

- a) **DOV/16/00968 – Erection of 10 dwellings (2 with car barns), creation of vehicular access, parking and associated landscaping - Land at West Side, Westside, East Langdon, 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.  
DM1 – Settlement boundaries.  
DM11 – Location of development and managing travel demand.  
DM13 – Parking provision.  
DM15 – Protection of the countryside.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA34 – North of Langdon Primary School, East Langdon

“The site is allocated for residential development with an estimated capacity of 10 dwellings. Planning permission will be permitted provided that the existing boundary hedgerows/vegetation are retained.”

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...”

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... 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)

“14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay...”

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

- 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;
- take account of the different roles and character of different areas...

“49. 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.”

“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. 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.”

d) **Relevant Planning History**

DOV/98/00029 – Outline – the erection of 4 no. 3 bedroom detached two storey houses on vacant site – REFUSED.

DOV/90/00055 – Outline – residential development – REFUSED

e) **Consultee and Third Party Responses**

Principal Infrastructure Delivery Officer

No contributions can be sought for affordable housing or for open space due to the provisions of the NPPG threshold and policy DM27 Providing open space.

DDC Ecology

“The application is competent and has addressed preliminary ecological assessment issues of bats and reptiles. Neither groups present a constraint to development.”

#### DDC Trees

Considered, in agreement with arboricultural report in relation to the condition of trees and which trees should be removed/retained.

#### DDC Environmental Health

Requires condition for construction management plan.

#### KCC Infrastructure

No request on basis of NPPG relating to development obligations and threshold of 10 dwellings and 1000m<sup>2</sup> gross internal floor space.

#### KCC Highways

No objection to proposal. “The proposals are unlikely to generate a significant amount of vehicular trips and will not have a severe impact on the highway network.”

Requests a number of highways related conditions.

Further response to transport study commissioned by Langdon Parish Council. Maintains position in respect of original comment.

#### KCC Local Lead Flood Authority

Requires condition for submission of surface water drainage details.

#### KCC Archaeology

No objection, subject to condition for programme of archaeological work.

#### KCC PRow

Considered – no comments.

#### Langdon Parish Council

Objects –

- Concern relating to access issues, narrow with cars parked on one side of the street.
- Loss of turning head at West Side would result in the loss of 6 parking spaces.
- Existing shortfall estimated at 22 spaces, assessed against DM13 guidelines, has not been addressed in application.
- Independent transport review commissioned by parish council concludes that there will be a negative effect on the surrounding highway network.
- Seeks “construction site access plan”.
- Ecological assessment undertaken after site clearance.
- New development would be visible from PRow ER44 and ER45 north of the site.
- Question of utilities capacity.
- Concern about overflow parking damaging grass verges.
- No affordable housing contribution or proposed s106 contributions.

#### Affinity Water

No comment received.

### Southern Water

Sewerage can be accommodated, will require a formal application for connection to mains sewer – requests informative on this basis.

Requires condition for details of foul and surface water disposal.

### Southern Gas Networks

No gas mains in this area. Privately owned gas pipes may exist in this area. Information should be obtained from owners.

### Public representations – 21 x objections

Objections –

- Congestion/road safety/access for emergency vehicles/needs access directly from The Street
- High density of proposals
- Application for similar development refused previously
- Construction traffic
- Surface water run off
- No community benefits, no affordable housing
- Loss of wildlife and scenery/ecological survey undertaken after site clearance
- Should provide a purpose built car park for the school
- Capacity of utilities

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

1.1. The Site

The site is rectangular in shape and is located adjacent on the north western side of West Side in East Langdon. The site is orientated on a north west/south east axis. Adjacent on the south west site boundary is Langdon Primary School. Adjacent on the north west and north east boundaries is open countryside.

1.2. The site is allocated in the Land Allocations Local Plan 2015 under policy LA34 – Land north of Langdon Primary School, with an indicative capacity of 10 dwellings.

1.3. Until recently, the site was overgrown with dense vegetation, although much of this has been cleared. A number of trees/some vegetation remains on the site boundaries.

1.4. Approximately 60 metres north-west of the site is public footpath ER44. This does not connect with the site

1.5. The land rises south east to north west and falls very slightly south west to north east.

1.6. Site dimensions are:

- Width – 43 metres.
- Depth – 82 metres.
- Area – 0.33 hectares.

1.7. Proposal

The proposed development is for 10 dwellings, all containing three bedrooms. The gross internal floor space of the development is 948m<sup>2</sup>.

- 1.8. Four dwelling types are proposed across the development.

