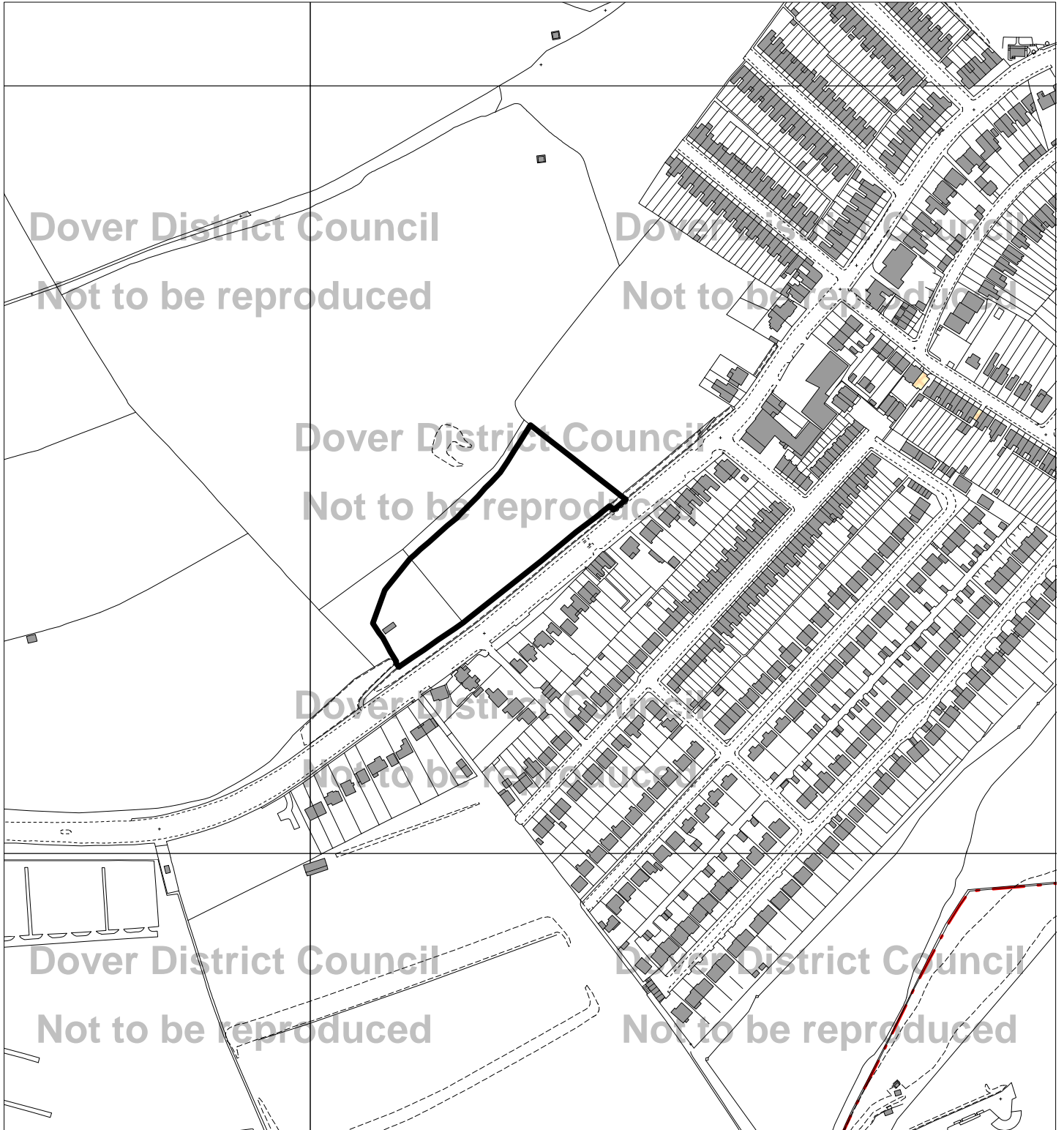


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**Application: DOV/15/01032**

**Land adjacent to allotments**

**Folkestone Road**

**Dover**

**CT17 9JU**

**TR30124070**



- a) **DOV/15/01032 – Outline application with all matters reserved for the erection of 29 dwellings, associated access, parking, road/footway provision and landscaping - Land adjacent to allotments, Folkestone Road, Dover**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- CP7 - Planning permission for development that would harm the green infrastructure network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigates its effects.
- 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.
- DM5 - Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- 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.

- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

#### Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

#### National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 49 of the NPPF states that "housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and 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.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, geological conservation interests and soils.

Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Local planning authorities should aim to conserve and enhance biodiversity.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/15/00273 - Outline application with all matters reserved for the erection of 37 dwellings, associated access, parking, road/footway provision and landscaping

DOV/06/00904 - Outline application for the erection of four detached dwellings – Refused

DOV/92/00265 - Outline application for the erection of one dwelling – Refused

e) **Consultee and Third Party Responses**

Principal Ecologist – The Hazel Dormouse survey is reasonable.

Environmental Health Manager - The applicant will need to establish that the desirable internal ambient noise levels shown in Table 4 of BS8233:2014 are met. A construction management plan will also be required.

Principal Infrastructure and Delivery Officer – The site is designated as Open Space and, as such, Policy DM25 should be applied. Permission should not be granted unless one of the caveats of DM25 applies. The development will need to contribute towards the needs generated by the development in terms of Open Space (accessible green space, outdoor sports facilities, children's equipped play space and allotments/community gardens). The development would also need to provide mitigation for the likely cumulative impact on the Thanet Coast and Sandwich Bay SPA and Ramsar site.

Environment Agency - No objection, subject to conditions being attached to any grant of permission, requiring a preliminary risk assessment, site investigation and remediation as necessary, a verification report demonstrating remediation, details of foundation design, and details of any surface water infiltration into the ground.

Southern Water - Comment that whilst Southern Water can provide foul sewerage disposal to the site, surface water drainage will be via SUDs. Drainage details should be submitted and approved and should be maintained in perpetuity. Should permission be granted, it is recommended that a condition be attached, requiring full details of foul and surface water drainage, and an informative be attached, regarding the need for a formal application for connection to the public sewerage system.

Dover Town Council – Support

KCC Highways and Transportation - No objection, subject to conditions. The majority of the suggested conditions relate to the details to be submitted at the reserved matters stage; however, in addition to these, a condition is recommended which requires

improvements to be made to the existing 30mph gateway feature to provide an uncontrolled pedestrian crossing point.

Southern Gas Network – A plan has been provided showing the underground pipes owned by Southern Gas Networks in the area. There should be no mechanical excavations taking place within 0.5m of a low/medium pressure system or above or within 3m of an intermediate pressure system. Where required, the position of pipes should be confirmed using hand dug trial holes.

Public Representations – Nine letters of objection have been received, raising the following concerns:

- The site has not been identified for the provision of housing
- The natural beauty of this part of Folkestone Road makes it a desirable place to live
- The site contributes positively to the character of the area and the AONB
- There is insufficient infrastructure to meet the needs of the development
- The development would cause significant harm to the character and appearance of the area, the protected landscape and the AONB
- Loss of Green Infrastructure
- Loss of Open Space
- The development would not provide sufficient Open Space to meet the needs generated by the development
- The proposed access would be onto a busy road
- Harm to vehicle and pedestrian safety
- Increased traffic
- The site is non-previously developed land
- The development would not bring forward the same economic and heritage benefits as the site at Farthingloe

In addition, eight letters of support have been received, raising the following points:

- The site is previously developed land
- The site is overgrown
- Housing is much needed in the area, particularly if affordable housing would be provided
- Small developments, such as this, are preferable to larger ones
- The site is in a sustainable location
- The development would support the redevelopment of Dover

