

Public Document Pack



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13 April 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 21 April 2022 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

Please note that Agenda Item 7 (Application No DOV/21/01935 – Chapel Farm, Chapel Hill, Ashley) has been WITHDRAWN from the agenda.

4 **MINUTES** (Pages 3-15)

To confirm the minutes of the meeting of the Committee held on 24 March 2022.

5 **APPLICATION NO DOV/21/00255 - LAND OPPOSITE 423 TO 459 DOVER ROAD, WALMER** (Pages 16-35)

Reserved matters application pursuant to outline permission DOV/17/00487 for the details of appearance, landscaping, layout and scale for the erection of 85 dwellings

To consider the report of the Planning and Development Manager.

6 **APPLICATION NO DOV/21/01736 - LAND AT WEST VIEW, CHAPEL HILL, EYTHORNE** (Pages 36-43)

Erection of a detached dwelling

To consider the report of the Planning and Development Manager.

8 **APPLICATION NO DOV/21/01459 - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN** (Pages 44-57)

Reserved Matters application for the approval of appearance, landscaping, layout and scale, and discharge of condition 17 (landscaping) pursuant to outline permission DOV/19/00216 for the erection of 42 residential dwellings

To consider the report of the Planning and Development Manager.

9 **APPLICATION NO DOV/21/01402 - THE EDGE, BAY HILL, ST MARGARET'S**

BAY (Pages 58-79)

Erection of detached dwelling (existing dwelling to be demolished)

To consider the report of the Planning and Development Manager.

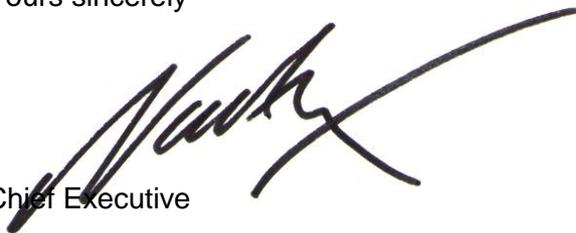
10 **APPLICATION NO DOV/21/01438 - 12 THE STRAND AND COACH HOUSE FRONTING YORK ROAD, WALMER** (Pages 80-85)

Existing dwelling – Erection of two-storey front and side extensions, single storey rear extension and dormer roof extensions to front and rear (existing rear extension to be demolished)

Coach House – Erection of two-storey side/rear extension and roof extensions to facilitate conversion to annexe

To consider the report of the Planning and Development Manager.

Yours sincerely



Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 March 2022 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: D G Beaney
E A Biggs
D G Cronk
D A Hawkes
P D Jull
N S Kenton
C F Woodgate

Officers: Planning and Development Manager
Team Leader (Development Management) - Strategic Sites
Team Leader (Development Management) - North Team
Principal Planner
Principal Planner
Planning Officer
Planning Consultant
Senior Heritage Officer
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/21/01314	Mr Lee Hunter	-----
DOV/20/01566 & DOV/20/01567	Mr Karl Elliott	Cllr O C de R Richardson Ms Rebecca Simcox Ms Sydnee Gibson
DOV/21/00511	Ms Jane Scott	-----
DOV/21/01309	Mr Terence Hopper	Cllr D A Friend
DOV/21/00274	Mr Chris Loughhead	Mr Richard Parkinson
DOV/20/00155	-----	Mr Gary Bradbury
DOV/21/01618	Mr Jack Sedgwick	Ms Judith Pilatowicz

126 APOLOGIES

It was noted that apologies for absence had been received from Councillors M Bates, T A Bond and R S Walkden.

127 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors O C de R Richardson and N S Kenton had been appointed as substitute members for Councillors M Bates and R S Walkden respectively.

128 DECLARATIONS OF INTEREST

Councillor O C de R Richardson advised that he had registered to speak against Agenda Item 6 (Application Nos DOV/20/01566 & DOV/20/01567 – White Cliffs Hotel, High Street, St Margaret's-at-Cliffe) under the public speaking arrangements, and would absent himself from the Chamber after doing so on the grounds of predetermination.

129 MINUTES

The minutes of the meeting held on 24 February 2022 were approved as a correct record and signed by the Chairman.

130 APPLICATION NO DOV/21/01314 - SIR ROGER MANWOOD'S SCHOOL, MANWOOD ROAD, SANDWICH

The Committee was shown an aerial view, plans, drawings and photographs of the application site. The Planning Consultant advised that planning permission was sought for the construction of a new sports pitch, a two-storey pavilion, access and additional car parking at Sir Roger Manwood's School in Sandwich. Whilst the site was outside the settlement boundary, the proposal required this location and was ancillary to the existing development. The proposed pavilion was of simple form and considered attractive. The artificial hockey pitch would be lit with lighting columns but light spill beyond the perimeter would be limited. The hours of use would be controlled, and there was a sufficient distance between the pitch and neighbouring houses that no harm would be caused in terms of noise or light intrusion. It was clarified that there would be one disabled parking bay and there would be a lift in the pavilion which would be accessible to wheelchair users.

RESOLVED: (a) That Application No DOV/21/01314 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Details of materials of pavilion (pre-commencement);
- (iv) Community Use Agreement (pre-commencement);
- (v) Construction Management Plan;
- (vi) Completion and maintenance of the access;
- (vii) Provision and maintenance of the visibility splays shown;
- (viii) Provision and maintenance of pedestrian visibility splays;
- (ix) Use of a bound surface for the first 5 metres of the access;
- (x) Provision of measures to prevent the discharge of surface water onto the highway;

- (xi) Provision and permanent retention of the electric vehicle charging facilities;
- (xii) Provision and permanent retention of the vehicle parking spaces, signs and alligator teeth;
- (xiii) Provision and permanent retention of secure, covered cycle parking facilities;
- (xiv) Provision and permanent retention of a Traffic Management Plan;
- (xv) Compliance with Travel Plan;
- (xvi) Hours of use of flood lighting;
- (xvii) Hours of operation of pavilion;
- (xviii) Repair of St George's Road piers and gates post-completion.

(b) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

131 APPLICATION NOS DOV/20/01566 & DOV/20/01567 - WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE

Members viewed drawings, plans and photographs of the application site. The Planning Consultant advised that planning permission and listed building consent were sought for a change of use and conversion of the hotel into three residential dwellings. Members were advised that the building, Grade II-listed and in a conservation area, was distinctive with white weatherboarding. The hotel building would be split into three units, with the main alterations being the installation of dividing walls, the removal of bathrooms and an area to accommodate a new staircase. Six parking spaces would be provided at the front of the building and the rear garden would be divided into three.

The Planning Consultant advised that the loss of the hotel was addressed in the report. The applicants had stated that the hotel was unviable as an ongoing enterprise due to the lack of parking and the bar being restricted to guests only. Officers had challenged some of these arguments, for example citing the presence of a public car park opposite the hotel. However, the viability assessment report submitted with the application indicated that the income generated by the business, even operating at full occupancy, would amount to less than the national living wage. The site was considered suitable for residential development, and the proposed works would not cause harm to the listed building or conservation area. He added that marketing the ground floor as an independent bar and restaurant would be contrary to a condition that had been attached to planning permission granted in 2020 (for the erection of two dwellings and conversion of two annexe buildings). This had required the bar and restaurant in the hotel to close when the adjacent properties were occupied by residents in order to ensure the availability of parking for residents. He stressed that the Council was not in a position to ignore the condition.

Councillor P D Jull expressed surprise that the owners would use the hotel's parking spaces rather than leaving them empty for guests, particularly when there was a public car park opposite the building. He referred to the fact that there had been a significant drop in turnover since Brexit, questioning why a seven-bedroom hotel was unable to operate at a profit. The Planning Consultant emphasised that the viability report had been prepared by Pinders, a reputable company, and closely scrutinised by Officers.

Councillor N S Kenton commented that he, like the Council's Heritage Officer, had no issues with the conversion of the hotel building. The key issue with the application centred on viability and whether the hotel was genuinely a failing business or whether it should be retained for the benefit of the community. He queried whether the viability of the business was based on pre-Covid operations or simply a desktop study. He contested the applicant's claims about parking when there was a public car park nearby. Whilst the applicant would be in breach in respect of condition 15 relating to the bar and restaurant, they could apply to remove or vary the condition under Section 73 of the Town and Country Planning Act 1990 (as amended). It appeared to him that ways of making the business more viable had not been explored.