Type 3A	5 units	3 bed	89m <sup>2</sup>
Type 3B	1 unit	3 bed	103m <sup>2</sup>
Type 3C	2 units	3 bed	97m <sup>2</sup>
Type 3D	2 units	3 bed	103m <sup>2</sup>

- 1.9. The layout of the development comprises a T shaped road on a north west/south east axis, which would be accessed from the existing turning head at the northern end of West Side.
- 1.10. Four dwellings (1, 2, 3 and 4) would be located on the south western side of the road, adjacent to the Langdon Primary School, comprising house types 3A (x3) and an end/corner house (3B).
- 1.11. Four dwellings (5, 6, 7 and 8) would be located on the north western side of the T, comprising house types 3C (x2) and 3A (x2). These houses would be sited adjacent to the school grounds and adjacent to the open countryside north of the site.
- 1.12. Two dwellings (9 and 10) would be located north east side of the road, these being type 3D. These dwellings would be sited adjacent to the open countryside.
- 1.13. Off road parking for two cars would be provided for all dwellings – some with a tandem arrangement. The two 3D dwellings would each have a car barn. Five visitor parking spaces would be provided across the development.
- 1.14. All of the proposed dwellings incorporate a similar design with brick detail at ground floor levels and weatherboarding at first floor level. the dwellings all have gable ended roofs and brick chimney stacks. Each of the dwellings has an open entrance porch.
- 1.15. Dwelling type 3A (1, 2, 3, 6 and 7). Dimensions as follows:
- Depth – 9.5 metres.
  - Width – 5.6 metres (11.2 metres where semi-detached).
  - Eaves height – 4.8 metres to 5.5 metres (topography dependent).
  - Ridge height – 8.8 metres to 9.5 metres (topography dependent).
- 1.16. Dwelling type 3B (4). Dimensions as follows:
- Depth – 5.7 metres.
  - Width – 11 metres.
  - Eaves height – 4.8 metres.
  - Ridge height – 8.8 metres.
- 1.17. Dwelling type 3C (5 and 8). Dimensions as follows:
- Depth – 9.5 metres.
  - Width – 6.2 metres.

- Eaves height – 4.9 metres to 5 metres (topography dependent).
  - Ridge height – 8.7 metres.
- 1.18. Dwelling type 3D (9 and 10). Dimensions as follows:
- Depth – 6.2 metres.
  - Width – 11.1 metres.
  - Eaves height – 4.9 metres to 5.4 metres.
  - Ridge height – 8.6 metres to 9.1 metres.
  - Car barns – 5.8 metres deep, 5.9 metres wide, 4.6 metres to 4.9 metres ridge (topography dependent).
- 1.19. A number of trees are proposed to be retained along the south western, north western and north eastern site boundaries. The applicant has submitted a landscaping plan indicating complementary planting to strengthen these boundaries with trees and hedgerows.

## **2. Main Issues**

2.1. The main issues to consider are:

- Principle of development.
- Design and visual amenity.
- Residential amenity.
- Ecology.
- Trees and hedgerow.
- Highways and traffic impact.
- Planning obligations.
- Other matters.

## **3. Assessment**

3.1. Principle of Development

The site is located within the amended East Langdon settlement boundary and is a housing allocation within the Land Allocations Local Plan 2015 – it is therefore policy DM1 compliant. The policy estimates the capacity of the site as 10 dwellings, this being the total sought by the current application. Subject to meeting other requirements of the policy and typical planning considerations, the development is acceptable in principle.

3.2. Design and Visual Amenity

The design of the dwellings is traditional in appearance, with a combination of detached and semi-detached dwellings. The materials, combining brick at ground floor and weatherboarding at first floor, incorporates a Kentish/coastal vernacular that would be acceptable at this location.

3.3. The topography of the site, rising from the access point on West Side, means that from the south eastern end of the site looking north west, the gables on the south eastern elevations, measured from the ground to the ridge, are between 9.1 and 9.5 metres.

3.4. The taller ridge heights of the dwellings are considered to be offset by

a combination of the end-on view, the location within the site i.e. where the land level is lower, and by the spacing of dwellings. The site sections provided show the proposed dwellings to be well spaced.

3.5. Nevertheless, these dwellings will inevitably have a degree of prominence in the local landscape. The design, which is considered to be of a good standard, helps to make the proposal acceptable. In order to maintain control over the appearance/character of the development, it is proposed to remove permitted development rights in relation to dormer roof extensions. This would not preclude future proposals for such extensions, but would mean that the local planning authority is able to ensure the suitability or otherwise of any future additions.

3.6. The design and visual appearance of the development is considered to be acceptable and would not bring about undue harm in a rural/semi-rural location.

3.7. Residential Amenity

The site and proposed dwellings are located such that the amenity of existing residents would not be affected either by overlooking or overshadowing.

3.8. Residents have raised concerns about the impact on their amenity by the loss of parking spaces at the turning head, and the potential further harmful effects of on street parking. The highways officer has advised on this point and this matter is considered below in the Highways and traffic impact section.

3.9. Ecology

A preliminary ecological survey was undertaken which identified potential for bats and reptiles inhabiting the site. Further detailed bat and reptile surveys were undertaken, but these did not observe any evidence of bats or reptiles.

3.10. The DDC Ecology and Landscape officer has raised no concern with the submitted surveys.

3.11. In accordance with the provisions of the NPPF, a condition will be placed on any permission requiring the development to comply with the specific enhancement and precautionary measures outlined in the submitted ecological surveys.