- f)
1. **The Site and the Proposal**
    - 1.1 The site lies towards the bottom of a valley between Stepping Down and Coney Hill to the north west and Long Hill to the south east. The elevation of the site varies between 45m and 62m AOD. Both Long Hill and Stepping Down/Coney Hill rise to around 125m AOD. The site lies outside of the defined settlement boundary of Dover. The site also lies partly within the boundary of the Kent Downs Area of Outstanding Natural Beauty. There is no definitive map showing the boundary of the AONB, however, it is accepted that the western most part of the site is within the AONB. The site is also defined as Open Space on the Proposals Map.
    - 1.2 The site is currently vacant of buildings, although some concrete hard-standings are present towards the west of the site. The land is covered in relatively dense vegetation. An Arboricultural Assessment has confirmed that the site includes 132 trees, which vary in size from 2m in height to 19m in height.

- 1.3 To the east of the site are the Maxton Allotments, beyond which is the settlement boundary of Dover. The settlement boundary also runs along the southern side of Folkestone Road. Within the settlement confines adjacent to the site, the area is characterised by suburban residential development. Dwellings in these areas typically have a linear layout, with roads running perpendicular to Folkestone Road with short link roads between them. There is a mix of dwelling types, with two storey semi-detached and terraced dwellings and semi-detached and detached bungalows.
- 1.4 This application is for outline planning permission for the residential development of the site. The application is for 29 dwellings. Whilst all matters are reserved at this stage, an indicative site plan has been submitted which shows a roughly linear layout of dwellings running parallel to Folkestone Road and two blocks of flats towards the suggested location of the vehicular access. This plan is indicative only of an approach which could be proposed and does not prejudice the reserved matters application.

## 2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact of the development on the character and appearance of the area, including the setting of the Area of Outstanding Natural Beauty
- The impacts of the development on the living conditions of neighbouring properties
- The impact on the highway network

### Assessment

#### Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. The development is not supported by other policies in the development plan. Dwelling houses do not functionally require a rural location, whilst the development would not be ancillary to the existing uses or development at the site. The development is therefore contrary to Policy DM1.
- 2.3 However, as the District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, the Council's housing policies cannot be considered up-to-date. In such instances permission should be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused. As the assessment of sustainability is a comprehensive exercise, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF, this assessment will be carried out at the end of this report under the heading 'sustainability overview'.

#### Housing Mix

- 2.4 The development would provide 29 houses. The mix of dwellings which has been suggested by the indicative layout would provide a mixture of 2 bedroom flats (4 units), 3 bedroom houses (20 units) and four bedroom houses (5 units). This mix

is substantially different from the mix which the Core Strategy suggests is required to meet the identified needs of the District. The applicant has, however, confirmed that they will work with the local planning authority to revise the housing mix to ensure that it meets the criteria set out at paragraph 3.43 of the Core Strategy. Should permission be granted, it is recommended that a condition is attached requiring details to be submitted with any application for reserved matters to demonstrate that the housing mix proposed would respond to the identified needs of the District and justifying any significant departures from that mix. Subject to such a condition, the development would provide housing which would contribute towards redressing the Councils lack of housing supply.

### Character and Appearance

- 2.5 This application has been submitted in outline, with all matters reserved. As such, the only consideration in relation to character and appearance is whether 29 dwellings could be accommodated on the site without causing unacceptable visual harm. The applicant has provided an indicative site plan which demonstrates how the dwellings could be accommodated on the site, although any reserved matters application could vary the layout and scale of buildings proposed.
- 2.6 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of, the countryside will only be permitted in exceptional circumstances. In addition, any development which is exceptionally permitted will be expected to provide measures to reduce, as far as practicable, any harmful effects on countryside character. Regard must also be had for Policy DM16, which only permits development which would harm the character of the landscape if it is an allocated site which incorporates any necessary avoidance or mitigation measures or where it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.7 The site also falls within an area identified by Policy CP7, where there is a strategy to conserve and create Green Infrastructure. Green Infrastructure is defined as “the network of green spaces and natural elements (including water) within and between the built environment”. Within this area, planning permission for new development which would harm the Green Infrastructure Network will only be permitted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.
- 2.8 Within the 12 core planning principles of the NPPF, there is a strong emphasis to ensure a high quality design, which responds to its context and conserves the special character of the countryside. In particular, planning should recognise “the intrinsic character and beauty of the countryside” and “contribute to conserving and enhancing the natural environment”.
- 2.9 The site is partially within the AONB, although the indicative scheme has been amended to reduce the number of units and remove built development from the AONB. In respect of the AONB, paragraph 115 of the NPPF states that “great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”. Whilst it could be argued that the development would no longer affect the AONB directly, the development would form the immediate setting of the designation.
- 2.10 The site is highly prominent in views from the Manor Rise, Maxton Road and Mount Road area, as well as from the publicly assessable land beyond this built