The Planning Consultant referred to the applicant's assertion that it was difficult for businesses to produce accurate accounts for the Covid period. Whilst the applicant could apply to vary condition 15, they were under no obligation to do so. Councillor C F Woodgate agreed that the application hinged on viability, but pointed to the number of pubs that had closed down across the county. He supported the proposal and suggested that the applications should be approved.

It was moved by Councillor C F Woodgate and duly seconded that Application No DOV/20/01566 (Planning Permission) be APPROVED in accordance with the report recommendation.

There being an equality of votes, the Chairman used his casting vote and the motion was CARRIED.

It was moved by Councillor C F Woodgate and duly seconded that Application No DOV/20/01567 (Listed Building Consent) be APPROVED.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/20/01566 (Planning Permission) be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Details of improvements to north-west boundary wall;
- (v) Fencing details for internal gardens;
- (vi) Fenestration and new door details, including joinery;

- (vii) Construction Management Plan;
- (viii) Surface water drainage details;
- (ix) Parking spaces – provision and retention;
- (x) Bin and cycle storage in accordance with approved plans.

(b) That Application No DOV/20/01567 (Listed Building Consent) be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Fenestration and new door details, including joinery;
- (v) Details of new staircase to house on plot 2 and plot 3.

(c) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

(Councillor O C de R Richardson left the meeting during consideration of this item.)

132 APPLICATION NO DOV/21/00511 - 82-86 THE STREET, ASH

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for works that would facilitate the change of use and conversion of two existing buildings to form four dwellings and the erection of an additional extension to create a fifth dwelling. As an update to the report, Members were advised that condition iv) would be amended to require the submission of a detailed drawing of the first-floor gallery in response to comments made by the Heritage Officer. The proposal related to the conversion of a former charitable school building in the centre of Ash. A number of objections had been received which appeared to centre on the development's impact on neighbouring properties, particularly 90A The Street which was close to the eastern boundary of the site. The issues were explored in paragraphs 2.17 to 2.20 of the report which concluded that there was unlikely to be a significant loss of privacy resulting from the proposal.

In response to Councillor E A Biggs, it was clarified that several buildings, probably used as air raid shelters, would be demolished. Whilst there would be noise and disturbance to 90A during construction, this would clearly be for a relatively short period and not an ongoing problem. The original plans discussed at the pre-application stage had proposed a larger fifth dwelling which, on the advice of Officers, had been scaled back and moved away from the boundary. A smaller dwelling would have been preferable, but the Committee was required to determine the application on the basis of the plans submitted.

Councillor O C de R Richardson expressed the view that there were too many dwellings on the site and suggested that the fifth dwelling should be removed. The Principal Planner reminded Members that they had to determine the proposal before them which included a fifth unit. The issues surrounding Stodmarsh were set out in the report at paragraphs 2.36 to 2.41. In summary, Natural England (NE) had concerns that the water and ecological quality of Stodmarsh Lakes, a protected site, were being degraded and harmed by nutrients entering the site from developments and agriculture. New developments were required to demonstrate that they would not make it worse. There was effectively an impasse with NE at the present time. An appropriate assessment of the site would be carried out in consultation with NE, and planning permission could not be granted until its approval had been given.

Councillor Woodgate stated that he was not against the development per se. However, he disliked the fifth dwelling because of its impact on 90A and was inclined to refuse the application. The Principal Planner clarified that a daylight/sunlight assessment had not been carried out. He cautioned against refusing the application on the basis of the impact on Stodmarsh Lakes as there was no evidence to support it and it would, more widely, undermine the Council's position. Whilst privacy was unlikely to be a significant issue, harm caused by overbearing and outlook might be a reasonable view to adopt. Councillor Kenton pointed out that residents did not have a right to light or a view. The proposal was a sensible use of old buildings which were attractive and contributed to the street scene. Nevertheless, it was apparent that the fifth dwelling was considered a problem due to its scale, massing, overbearing nature and proximity to 90A. These were the key considerations and he urged Members not to be distracted by others. The Principal Planner confirmed that the distance between 90A and the boundary varied, the details being set out in paragraph 2.17 of the report.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00511 be REFUSED on the grounds that the proposed extension to accommodate dwelling 5 would have an unacceptable impact on the amenities of the neighbouring residential property by reason of its height, scale and proximity to the boundary, resulting in an overbearing effect and loss of outlook, thereby failing to achieve the high standard of amenity promoted by paragraph 130 of the National Planning Policy Framework.

(b) That powers be delegated to the Planning and Development Manager to finalise the wording of the grounds for refusal in line with the issues set out in the report and as resolved by the Planning Committee.

133 APPLICATION NO DOV/21/01309 - ROSE NURSERY, DOVER ROAD, SANDWICH

The Committee viewed an aerial view, a map, plans and photographs of the application site. The Planning Officer advised that the application sought outline planning permission, with all matters reserved, for the erection of seven self-build plots, with the existing dwelling to be retained. Concerns had been raised in relation to noise disturbance caused by traffic and a condition was suggested for the installation of an acoustic fence. Whilst the site was outside settlement confines, it was in close proximity to them and to the facilities of Sandwich. As Policy DM1, the most important policy for determining the application, was considered out-of-date, the 'tilted balance' of paragraph 11 of the National Planning Policy Framework (NPPF) was engaged. Officers were of the view that the benefits of the

development significantly and demonstrably outweighed any harm that would be caused and approval was therefore recommended.

In response to Councillor Richardson, the Planning and Development Manager advised that the Council could not insist that the dwellings were eco-houses. However, energy efficiency details could be requested by way of the parameter plan and design code condition.

RESOLVED: (a) That Application No DOV/21/01309 for outline planning permission be APPROVED subject to the following conditions:

- (i) Approval of the reserved matters;
 - (ii) Time condition;
 - (iii) List of approved plans (site outline);
 - (iv) Samples of materials;
 - (v) Cables for electric vehicle charging points;
 - (vi) Scheme for biodiversity protection and enhancements;
 - (vii) Dealing with contamination;
 - (viii) Development shall be constructed in accordance with glazing specification and acoustically screened trickle ventilation prior to occupation;
 - (ix) Details and acoustic qualities of fencing as set out in the acoustic assessment prior to occupation;
 - (x) Construction Management Plan;
 - (xi) Self-build only;
 - (xii) Submission of parameter plan/design code.
- (b) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

134 APPLICATION NO DOV/21/00274 - LAND AT ARCHERS LOW FARM, SANDOWN ROAD, SANDWICH

Members were shown an aerial view, drawings, plans and photographs of the application site which was located outside the settlement confines of Sandwich. The Team Leader Development Management (Strategic Sites and Place) advised that the application sought planning permission to erect 44 dwellings with associated access, parking, open space, etc. Since the report was published, further representations had been received, one raising concerns that the proposed development would prejudice Royal St George's golf course hosting future events. The representation had been discussed with the Head of Investment, Growth and Tourism who had expressed no concerns in relation to the Open Golf.

The Committee was advised that the site had been removed from the 2015 draft Local Plan at inspection stage due to concerns about the visual appearance of development at this location, the trees giving a soft edge to Sandwich. The site had been included in the current draft Local Plan on the basis that the need for housing had increased since 2015 and subject to improved screening and reduced density. The requirement to deliver more housing meant that the new Plan had allocated sites which had previously been removed or not considered.

The Team Leader advised Members that Core Strategy Policies CP1, CP4, CP6, DM1, DM5, DM11, DM13, DM15 and DM16 were the most important policies for determining the application. Paragraph 11 of the NPPF directed that development which accorded with an up-to-date development plan should be approved without delay. However, where Local Plan policies were considered to be out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Paragraphs 2.2 to 2.15 of the report assessed these matters in full but, in summary, the most relevant policies for determining the application were considered to be out-of-date and, as such, the 'tilted balance' of paragraph 11 was engaged. Members would therefore need to consider whether the harm caused by the development would be significantly and demonstrably outweighed by the benefits. Irrespective of the 'tilted balance' being engaged, it was considered that the development was contrary to Policies DM1, DM11 and DM15.