3.12. Trees and Hedgerow

Policy LA34 seeks the retention of trees and hedgerows on the boundaries of the site. It is acknowledged that a large degree of site clearance has been undertaken and that the tree protection plan proposes further tree felling. However, the submitted landscape plan proposes that the external site boundaries, including that to the primary school, are complemented by new tree and hedge planting. It is considered that this approach complies with the requirements of policy LA34. The approach is supported by the Council tree officer.

### 3.13. Highways and Traffic Impact

The highways officer has not raised any objections to the proposal, noting that from 10 dwellings, the impact on the highways network is unlikely to be severe. However, the parish council did commission an independent transport study, which concludes that there would be harm arising from the proposal – in terms of the loss of existing on street parking, the intensification of use of West Side, and disturbance issues that would arise from the construction phase of the development.

### 3.14. The highways officer's response to the findings of the independent study is as follows:

- **Parking.** The proposed development provides five unallocated visitor parking spaces, which represents a net gain of three spaces. In terms of increased parking requirements for the school, any parents living at the new development would not need to drive to the school and there is the potential effect that children closer by would result in fewer longer distance journeys.
- **Access for larger vehicles** at West Side is acknowledged as not being to an ideal standard, however, the new development does not propose on street parking, so no access difficulties should occur.
- **Additional traffic movements** created by the development in peak hours would typically be five or six, which averages out at an extra vehicle movement every 10 or 12 minutes. The highways officer notes that this is not a severe impact.
- The need for a **construction management plan** can be resolved by condition, and is proposed at the bottom of this report. Typically, the temporary impacts can be managed so that deliveries do not occur during peak hours and school times, and if parking restrictions are required, these would be lifted overnight to allow residents to continue to park as they do currently.

### 3.15. Parking arrangements for the proposed dwellings are considered to be acceptable.

### 3.16. In conclusion, highways issues are considered to have been satisfactorily addressed.

### 3.17. Planning Obligations

The NPPG sets out the circumstances where the Government does not consider it appropriate to seek contributions for affordable housing and tariff style planning obligations from developers. This states that these types of contribution should not be sought from developments of 10 dwellings or less, and which have a maximum combined floor space of 1000m<sup>2</sup>.

### 3.18. The council's affordable housing policy, DM5, which was adopted before the NPPG was published, did seek financial contributions on developments between 5 and 14 dwellings. However, in light of the approach set out in the NPPG, which was tested through the Court of Appeal, no contribution in this respect can be sought.



- 3.19. The council's open space policy DM27, states in regard to the provision of open space, that: "... 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...".
- 3.20. The policy goes on to state that: "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... 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...".
- 3.21. The provisions of policy DM27 would apply in this case.
- 3.22. The equipped play space at Langdon Playing Fields is 185 metres from the site, as the crow flies, and is within the accessibility distance for either a local play space (600 metres) or a strategic play space (1000 metres). The play space has recently received new equipment and it is considered that there is sufficient capacity to accommodate the likely number of new residents (26 – based on the KCC New Build Survey).
- 3.23. The council has explored the potential of the development contributing towards the long term maintenance of the existing equipment at the Langdon Playing Fields. However, policy DM27 seeks payments towards improvements and maintenance, but does not make provision for maintenance payments alone. For this reason, it would not be appropriate to seek a financial contribution under policy DM27.
- 3.24. Kent County Council has declined to seek any planning obligations from this development on the basis of the NPPG.
- 3.25. Other Matters
- Water supply – At the time of publishing, Affinity Water had not responded to the consultation on this development. In the absence of this a condition is proposed which would seek the submission of details for approval, regarding water supply to the site.
- 3.26. Langdon Primary School – Informal discussion with the school raised no points of concern regarding this proposal.
- 3.27. Conclusion
- The proposed development is acceptable. It complies with the requirements of the site allocation policy LA34.
- 3.28. The applicant has submitted a landscape strategy which illustrates how site boundaries would be strengthened in line with policy requirements.
- 3.29. The design of the dwellings is considered to be of a good standard, such that they would be reminiscent of a typical Kentish vernacular.

3.30. Highways concerns of local residents are acknowledged, however, the highways officer is satisfied that the development itself would not exacerbate the existing issues at West Side.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions to include: (1) Time (2) Plans (3) Materials (5) Tree and hedge protection measures (6) Retained trees/shrubs (7) Hard and soft landscape plan, including specifications and timetable (8) Ecological enhancements (9) Lighting strategy (10) Foul water drainage details (11) Surface water drainage details, timetable and implementation (12) Details of connection to mains water (13) Site sections and thresholds (14) Earthwork details (15) Provision of access (16) Provision of parking/garaging (17) Provision and retention of turning area (18) Measures to prevent surface water discharge onto public highway (19) Bound surface first 5 metres of each private access from the edge of the highway (20) Completion of specified highway works before first occupation of each dwelling (21) Bin and cycle storage (22) Programme of archaeological works (23) Construction management plan (24) Removal of PD rights (roof extensions).
- 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