area to the south, along Long Hill. The site is also visible along the Folkestone Road, where the development would be set above the level of the road. From the north, glimpsed views of the site are possible from a public footpath which runs roughly east to west from Church Road, although the topography and vegetative cover conceal the site from most vantage points. Long distance views are also possible from the eastern side of Dover, in particular from Dover Castle, Castle Hill Road and Connaught Road.

- 2.11 The site currently provides a continuation of the soft transition between the residential areas and open countryside. The urban character of the northern side of Folkestone Road breaks down to the south west of Lascelles Road, where the Maxton allotments, whilst having a degree of domesticity, provide a green buffer to the town. The application site continues this transition. Folkestone Road effectively forms the boundary between urban built form and the generally undeveloped character of the rural landscape to the north. Whilst the trees and other vegetation on the application site are not as established as the vegetation to the north or west, the area maintains a natural, verdant character. This part of the AONB, which is within the Alkham: East Kent Downs, is defined within the Kent Downs Landscape Design Handbook as having, among other features, long wooded ridges, dry valleys with open valley bottoms, extensive coppice and conifer woodlands and thick shaws or overgrown hedges on the valley sides. Having regard for this description, it is clear that the site displays the same landscape characteristics as the AONB, providing a strong setting to the AONB. The elevated and exposed nature of the site enables it to be seen as an integral part of the open valley landscape characteristic of this part of the AONB.
- 2.12 A Landscape and Visual Impact Assessment has been submitted by the applicants to support the application. This assessment concludes that the development would cause a moderate visual impact in views from the proposed site access on Folkestone Road and from Mount Road, minor visual impact from Folkestone Road, negligible visual impact from the Farthingloe site (which was the subject of approved application DOV/12/00440) and no change in views from Manor Road and Dover Town Centre.
- 2.13 The development would provide a density of approximately 30 dwellings per hectare. At this density, it is considered that the development would have an urban/suburban character, commensurate with the development to the southern side of Folkestone Road. The indicative details propose that all of the buildings would be two storeys in height. I consider that it is highly likely that the development would need to be of such a height to enable the provision of the number of dwellings proposed. Having regard for the density and likely building height required, it is considered that the dwellings would create a prominent feature in the landscape, which would be particularly visible from the south where unrestricted, elevated views of the development would be gained due to the typography of the site. In these views, the development is clearly seen in the context of the AONB, appearing as a continuation of the distinctive landscape. This contribution would be lost should the development be permitted. Furthermore, the development would necessitate the loss of a significant number of trees, which provide a valuable contribution to the amenity of the area.
- 2.14 The indicative layout of the scheme shows a central road with dwellings fronting onto it. Whilst this layout respects the strong character of frontage, street facing development within the area in respect of internal views within the development, it would necessitate that dwellings back onto Folkestone Road, contrary to the pattern of development along this busy road. Such a layout would not, therefore be accepted were a reserved matters application submitted on this basis.