The Team Leader went on to explain that the proposed development was attractive and well-conceived in terms of character and layout. The development's impact on trees had proved to be a major concern for members of the public and the Council's Trees Officer. Whilst the existing trees would provide effective screening to the development, they were also a constraint. The north-eastern boundary of the site was heavily wooded and particularly susceptible in relation to pressure arising from future occupiers to cut back or remove the trees which were not yet fully grown. That being said, he noted that an area of new woodland would be planted behind Old Poplar Farmhouse. Kent County Council (KCC) Highways had initially raised concerns about additional traffic movements on the highway but had since advised that there would be no negative impact. Concerns had also been raised regarding on-street parking in St George's Road. However, parking would be provided within the development which, in fact, exceeded the requirement set out in the Local Plan.

The Committee was advised that it was a finely balanced case. In its favour, the site was in a sustainable location and the development would make a valuable contribution to the district's housing needs. However, the development would alter the character and appearance of the area and lead to the loss of a sizeable number of trees. Weighing up the benefits against the disadvantages of the proposal, Officers had concluded, on balance, that the application should be approved.

Councillor Richardson expressed concerns that 29 mature trees would be lost, to be replaced by a few saplings which would take 40/50 years to replicate the same carbon reduction benefits. He was particularly concerned about the proposed development's effect on the character and appearance of the countryside and could not support the erection of 44 dwellings at this location. Councillor Jull raised concerns that the developers had ignored KCC's policy that no more than five homes should be served by an unadopted road. He suggested that conditions be added to ensure the roads were built to an adoptable standard, in particular those serving affordable housing so that those residents were not subject to charges

levied by management companies. He also raised concerns about the loss of parking spaces in St George's Road that were used at school times.

Councillor Woodgate commented that, whilst he appreciated the need to build more houses, thought should be given as to whether this quintessential English green field was the right place. He queried what had changed since the site's removal from the draft 2015 Local Plan. Whilst not a planning consideration, residents' objections were compelling and should not be dismissed. Councillor Biggs stated that he was elected to represent the opinions of local people and he could not ignore the very large number of objections received. It was a contentious site and its development would be a loss to the area.

The Team Leader advised that KCC had assessed the proposed road layout for safety and functionality. There could actually be a reduction in the visual quality of the proposed roads if they were to be built to adoptable standards as KCC often required the use of standardised materials. This was particularly true if trees were to be provided along the roads. He accepted that the loss of parking during school times would be noticeable. However, there was a need for passing places and the provision of a pedestrian crossing near the school would be a benefit. The provision of bird boxes was an enhancement rather than necessary mitigation and was proposed due to the large number of birds that frequented the wider area.

In response to Councillor Woodgate, the Team Leader advised that the 2015 and current draft Plans were subject to different policies and requirements. In 2015 two other development sites had been available in Sandwich; one had since been built out but the other had not. The annual target of delivering 557 houses was a rolling one and the Local Planning Authority was therefore obliged to constantly look for suitable sites. As part of a long process, the Local Plan team had reviewed hundreds of sites, whittling them down to those considered most suitable. There was rarely a site that ticked all the boxes and there was a shortage of suitable sites in and around Sandwich. The Local Plan team had assessed what mitigation was needed to reduce the impact of development in this location, including a reduction in the number of dwellings from those proposed in 2015. He added that the site had been assessed by the team as 'amber' which meant that it could be made acceptable with suitable mitigation measures.

The Planning and Development Manager reminded the Committee that it was required to focus on planning policies and considerations. Councillor Richardson clarified that the loss of trees and impact on the countryside were the reasons why he wished to refuse the application.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00274 be REFUSED on the grounds that the proposed development, if approved, would cause harm to trees and the character and appearance of the area, and have a detrimental impact on the landscape.

(b) That powers be delegated to the Planning and Development Manager to finalise the wording of the grounds of refusal in line with the issues set out in the report and as resolved by the Planning Committee.

Members viewed drawings, plans and photographs of the application site. The Team Leader Development Management (North) advised that planning permission was sought for the erection of six dwellings and works to an existing building to form a seventh dwelling. She corrected an error in the report which referred to 129 letters of support and 105 letters of objection having been received. In fact, 31 letters of objection and one neutral response had been received. In addition, the application had been called in by Councillor M D Conolly due to the number of objections received from members of the public and Ash Parish Council.

Members were advised that the existing property was a non-designated heritage asset which would be extended. The principle of development was accepted given the site's location within the built confines of Ash. Policy DM1, the most important policy for determining the application, was considered out-of-date for the reasons set out in paragraph 2.6 of the report. The 'tilted balance' approach of paragraph 11 of the NPPF was therefore engaged. The design of the dwellings responded well to the character of the area in a contemporary manner. KCC Highways had raised no objections following the receipt of amended plans for visibility splays. Due to the development's separation distance and orientation, it was considered that there would be no harmful impact on neighbouring properties, and approval was therefore recommended.

RESOLVED: (a) That Application No DOV/20/00155 be APPROVED subject to the following conditions:

- (i) Three-year standard time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Provision of bike and bin storage prior to first occupation;
- (v) Pre-commencement condition – Demolition and Construction Management Plan (Routing of demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel-washing facilities; Temporary traffic management/signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements);
- (vi) Provision of measures to prevent the discharge of surface water onto the highway;
- (vii) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the retention of public access to the three spaces between units 1 and 2;

- (viii) Use of a bound surface for the first 5 metres of the access from the edge of the highway;
- (ix) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing, in accordance with details to be submitted and approved by the Local Planning Authority;
- (x) Completion of the access and associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions;
- (xi) Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;
- (xii) Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing;
- (xiii) Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing;
- (xiv) Provision of electric charging points;
- (xv) Removal of permitted development rights (classes A, B, C, D and E);
- (xvi) Removal of permitted development rights for insertion of window openings at first-floor level;
- (xvii) Joinery details, eaves details, ridge details at 1:10 for the non-designated heritage asset;
- (xviii) Hand-dug condition and tree protection measures;
- (xix) Programme of archaeological works;
- (xx) Ecological mitigation and enhancement works;
- (xxi) Landscaping scheme;
- (xxii) Pre-commencement condition requiring submission of a detailed scheme for surface water disposal;
- (xxiii) Pre-commencement condition requiring submission of a detailed scheme for foul water drainage;
- (xxiv) Boundary treatment and hard surfacing.

(b) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

136 APPLICATION NO DOV/21/01618 - 44 MILLAIS ROAD, DOVER

The Committee was shown a plan and photographs of the application site. The Team Leader Development Management (Strategic Sites and Place) advised that planning permission was sought for the erection of a detached dwelling with associated parking at a site within the settlement confines of Dover. Members were advised that the proposed dwelling would be built on garden land to the side of an existing dwelling following the demolition of a garage. The design of the dwelling would mirror that of the existing house and was considered acceptable. As an update to the report, he advised that additional conditions should be added requiring window reveals and removing permitted development rights.

RESOLVED: (a) That Application No DOV/21/01618 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials to match 44 Millais Road;
- (iv) Obscure glazing to first-floor rear windows;
- (v) Retention of parking spaces;
- (vi) Electric charging;
- (vii) Cycle parking and bin storage;
- (viii) Tree planting;
- (ix) Windows to be set in reveals;
- (x) Removal of permitted development rights for windows in roof to protect amenity of neighbours.