- 2.15 Having regard to the intrinsic change to the character of the site associated with the amount of development proposed. It is considered that the development would cause substantial harm to the character of the area, resulting in the loss of features which contribute to the character of this part of the countryside beyond the settlement confines and the immediate setting of the AONB.
- 2.16 The indicative plan proposes the planting of a new tree buffer, together with trees within the public areas. Whilst landscaping is reserved at this stage, it is considered that, even with an extensive scheme of planting, the proposal would remain prominent as landscaping would never screen or mitigate the building form proposed, particularly due to the topography of the site and the surrounding area. Such landscaping, if proposed at reserved matters stage, would not mitigate the substantial harm to the setting of the AONB and the landscape character.
- 2.17 The development would also harm the Green Infrastructure Network, through the loss of green spaces and natural elements within the site. Whilst the indicative plan would set aside parts of the site and provide tree planting, it is not considered that these measures would be sufficient to meaningfully avoid the harm arising or sufficiently mitigate its effects.
- 2.18 The development would therefore be contrary to Policies CP7, DM15 and DM16 of the Core Strategy and the NPPF.

#### Heritage Assets

- 2.19 Regard must be had for how the development would impact upon heritage assets and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State 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.' As such, it is necessary to have 'special regard' for whether the development would preserve listed buildings and their settings. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial) consider whether this harm is outweighed by public benefits.
- 2.20 The site itself contains no listed buildings, whilst there are no buildings on the site which are considered to be non-designated heritage assets.
- 2.21 The site is approximately 450m to the north east of the closest listed building, Great Farthingloe Farmhouse. Planning permission has been granted for a urban development around this listed building, which would alter its setting. It is considered that the setting of this listed building is well defined by the extensive curtilage of this building and the farmland which extends along the valley to its west. Whilst the application site has a rural character, it is not considered that it significantly contributes to the setting of this listed building. Having special regard for this listed building, I am satisfied that no harm would be caused to Great Farthingloe Farmhouse, or its setting.
- 2.22 Having regard for the locations of other listed buildings, and their proximity to and relationship with the site, it is not considered that the development would harm their settings.

- 2.23 The likely impact on non-designated heritage assets must also be considered, in accordance with the NPPF. The site is within an area which is rich in archaeology, in particular relating to WWII defences. The development, which would require significant foundations and groundwork's, would therefore have a reasonable likelihood of affecting previously unidentified features of archaeological interest. For this reason, it is considered necessary and reasonable to include a condition, should permission be granted, requiring a programme of archaeological works prior to the commencement of the development.
- 2.24 It is not considered that any other designated or non-designated heritage assets would be affected by the development and the developments impacts on heritage assets is therefore neutral.

#### Impact on Residential Amenity

- 2.25 The boundary of the site would be approximately 21m from the front elevation of the nearest dwelling on Folkestone Road, whilst properties on Folkestone Road would typically be between 25 and 35m from the site. Dwellings on other roads would be significantly further away from the site. The land rises from south east to north west and, as such, the site would be at a significantly higher level than the properties to the southern side of Folkestone Road. All detailed matters are reserved at this outline application stage and, as such, the layout, scale and appearance of the development is unknown. However, the illustrative layout submitted by the applicants demonstrates that, notwithstanding other concerns, 29 dwellings could be accommodated on the site, whilst allowing a reasonable separation distance to neighbouring properties of at least 30m. Whilst the layout of the scheme would need to change to provide frontage development onto Folkestone Road, should outline permission be granted, it is considered that comparable separation distance could still be achieved and I am therefore satisfied that the development could be designed in such a way to ensure that it would not cause any unacceptable harm to the amenities of neighbouring properties, in terms of causing a loss of light, sense of enclosure or overlooking. Furthermore, it is not considered that the proposal would be likely to cause a significant increase in noise and disturbance, through additional vehicle movements or in any other respect.
- 2.26 A noise survey has been submitted to support the application. The noise measured at the site was predominantly road noise, with the site lying adjacent to the busy Folkestone Road. The readings were taken from a position approximately 10m from the road side. The results of this survey provide confidence that the site could be developed in such a way to ensure that future occupiers of the development would not be unacceptably affected by high levels of internal ambient noise. A condition could be attached should planning permission be granted to require details of mitigation to be submitted with any reserved matters application.
- 2.27 It is considered that the development could be designed in such a way as to ensure that future occupiers enjoy a reasonable standard of accommodation.