(b) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

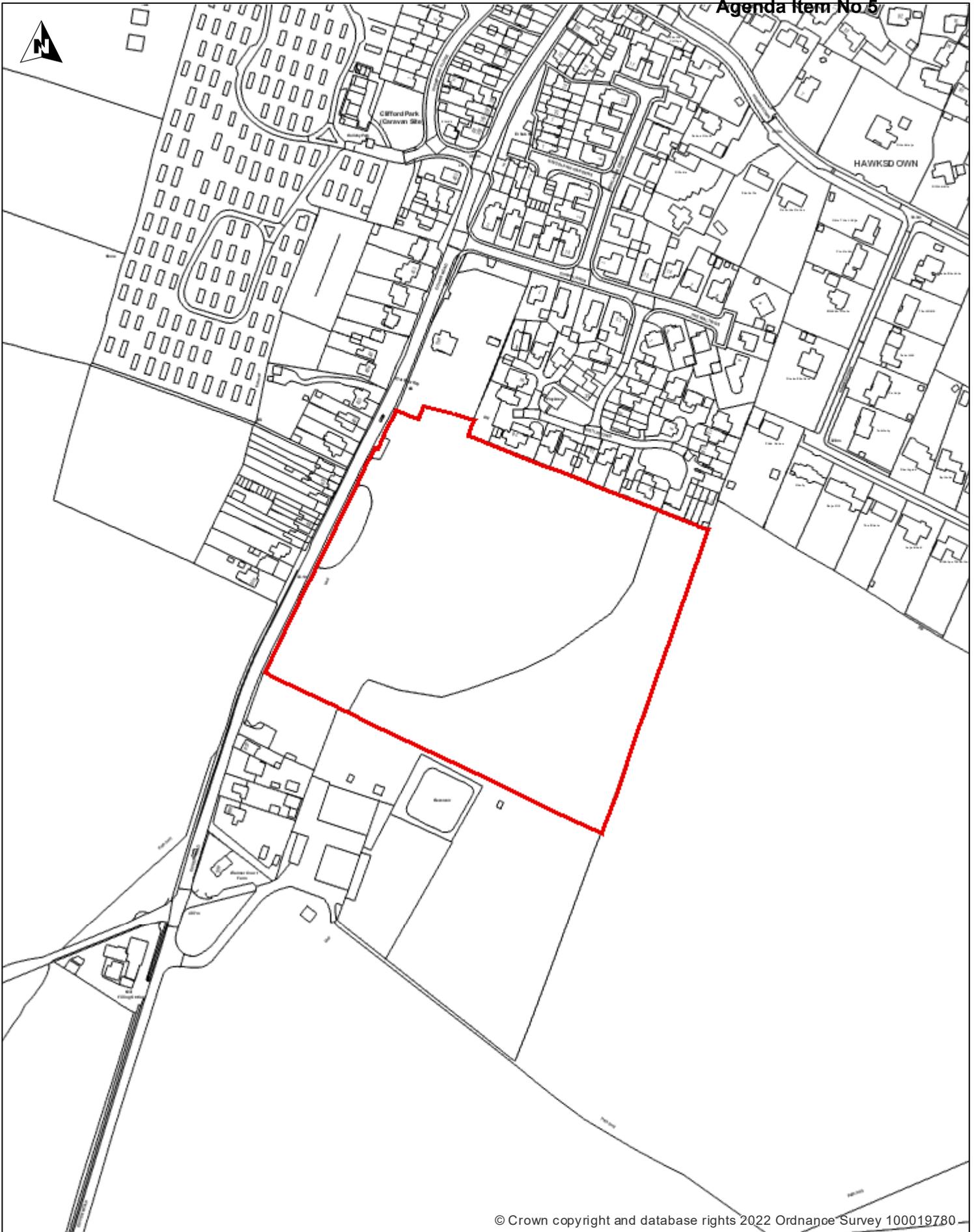
137 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals.

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

The Committee noted that no action had been taken.

The meeting ended at 9.23 pm.



21/00255

Land Opposite 423 To 459 Dover Road
Walmer

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/21/00255 - Reserved Matters application pursuant to outline permission DOV/17/00487 for the details of appearance, landscaping, layout and scale for the erection of 85 dwellings - Land Opposite 423 to 459 Dover Road, Walmer**

Reason for referral – Number of contrary views

b) **Summary of Recommendation**

(i) Grant planning permission, subject to conditions, and subject to the completion of a satisfactory ecology survey in respect of the western boundary wall within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager.

(ii) If a satisfactory ecology survey in respect of the western boundary wall is not received within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager, delegated authority be given to the Planning and Development Manager to refuse planning permission.

c) **Planning Policy and Guidance**

Legislation

The combined effect of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is that planning applications must be determined in accordance with the statutory development plan unless material considerations indicates otherwise.

Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) applies in the event that planning permission is granted and requires that a planning obligation (under s.106 of Town and Country Planning Act 1990) may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015) (“**the LALP**”)
- Saved Polices of the Local Plan (2002)

Relevant polices of the Core Strategy include:

- CP1: Settlement Hierarchy
- CP2: Provision for Jobs and Homes
- CP3: Distribution of Housing Allocations
- CP4: Housing Quality, Mix, Density and Design
- CP6: Infrastructure
- DM1: Settlement Boundaries
- DM5: Affordable Housing
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision

- DM15: Protection of Countryside
- DM16: Landscape Character
- DM17: Groundwater Source Protection

Relevant policies of the LALP include:

- DM27: Providing Open Space

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

National Planning Policy Framework

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

At paragraph 8, the Framework states that sustainable development has three overarching objectives – an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways, seeking net gains across each.

Paragraph 11 identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits. Footnote 8 is clear that for applications involving the provision of housing, the most important policies will be considered to be out of date where a local planning authority cannot demonstrate a five year housing land supply.

Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 60 – to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 – planning should aim to achieve health, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all

users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

Paragraph 111 – development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 – planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – planning policies and decisions should support development that makes efficient use of land, taking opportunities to achieve net environmental gains.

Paragraph 124 – in achieving appropriate densities, planning decisions should take into account the need for housing and the availability of suitable land to accommodate it; availability / capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of well-designed, attractive and health places.

Paragraph 125 – where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 126 – the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 131 – trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.

Paragraph 132 – design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.

Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 134 – development that is not well designed should be refused; but significant weight should be given to schemes that reflect local or national design guidance.

Paragraph 152 – the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

Paragraph 174 – planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services, as well as the intrinsic character and beauty of the countryside; and minimise impacts on and provide net gains in biodiversity.

Paragraph 174 also seeks for development to not be put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 – if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 182 – the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 183 – planning should ensure that a site is suitable for its proposed use, taking into account ground conditions.

Paragraph 185 – taking into account the likely effects of pollution on health, living conditions and the natural environment, planning should ensure that new development is appropriate for its location.

Paragraph 180 – planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 186 – planning should sustain and contribute towards compliance with relevant limit values for pollutants, including air quality.

Consultation Draft Dover District Local Plan (2021)

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. But it is still at an early stage in its preparation, ahead of a Regulation 19 consultation. In accordance with paragraph 48 of the Framework, whilst the draft Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Other Material Considerations:

- Planning Policy Guidance
- DDC Affordable Housing Addendum SPD (2011)
- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

d) Relevant Planning History

DOV/17/00487 - Outline application for the erection of up to 85no. dwellings (with landscaping, appearance, layout and scale to be reserved) – appeal allowed (04/08/18).

The applicant has submitted applications pursuant to a number of conditions of the outline planning permission (17/00487):

- CON/17/00487/A - public open space and play area (condition 12) – under consideration
- CON/17/00487/B - biodiversity enhancement and management plan (condition 13) – under consideration
- CON/17/00487/C –travel plan (condition 18) - under consideration
- CON/17/00487/D –archaeology (condition 14) - under consideration

For background outline planning permission DOV/17/00487 is subject to the following conditions:

1. Reserved matters application to be submitted and approved
2. Reserved matter to be submitted within three years of date of permission
3. Access in accordance with approved drawing; and no occupation before access is completed
4. Dover Road / western boundary treatment in substantial accordance with indicative plans
5. Permanently close existing vehicular access
6. Finished levels to be approved
7. Surface water drainage scheme to be approved
8. Foul drainage details to be approved
9. Surface water drainage - implementation, maintenance and management details to be approved
10. Construction method statement to be approved
11. Noise attenuation measures for new dwellings to be approved
12. Public open space and equipped play area – details to be approved
13. Biodiversity enhancement and management plan – to be approved
14. Programme of archaeology work – to be approved
15. Reptile mitigation measures to be undertaken

16. Tree protection measures
17. Protection of retained trees
18. Travel plan – to be submitted
19. If unforeseen contamination is encountered

e) **Consultee Responses and Third-Party Representations**

A reserved matters under this application was first submitted in February 2021, but was substantially revised in February 2022 to that now being considered and referred to Planning Committee for decision.

For completeness the consultee responses and third party representations for both the original and amended reserved matters submissions are reported here.