#### Impact on the Highway

- 2.28 Policy DM11 states that developments which would generate the need to travel will not be permitted outside of the urban boundaries and rural settlement confines unless justified by development plan policies. Paragraph 29 of the NPPF states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".

The site is adjacent to the settlement confines of Dover. Folkestone Road is a B-road which runs from the centre of Dover to the A20 and on to Folkestone. The road is well-lit and is served by public footpaths. The road also includes a cycle lane along part of its length and is served by bus stops (route numbers 68, 101 and 102) linking to the centre of Dover and Folkestone. Having regard to these factors, whilst the site is outside of the settlement confines, it is not considered that it is unduly isolated and would allow for a variety of modes of transport to be used, including more sustainable modes. Whilst the development would generate a need to travel, having regard for the opportunities available to utilise sustainable modes of transport it is not considered that it would be reasonable to warrant refusal on this basis.

- 2.29 The access to the site, layout of the access roads, turning areas and parking areas, are not for consideration at this outline stage as all matters have been reserved. The indicative layout, however, shows one wide access road linking to Folkestone Road, an access road running approximately north east to south west through the site and approximately 55 car parking spaces, together with several garages. In this suburban edge location, the two bedroom flats would be expected to be provided with one car parking space each, whilst the three and four bed dwellings would be expected to be provided with 2 spaces each. Visitor car parking at 0.2 spaces per dwelling would also be expected to be provided. As such, the scheme would be likely to generate a demand for 60 car parking spaces. Whilst only 55 spaces are shown to be provided, I do not consider that a deficiency of five spaces across the scheme would cause significant harm to the highway network. Furthermore, as the layout and access are not for consideration at this stage, the details submitted under a reserved matters application may include additional car parking provision. Having regard for this indicative layout and the scale of the site, I am satisfied that, in highway terms, 29 dwellings could be accommodated on site
- 2.30 Should permission be granted, numerous conditions have been recommended to ensure that the development is designed, constructed and occupied in a way which will ensure that the development causes no harm to the highway network. I consider that all of these suggested conditions are achievable and would be necessary, related and reasonable in all other respects.
- 2.31 Having regard for the aforementioned considerations, I do not consider that the development would be likely to cause any significant harm to the local highway network.

### Ecology

- 2.32 Article 6 (3) of the European Habitats Directive requires that, where an application is not directly connected with or necessary to the management of a 'European Site', but would be likely to have a significant effect on that site, either individually or in combination with other plans or projects, the development will be subject to appropriate assessment of its implications for the site. The development may only be approved after it has been ascertained that it will not adversely affect the integrity of the site concerned. It has been established, as set out in paragraphs 1.21 to 1.24 of the Land Allocations Local Plan, that residential development in the District (in combination with other residential development) will need to mitigate the potential harm to the Thanet Coast and Sandwich Bay SPA in order to ensure that the development would not be likely to have a significant effect on that European Site. In accordance with the mitigation strategy, the developer has confirmed that they would be willing to provide a financial contribution to support wardening at Sandwich Bay; however no undertaking has been submitted in this respect. It cannot, therefore, be ruled out

that the development would not have a likely significant effect on a European Site and, as such, this application cannot be approved

- 2.33 An extended Phase 1 Ecological Habitat Survey Report has been submitted to support the application. The Principal Ecologist has accepted the findings of this report, which concludes that there is a low potential for the development to impact upon Great Crested Newts, reptiles, bats, invertebrates or other protected species. The report does identify that the site has a high potential to support breeding birds; however, the potential to cause harm to breeding birds can be mitigated by undertaking works outside of the breeding bird season. The report also identifies a moderate potential for the site to support Hazel Dormouse, and recommends that a further survey, identifying the presence or absence of Dormice, be undertaken. The report recommends that this survey is undertaken prior to works taking place; however, in accordance with Government Circular 06/2005 "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". Consequently, a dormouse survey, carried out in accordance with the appropriate methodology, was submitted during the course of the application. The survey found no evidence of dormice on the site and, as such, it was concluded that dormice would not be affected by the proposed development. The survey does propose ecological enhancements, which can be secured should permission be granted.

#### Open Space

- 2.34 The site is defined as Open Space on the Proposals Map, where policy DM25 applies. This policy states that proposals which would result in the loss of Open Space will not be permitted unless one of five exceptions is met. These criteria are where:
1. There is no identified qualitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
  2. Where there is such a deficiency the site is incapable of contributing to or making it good; or
  3. Where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
  4. In the case of a school site the development is for educational purposes; or
  5. In the case of small scale development it is ancillary to the enjoyment of the open space.

Additionally any development which meets one of the five criteria (except in the case of where the site is incapable of contributing towards making good a current deficiency) would only be permitted where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. The applicant is of the opinion that there is no qualitative or quantitative deficiency in public open space, by virtue of the site's close proximity to open access land within the AONB and within the settlement confines. However, this open access land does not constitute Open Space. The supporting statements also fail to identify that there is no deficiency in outdoor sports sites, children's play space or informal open space, whilst the Council's evidence is that a deficiency exists and it is this deficiency which justified the inclusion of the site as protected Open Space. Whilst some open space would be provided by the development, this area is smaller, more steeply sloping and more remote from public access points than the area of which has been protected. Finally, as set

out under the Character and Appearance section of this report, the site is considered to provide an overriding visual amenity interest. As such, the application has not demonstrated that any of the exceptions under Policy DM25 have been met and the development is, therefore, contrary to this policy.

- 2.35 The applicant has also commented that the land is poorly used by the public, is largely overgrown and inaccessible and should not therefore be considered as Open Space. However, the site was nonetheless included within the development plan and accepted by the Inspector when the plan was adopted, whilst Open Space does not need to be open to the public. The site had also been allocated as Open Space in the 2002 Local Plan.

### Contributions

- 2.36 The housing mix has not been finalised at this stage; however, the applicant has confirmed that the development would provide an on-site provision of affordable housing at 30%, in accordance with Policy DM5. It is considered that the provision of affordable housing could be secured by an appropriately worded condition, should permission be granted. This provision should be closely aligned with the district's prioritised needs, as set out at paragraph 3.43 of the Core Strategy.
- 2.37 In accordance with Policy DM27, the development would be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demand which would be generated by the development. The development would create a need for 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.
- 2.38 The applicant has proposed to provide on-site Open Space, in the form of a children's play area (0.037ha) and an area of informal green space (0.489ha). The development would, therefore, meet the quantitative needs generated by the development in terms of accessible green space and children's equipped play space. However, no provision of outdoor sports facilities has been proposed. It is not considered that this space, being accessed through the development, would be desirably located, being remote from Folkestone Road, and would be awkwardly shaped. Furthermore, the informal green space is located within the AONB and would require the removal of vegetation and a regular maintenance program which would significantly alter the character of the land and that of the AONB. Finally, the applicant has not demonstrated that these areas would be maintained for the requisite period of 15 years. It is not, therefore, considered that the provision shown on the indicative plan would meet the requirements of Policy DM27.
- 2.39 The applicant has not sought to provide a contribution towards off-site Open Space provision and, therefore, the development would be contrary to Policy DM27, failing to meet the Open Space needs generated by the development.

### Sustainability Overview

- 2.40 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". At present, the council is unable to demonstrate a five year supply of housing land. As such, and in accordance with paragraph 14 of the NPPF, planning permission must be granted, unless "any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".