A. Consultee responses received to original reserved matters submission:

Ripple Parish Council – raise objection, due to the height of the 3 storey dwellings being out of keeping with surrounding houses; access and egress; building infrastructure concerns with doctors and school provision; insufficient parking; environmental impact; and need for crossing for school children.

Ringwold with Kingsdown Parish Council – raise objection, due to concerns with the public notices being misleading; no official notice to Rwk; impact of traffic flows; impact on greenfield site and impacts on proposed sites within the draft local plan.

Walmer Parish Council – raise objections, due to the access and egress to Dover Road being dangerous for motorists and pedestrians; the dwellings being too crowded and close together; the 117 parking spaces are not adequate for the 240 bedrooms proposed; and lack of information to the sustainability and materials used, and energy usage.

Environment Agency - no objection/comments. The applicant may be required to apply for other consents, permissions or licenses from the EA. An informative can be recommended accordingly.

National Highways – the proposals will not result in any additional impacts on the Strategic Road Network and are satisfied the proposals will not materially affect the safety, reliability and/or operation of the SRN.

Natural England – no objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. The site is located 1.2km from a nationally designated landscape namely Kent Downs AONB.

KCC Flood and Water Management – no objections, with comments:

- the drainage strategy follows that presented for the outline application;
- infiltration testing submitted with the outline application in 2017 is included in the appendices. The outline application included results for two infiltration tests which showed values ranging from 4.05×10^{-6} m/s to 1.52×10^{-6} m/s;
- recommend at detailed design that additional infiltration testing is undertaken given the age of the current results, given recent increased seasonal rainfalls and to confirm the (lack of) presence of groundwater;

- at detailed design it is important that the separation distances of these deep bore soakaways are provided and the actual number confirmed;
- the arrangement of deep bore soakaways may be permitted but it is important that the deep bore soakaways share loadings equally;
- depths for deep bore soakaways presented for the 1 in 2 year and 1 in 30 year events are acceptable but it would be beneficial to provide calculations for the 1 in 100 year plus 20% event for detailed design;
- recommend that cross-sections of the attenuation basin are provided at detailed design;
- no objection to the approval of the reserved matters given it follows the approved outline drainage plan and that there is sufficient open space to permit some flexibility in the attenuation basin arrangement.

KCC Minerals and Waste – no comments.

KCC Highways - holding objection to resolve detailed matters relating to arrangement of footways; speed restraint measures; road widths; shared driveways; provision of service strips; pedestrian visibility splays; turning provision; extent of adoption; and parking arrangement.

DDC Environmental Protection Officer – the Noise Assessment has examined the noise impact from traffic movements on Dover Rd and Kingsdown Water. The report concludes that for garden areas and for the main part noise levels are within guidelines set out in BS:8233. Mitigation measures, including some ground floor and first floor rooms facing the road will require enhanced acoustic glazing and an alternative method of ventilation. 1.8m close board fencing is recommended. Accept the findings of the report and do not object.

DDC Natural Environment Officer – accept the recommendations of the submitted Biodiversity Enhancement Management Plan.

Kent Fire and Rescue Services – no objections. Off-site access requirements of the Fire and Rescue services have been met.

Kent Police Designing Out Crime - matters raised in connection with the permeability of scheme; need to maximise natural surveillance; and ensuring defensible boundaries. Other advice is given in terms of door and windows locks, lighting, width of footways and security of construction plant.

Southern Gas – confirmed_no comments.

Southern Water – no objections. A formal application under S106 of the Water Industry Act needs to be submitted and approved by Southern Water for a connection to a public foul sewer before implementing on site.

B. Following the submission of amended plans and documents a full re-consultation was carried out. The following consultee comments have been received.

Ripple Parish Council – original objection stands, aside from the issues with the three storey houses, which are no longer part of the development. Original objections

included inadequate parking spaces and overspill onto Dover Road. Concerns with the access and egress and a pedestrian crossing on Dover Road is requested. Request considered given to the impact on the local community and infrastructure.

Walmer Town Council – raise objections regarding overlooking; no account of vulnerable people; does not address surface water; overdevelopment; access concerns from Dover Road. The Town Council has suggested a number of improvements including:

- relocating earth bank along the southern facing border aligning the A258 to act as a sound barrier;
- redesign the scheme to increase walkability, reduced non-permeable surfaces, reduced car dominance, reduced access to service vehicles, revised architectural design and increased height of buildings;
- home refuse collection to be in a purposely designed building;
- cumulative parking areas and creating a tank or covered drainage facility for parking;
- additional pavement to the frontage and cycle parking provision;
- inadequate access to the road and bus passengers are poorly provided for;
- sustainability measures needed including PV cells, grey water systems, EV charging points, permeable paving and minimum energy rating; and
- remove boundary wall and replace with an earth/foilage bank.

Environment Agency - no further comment. The applicant may be required to apply for other consents, permissions or licenses from the EA. An informative can be recommended accordingly.

National Highways – content that all strategic road network (SRN) related matters were dealt with at the outline application stage, and therefore content there will not be any material impact to the SRN. No objections are raised.

Natural England – no objections and the amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

KCC Highways – no objections. Content that previous comment relating to demonstrating visibility splays; 20mph design speed of the site; roadway widths; footways; and provision of an adoptable margin around the amenity area have been addressed.

The total number of car parking spaces (1.5 spaces for a two bed dwelling; two spaces for a 2+ bed dwelling; and 17 visitor parking spaces) is sufficient. Parking for 3 and 4 bed dwellings should be independently accessible.

Kent Police Designing Out Crime – refers to comments made to original reserved matters submission.

KCC Minerals and Waste – no comments.

KCC Heritage/Archaeology – a Written Scheme of Investigation for archaeological mitigation excavation in the process of being agreed and will need to take place before development commences. [*Officer Comment: this is secured by Condition 14 of the outline permission*].

KCC Flood and Water Management – satisfied the resubmitted documents and amended design deal with and comply with the surface water master strategy previously approved under the outline consent, and the previous comments have been considered and included in the re-design of the drainage strategy. As such, no objections are raised.

DDC Natural Environmental Officer – in terms of reptiles, an updated reptile survey is sought. The removal of the wall along Dover Road is not included within the previous ecological assessment and should inform that work acceptability. No measures secured to ensure the potential bat presence is taken into account in the tree felling and therefore further information is sought to demonstrate how the potential for bat presence will be accessed. [*Officer Comment: The applicant is undertaking further surveys and a condition is recommended regarding a reptile survey*]

Important to secure measures proposed in the BEMP, including hedgehog holes in the close boarded fencing around the gardens and bee bricks per dwelling.

A greater proportion of locally appropriate native species planting should be provided. In particular there should be no *Pinus Sylvestris* and the attenuation base mix includes species not known to occur in the area.

Kent Wildlife Trust – no objections in principle, but question whether updated surveys are needed. [*Officer Comment: The applicant is undertaking further surveys and a condition is recommended regarding a reptile survey*].

Southern Water - no objections. A formal application needs to be submitted and approved by Southern Water for a connection to a public foul sewer before implementing development on site.

Public Representations

In response to the **original reserved matters scheme**, a total of 18 letters of objection were received which raise the following comments:

- density too great;
- land outside of the urban boundary;
- impact on AONB;
- the three storey houses are too high and out of keeping;
- plans do not show finished levels of all parts of the development in relation to surrounding area and buildings;
- out of character with the local area;
- overlooking and loss of privacy;
- overshadowing and loss of sunlight;
- public amenity space inadequate for the size of the development;
- potential for development to build properties that are substantially over and above national minimum and standards;
- noise, smell, dirt and disturbance;
- concerns with the entrance to Dover Road and the junction visibility;
- increased traffic and road cannot cope with additional homes;

- concerns with the pedestrian crossing being dangerous, busy and pathway insufficiently wide;
- inadequate parking;
- no planned cycle or pedestrian routes;
- public transport is inadequate;
- concerns with construction traffic;
- no mains drainage;
- concerns with the development not being energy efficient or sustainable;
- strain on local services – health care facilities, shops, schools, roads and employment. Particularly given number of other developments in the area;
- concerns with broadband, power, waste and water supply;
- new builds are unaffordable to local residents;
- unclear what species of trees that will be planted on boundary;
- presence of newts in neighbouring pond; and
- impact on wildlife, nature conservation and requirement to protect species.

For the **re-consultation to the revised reserved matters scheme**, the following comments have been received from 9 letters of objection:

- clarity sought on whether the scheme is for 83 or 85 units; [*Officer Comment: the description was amended to confirm 85 units, consistent with the outline planning permission.*]
- comments that the application is out of time, being submitted more than 3 years after the appeal decision; [*Officer Comment: the application was submitted in February 2021, within the time frame and compliant with the relevant condition. The scheme was amended by Taylor Wimpey, however remains the same application.*]
- plans show three storey housing;
- impact on countryside views;
- overlooking and mitigation does not address Inspector's comments;
- impact on Thistledown properties;
- overshadowing;
- request for cross sections to assess impact on neighbouring properties and requirement of Condition 6 to provide finished levels; [*Officer Comment: this is a pre-commencement condition and will be required to be submitted separately.*]
- disruption and noise;
- highways safety concerns; impact of traffic and road congestion; concerns with footpath being too narrow and needs to be widened;
- request for a public footpath/public right of way through the site to connect Dover Road with the footpath on farmland at the rear;
- impact on capacity of local facilities / services;
- natural habitat of wildlife and flora lost;
- query to the maturity of trees to be planted;
- narrow paths along the boundary with properties in Thistledown become unused and dumping grounds;
- security concerns;
- no reference to sustainability measures;
- comments made regarding construction process to avoid congestion, danger and Considerate Constructors Scheme.

f) **The Site and the Proposal**

The Site

- 1.1 The site is located adjacent to the southern edge of the defined settlement of Walmer and currently used as paddocks for grazing horses. There are a number of stable buildings positioned towards the north western corner of the site. The site is generally square in shape and located on land that rises from the east and west, with a 10m fall across the site.
- 1.2 There is an existing vehicular access to the site from the A258 along the western boundary. The western boundary is also formed by a redbrick and flint wall which runs the majority of the western side of the site with dense scrub/trees around it. The eastern and southern boundaries are also formed of scrub and trees. The northern boundary treatment is mixed, consisting of various chain link or wooden fencing.
- 1.3 The northern boundary of the site abuts the rear gardens of a recent residential development (Thistledown), comprising two storey dwellings. On the opposite side of Dover Road are a row of older properties of a variety of architectural design. To the south are some commercial buildings including a bottled water company and a small number of residential properties. To the east and to the south west on the opposite side of Dover Road is agricultural land.
- 1.4 The site is situated in Flood Zone 1.

Proposed Development

- 1.5 Outline planning permission has been approved for up to 85no. dwellings on the site, under application DOV/17/00487. As well as the principle and quantum of development, the outline planning permission has established the principal access from A258 Dover Road. Matters of layout, scale, appearance and landscaping are reserved for subsequent approval.
- 1.6 This application is for consideration of these reserved matters (of layout, scale, appearance and landscaping).
- 1.7 This reserved matter submission (as amended) presents a scheme that:
 - has a single principal access from Dover Road, connecting to a central avenue into the site, leading up to a crescent of houses and area of open space towards the eastern part of the site;
 - to the north and south of the principal route has shorter cul-de-sacs (or spurs) of houses, then with a secondary road curving northwards from the central crescent;
 - maintains / provides larger areas of open space around the south eastern corner of the site and along the southern and eastern boundaries;
 - accommodates a surface water attenuation basin in the north eastern corner of the site;
 - has a predominantly two storey scale and height of houses, with a limited number towards the centre of the site having dormer windows in the roof space;
 - provides designated car parking for each dwelling, with visitor spaces available;

- repositions / replaces an existing brick and flint wall further into the site, to ensure appropriate visibility spaces, the construction of a new footway and new bus stop (as considered and secured as part of the outline planning permission).

1.8 The development comprises the following mix of units and split between market and affordable housing:

Table 1: Mix of Units

	Market	Affordable	Total
2 bed	8	11	19
3 bed	22	15	37
4+ bed	29	-	29
Total	59 (69%)	26 (31%)	85

1.9 As well as detailed drawings, the following documents accompany the application:

- Acoustic Appraisal Report
- Arboricultural Method Statement
- Biodiversity Enhancement and Management Plan
- Design and Access Statement
- Drainage Statement
- Illustrative Boundary Wall Detail Plan
- Landscape Management Plan
- Landscape Masterplan
- Specification for Landscape and Horticultural Works
- Planting Plan Overview
- Planting Plans
- Play Space Plan
- Planning Statement
- Transport Note

Main Issues

2.1 The principle of residential development on the site (for up to 85 dwellings and principal access to the highway) has already been approved at outline stage. The outline planning application included illustrative information as to the manner in which the site might be developed.

2.2 The main issues in the consideration of this application are:

- place making and character of the surrounding area;
- mix of units and density;
- affordable housing;
- residential amenities;
- highways / transport matters;
- trees and ecology;
- other matters.

Assessment

Place Making and Character of the Surrounding Area

- 2.3 The Framework emphasises that creating high quality places is fundamental to the planning process, including that development should function well and add to the overall quality of the area; is visually attractive; is sympathetic to the local character; establishes a strong sense of place; and is safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity for future users.
- 2.4 With regard to the appeal decision for the outline planning application, the site was considered by the Inspector to be largely self-contained, with characteristics of the urban edge of Walmer/Deal rather than being representative of the wider landscape. The detailed design of the reserved matters scheme is considered in this context.

Layout

- 2.5 The proposed scheme has a legible layout with a central spine between the principal access and focal crescent of houses and open space, then with a logical arrangement of secondary roads.
- 2.6 At the front, houses are set back from the western boundary to face outwards onto Dover Road (engaging with the street), whilst maintaining suitable offset / space to ensure a substantial landscaped buffer. Within the site, houses are arranged in defensible perimeter blocks, facing outwards onto the new road layout and enclosing useable garden space.
- 2.7 The central crescent of open space provides some identify for the development, helping to create a positive and more distinctive sense of place.
- 2.8 The layout is also considered suitably permeable, with cycle and pedestrian access onto Dover Road to the north and south of the principal entrance, increasing accessibility to the surrounding area (including services/facilities in Walmer).
- 2.9 The layout retains substantial areas of green infrastructure along the southern and eastern boundaries, as well as providing space to reprovide the verdant landscaping along Dover Road.
- 2.10 The layout is considered an appropriate structure / framework for the detailed development scheme.

Scale

- 2.11 The scale of houses at predominantly two storeys in height is in keeping and compatible with the surrounding built form / urban areas – including houses opposite the site on Dover Road and those most recently built adjacent to the north at Thistledown.
- 2.12 A limited number of houses (eight pairs of semi-detached) are taller at two and a half storeys (with habitable space in the roof and dormer windows), but these are positioned and suitably well contained in the centre of the site.
- 2.13 The taller houses would provide some variation and interest to street scenes of the proposed development.
- 2.14 The scale of the proposed buildings is considered appropriate to the site itself and its wider context in the surrounding area.

Appearance

- 2.15 The houses have a simple and traditional form with a variety of gable and hipped roofs to provide some variation. Houses on key corner plots at the principal entrance to the site, and where the main roadway turns to the crescent, have dual-frontages, helping ensure an attractive / active appearance.
- 2.16 The facades of the houses comprise a mix of facing brick (buff and red/brown), white composite weatherboard, red/brown tile hanging; stone detailing soldier courses; and slate grey and brown composite roof tiles. This pallet is generally considered consistent with the varied urban character and appearance of other and nearby areas of Walmer. Final materials (with samples to be provided) will be secured by condition.
- 2.17 The overall appearance of the proposed development is considered appropriate, in keeping with that of the surrounding area and other recent development.