- 2.41 Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental. Assessments have been made throughout this report. Drawing conclusions from the matters raised, including the assessment of the material considerations of the case, conclusions can be drawn in respect of the three roles of development.
- 2.41 The development would provide a short term, and relatively minor, economic benefit, by providing employment during the construction phase. The applicant has proposed that the development would bring in a significant investment, through the expenditure of disposable income of future residents. It is accepted that the increase in population would generate additional expenditure, which provides some weight in favour of the development; however, there is no rigorous evidence to justify the figures which have been arrived at. It is therefore considered that this argument carried limited weight.
- 2.42 With regards to the social role, the development would provide additional dwellings which would contribute towards the Districts need for housing supply. The development would be located such that local services and facilities would be accessible to future residents. The development could (subject to details received at reserved matters stage) provide a mix or range of housing which reflects local demand. However, it is not considered that it has been demonstrated that the development would create a high quality built environment, whilst the development would result in the loss of designated Open Space. The development would also fail to provide the Open Space needs which would be generated by the development, failing to support the community's needs and its health, social and cultural well-being.
- 2.43 Turning to the environmental role, it is considered that the development would cause significant, long term and irreversible harm to the character and appearance of the immediate setting of the Area of Outstanding Natural Beauty. The NPPF specifically states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The development, in causing significant harm to the character of the countryside and to the landscape would also be contrary to Core Strategy Policies DM15 and DM16.
- 2.44 Overall, balancing each of the three dimensions, it is considered that the substantial harm caused by the social role and the environmental role would more than outweigh the modest benefits of the development in providing 29 dwellings in a location which would provide future residents with access to services and facilities and providing employment during the construction phase. It is therefore considered that the development is not sustainable, as defined by the NPPF. Furthermore, it is considered that the development would give rise to specific harm, particularly in respect of the harm to the setting of the AONB which, notwithstanding the broad unsustainability of the application, indicates that permission should be refused.

#### Overall Conclusions

- 2.45 The site lies outside of the settlement boundaries and the residential development of the site would be contrary to Policy DM1 of the Core Strategy. However, as Dover District Council cannot demonstrate a five year housing land

supply, the housing policies within the Core Strategy should not be considered up-to-date, substantially reducing the weight which can be afforded to this policy. Therefore, regard must be had to the NPPF and the presumption in favour of sustainable development. The sustainability of the scheme, as defined by the NPPF, has been assessed and it has been determined that the development is not sustainable, being contrary to the NPPF read as a whole, causing adverse impacts that significantly and demonstrably outweigh the benefits. Furthermore, the development would cause significant harm to the Area of Outstanding Natural Beauty, which must be afforded great weight. The development would result in the loss of designated Open Space and the loss of Green Infrastructure. Furthermore, no provision has been made for mitigation against the developments in combination effect on the Thanet Coast and Sandwich Bay SPA, whilst no contribution has been provided to meet the Open Space requirements which would arise from the development. It is therefore recommended that planning permission be refused.

g)

**Recommendation**

I Planning Permission BE REFUSED for the following reasons:-

(i) The site lies outside of the settlement boundaries and, as such, the erection of twenty-nine dwellings represents an unsustainable and inappropriate form of development within the countryside, contrary to Core Strategy Policy DM1 and paragraphs 17, 58, 60, 61, 64, 69, 70, 73, 74, 109 and 115 of the National Planning Policy Framework.

(ii) The proposed development, by virtue of its location and density, would create in a prominent urbanisation of the site within a sensitive countryside location, resulting in the loss of open countryside, causing a severe adverse effect upon the scenic beauty of the countryside and the setting of the Area of Outstanding Natural Beauty and would result in the loss of green space and natural elements, contrary to Core Strategy Policies DM15, DM16 and CP7, paragraphs 17, 58, 60, 61, 64, 109 and 115 of the National Planning Policy Framework, the Kent Design Guide and the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.

(iii) The proposed development would result in the loss of Open Space and fails to provide the Open Space requirement which would be generated by the development, contrary to Policies DM25 of the Core Strategy, DM27 of the Land Allocations Local Plan and paragraphs 17, 69, 70, 73 and 74 of the National Planning Policy Framework.

Case Officer

Luke Blaskett