Landscaping

- 2.18 The structural landscaping of the site is considered consistent with the illustrative material submitted with the outline planning application. Of note, the proposed landscaping includes:
- a strong landscape buffer along Dover Road, which would screen the frontage of the site and visually contain the development;
 - an attractive central area of open space, including children's play equipment;
 - tree lined streets across much of the site (but noting where densities increase more space is required for car parking,);
 - a large surface water attenuation basin, surrounded by new planting;
 - retention of the existing area of shrub / vegetation on the south eastern corner of the site, which expands along the southern boundary with mown footpaths to provide a robust landscape context and amenity; and
 - reinforced planting along the northern site boundary.
- 2.19 Hard landscaping is limited to the tarmac roadways, with permeable block paving to the parking areas and flag paving to the dwelling frontages. This is considered acceptable for these locations.
- 2.20 The existing brick and flint wall on the western boundary of the site, fronting Dover Road, would be rebuilt slightly into the site (to the east) to accommodate the visibility splays, widened footpath and new bus stop. This approach is consistent with the outline planning permission, which requires the new boundary wall and associated landscape treatment to be in substantial accordance with indicative plans.
- 2.21 Other boundary treatment comprises 1.8m high timber fencing between the gardens of the properties, with some areas of boundary wall framing corner plots. These boundary treatments would provide both privacy and robust security where appropriate.

- 2.22 Overall the approach to landscape will provide a suitably attractive scheme to enhance the visual appearance of the development and to the amenity and wellbeing benefits of future residents.

Mix of Units and Density

- 2.23 The mix of houses (of 19no. 2-bed; 37no. 3-bed; 29no. 4+-bed units) will provide an appropriately balanced development consistent with the objectives of Core Strategy Policy CP4.
- 2.24 The detailed scheme would have a density of 33 dwellings per hectare (dph), excluding the largest areas of retained green infrastructure. This is compliant with the outline consent and consistent with Core Strategy Policy CP4 in seeking at least 30 dph to make effective use of deliverable land.
- 2.25 Whilst Policy CP4 encourages higher densities above 40dph wherever possible, the outline planning permission limits the number of dwelling to up to 85; and such a greater amount of housing is considered likely to be at too greater variance with the edge of settlement character and site constraints.

Affordable Housing

- 2.26 Planning obligations (secured through a s.106 undertaking) of the outline planning permission provide for 30% affordable housing on-site. The detailed reserved matters scheme is consistent with this – 26 of 85 dwellings will be affordable (31%). Of these affordable units, 70% would be affordable rent and 30% shared ownership.

Residential Amenities

- 2.27 Given the site's edge of settlement location the only immediate neighbouring properties are those to the north and west of the site.
- 2.28 The proposed development would back onto Thistledown where generally there are sufficient distances of separation to the proposed development to ensure the amenities of these existing residents (in terms of outlook, light and privacy).
- 2.29 Two houses on Thistledown are closer to the site than others; and these are given further consideration.
- 2.30 Re No.28 Thistledown:
- this dwelling has windows at ground, first and second floor level, in its southern flank gable, facing onto the site. Whilst these windows would have some outlook over the site, there is a sufficient distance (to proposed houses on plots Nos. 46 & 47) or sufficiently oblique angle (to the proposed house on plot No.48) for the detailed development scheme to not cause a materially detrimental level of overlooking to No.28 Thistledown;
 - given the facing southern windows of No.28 Thistledown are not sole principal windows of habitable rooms, it is reasonable for greater boundary planting to be provided to further screen the property from the proposed development (as well as a closeboard fencing at ground floor level);
 - indeed, new evergreen trees (revised from four deciduous) are proposed on the northern boundary to provide that greater degree of screening.

- 2.31 Further along Thistledown to the east there is a second house closer to the northern boundary of the site, but the relationship between this and the closest proposed property on plot No.39 is considered acceptable given the landscape treatment on the common boundary and more oblique angle of any views.
- 2.32 As considered at outline stage, the separation distance and presence of Dover Road, as well as new boundary planting, would limit any impact of the detailed development scheme on the existing houses to the west.
- 2.33 Within the site, there is an appropriate layout and arrangement between the new houses to ensure suitable amenities (outlook, privacy and amenity space) for future residents. The larger amounts of public open space on the site would complement areas of private amenity space.
- 2.34 In respect of any disruption / disturbance during the construction phase of development, this is short term and can reasonably be controlled through good practice and conditions.
- 2.35 With appropriate measures of mitigation through façade attenuation, DDC Environmental Protection Officers advise that traffic noise is not a constraint to development. This is consistent with the outline planning permission granted.

Highways/Transport Matters

- 2.36 The principal access to the site and matters relating to traffic generation were considered and approved at outline stage. They are not relevant / material to this reserved matters scheme.
- 2.37 With regard to the internal arrangement within the site, KCC Highways raise no objection, advising that previous queries concerning visibility splays; the design speed of the site (20 mph); roadway widths; footways; and provision of an adoptable margin around the amenity area have been addressed.
- 2.38 Across the site, a total of 222 car parking spaces would be provided, with an average of 2.4 per dwelling (205 spaces) and 17 visitor spaces. KCC Highways are satisfied with this overall amount and level of parking for each dwelling.
- 2.39 KCC Highways question whether parking for the larger three and four bed dwellings would be redesigned so each space is independently accessible, rather than in a tandem arrangement. However, the disadvantages of a tandem arrangement are considered outweighed by allowing the effective use of the site – in reducing the width of car parking along the street frontage in places and increasing areas available for landscaping.
- 2.40 Each dwelling has sufficient space within a garage or the garden areas for cycle storage.
- 2.41 The proposed layout provides a suitable refuse collection strategy, which allows refuse vehicles to access the majority of the site, with refuse collection points appropriately located.

Trees and Ecology

- 2.42 The submitted Arboricultural Method Statement shows the loss of trees and hedgerows along the western site boundary (Dover Road) and some within the site,

particular toward the southern and eastern boundaries. However those trees to be lost are of a lower quality (all Category C) and the approach being generally consistent with the outline planning permission.

- 2.43 Importantly, the loss of existing trees and vegetation would be offset / compensated for by comprehensive new landscape / planting scheme across the site, including the new crescent area of open space, along Dover Road, around the surface water drainage basin, elsewhere along the eastern boundary, and around the southern boundary open space. New street tree planting would be provided too.
- 2.44 In relation to the ecology on the site and wider area, the application is accompanied by a Biodiversity Enhancement and Management Plan (BEMP) and document titled Further Ecological Survey Consideration / Clarification.
- 2.45 Key findings of these include that:
- the outline consent was informed by ecological surveys and mitigation measures;
 - the principle of development (and associated parameters and principal access) has been approved and the current application is unlikely to further influence mitigation measures in regard to protected species beyond the permitted outline scheme;
 - updated survey work has been undertaken to ensure measures remain appropriate and sufficient to ensure protected species are appropriately safeguarded;
 - an updated habitat and faunal survey inspection took place in February 2022;
 - previous survey work identified the presence of small number of reptiles (peak count of 1 slow worm), the presence of a small number of trees offering low potential for bats, presence of badger, along with the potential for nesting birds, and mitigation measures have been identified in respect of these species;
 - the 2022 survey work indicated the habitats present were recorded to remain unchanged from the previous position, particularly in regard to any potential for protected species;
 - the site has not developed any suitability to provide opportunities for other protected, rare or notable species.
- 2.46 DDC's Natural Environment Officer is generally satisfied with the reserved matters scheme, subject to:
- securing the enhancement measure proposed in the BEMP, including hedgehog holes in fences, bee bricks and bird and bat boxes (with the final BEMP to be considered pursuant to conditions of the outline planning permission);
 - an updated reptile survey to be secured by conditions and any mitigation delivered before commencement of development;

- a detailed ecological assessment of the wall along Dover Road to be carried out before reserved matters approval is granted (with any measures coming out of that work to be appropriately conditioned); and
- the final mix of new planting to be reviewed (as to be secured by condition) to ensure an appropriate mix of native species, which should not include scots pine.

2.47 In respect of the impact of development through recreational pressure on the Thanet Coast and Pegwell Bay SPA, contributions to management measures have been secured at outline stage.

Other Matters

2.48 KCC Flood and Water Management (as the Lead Local Flood Authority) is satisfied with the approach to surface water drainage (raising no objection), with final details secured under conditions of the outline planning permission.

2.49 With regard to foul water drainage, the Drainage Statement indicates that the foul flows generated are to be managed through a new below ground network with flows to be discharged to the existing public sewer. Southern Water raise no objections.

2.50 Contributions towards local services/infrastructure (including education, community learning, libraries, social care, NHS, and off-site outdoor sports facilities) were secured as part of the outline planning permission.

3. **Conclusion**

3.1 Overall it is considered the proposed reserved matters scheme would:

- provide a suitable layout and scale of development, with good quality landscaping and appearance of buildings, generally consistent with illustrative material that suitably informed the outline planning permission;
- create a mixed and balanced community with affordable housing and variety of dwelling size;
- suitably maintain neighbouring residential amenities;
- ensure a safe and convenience development in terms of transport and highways matters;
- would provide good quality landscaping and new planting to offset/compensate for the loss of existing trees; and
- appropriately (with additional survey work for the western boundary wall and reptiles) safeguard wildlife/biodiversity interests across the site.

g) **Recommendation**

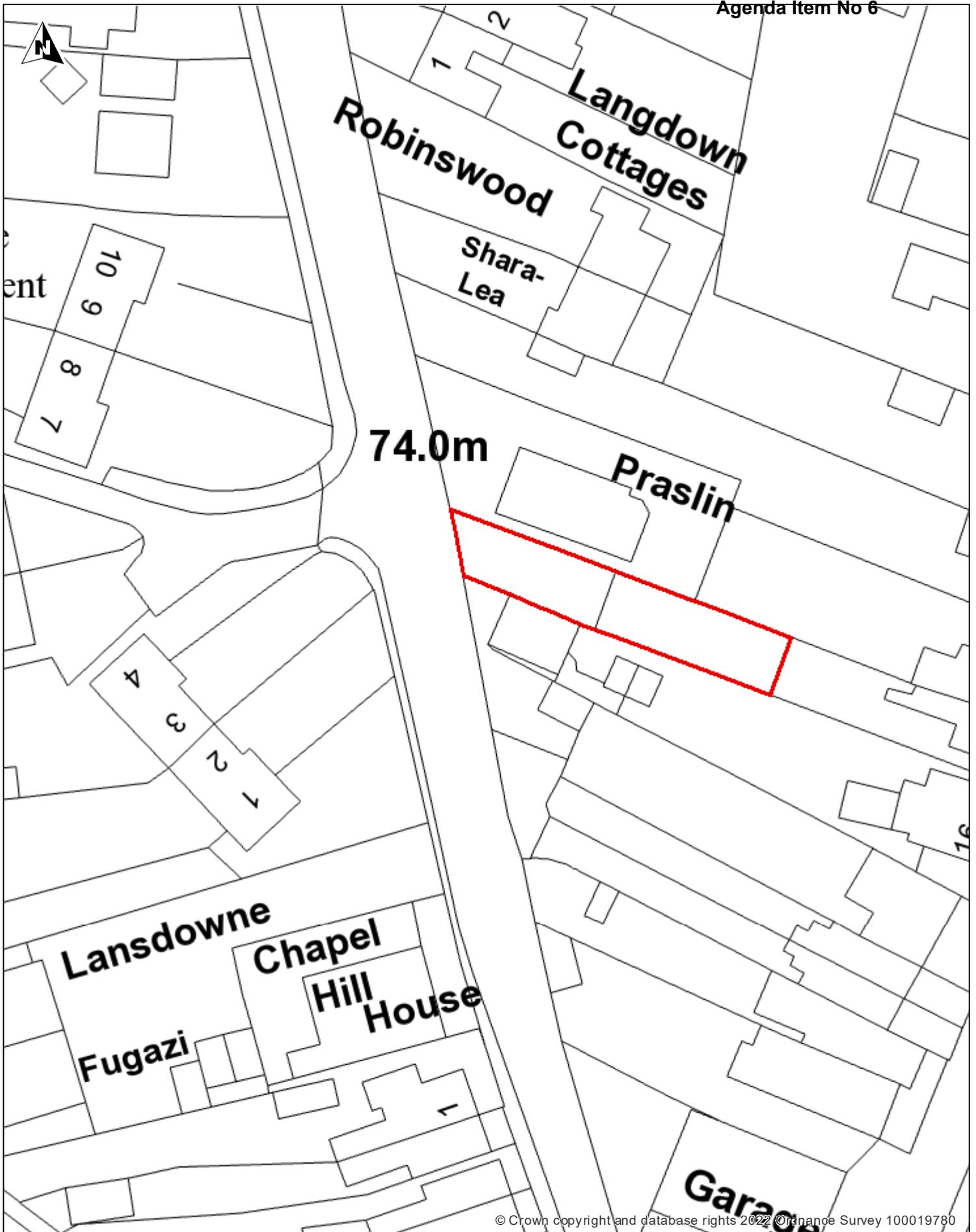
I GRANT PLANNING PERMISSION subject to conditions, and subject to the completion of a satisfactory ecology survey in respect of the western boundary wall within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager.

Conditions to include:

1. Approved plans
 2. Details and samples of materials – external surfaces of the dwellings
 3. Details and samples of materials – hard surfacing
 4. Revised planting details (with native species) – to be submitted
 5. Implementation of landscaping before occupation
 6. Boundary treatment – to be carried out
 7. Updated reptile survey
 8. Provision of EV charging points
 9. Provision of car parking before occupation of respective dwellings
 10. Provision of cycle parking before occupation of respective dwellings
 11. External lighting of public realm areas
- II If a satisfactory ecology survey in respect of the western boundary wall is not received within 3 months of the resolution to grant permission, or a longer period as agreed by the Planning and Development Manager, delegated authority be given to the Planning and Development Manager to refuse planning permission.
- III Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions (part I) or reasons for refusal (part II) in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Somerville



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21/01736
West View
Chapel Hill, Eythorne
CT15 4BA

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/21/01736 – Erection of a detached dwelling - Land at West View, Chapel Hill, Eythorne**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be Granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Eythorne is a village 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 on land outside the urban boundaries and rural settlement confines unless 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 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 9 promotes sustainable transport. Paragraph 110 of Section 9 seeks to achieve a safe and suitable means of access for all users.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

d) **Relevant Planning History**

21/00913 – Withdrawn, erection of a detached dwelling with associated parking.

e) **Consultee and Third-Party Responses**

Eythorne Parish Council: Objections are raised over levels of parking, unsafe access and lack of visibility splays.

Kent Highways: Initially an objection was received as it appeared that visibility splays could not be achieved. However, following a further consultation, Kent Highways responded by stating: “It is acknowledged that there is an existing access serving at least 2 parking spaces and therefore the replacement with 2 spaces for the proposed dwelling will not increase the use of this access. I therefore would not now recommend refusal on this aspect of the proposals.”

Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Public Representations: There have been 22 other responses received from the public consultation exercise, 8 support the application and 14 oppose it. The objections raised can be summarised as follows:

- There is existing congestion and parking on the highway which will be exacerbated by the development
- The proposed access, volume and speed of traffic along the highway and the site’s lack of visibility sightlines would prejudice highway and pedestrian safety
- There is no footpath serving the site
- The loss of parking spaces would mean that No.18 Sandwich Road would lose its on-site parking spaces
- There would be disruption and inconvenience during building works
- The proposal amounts to cramped overdevelopment and visual harm
- The proposal would lead to overlooking and loss of privacy
- The proposal would impact light and sunlight into the adjacent property

Those that support the application consider the proposal to be well designed, the plot size is considered acceptable, the site is in a good location for a new house and avoids greenfield development, the parking proposed would replace two existing parking spaces and there would be no harm to highway safety.

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

1.1 The application site falls within Eythorne village confines. It occupies part of the rear garden and parking area of No 18 Sandwich Road, which fronts onto Chapel Hill. The land is open and hardsurfaced with concrete, with an existing access onto Chapel Hill.

1.2 Chapel Hill comprises mostly Victorian, two storey semi-detached cottages on its western side, leading from the roundabout at the top of the hill. Opposite these, on the same side as the application site, there are mainly rear gardens and boundary enclosures fronting onto Chapel Hill.

1.3 The street scene changes on approaching the application site with a detached garage building with commercial space above on the south side of the application site, and a single storey, detached dwelling with accommodation in

the roof on the northern side of the application site. This section of the street scene has a more sporadic development pattern, where buildings have been erected in a more un-planned, ad hoc way, in the former rear gardens of Sandwich Road properties, to form a more loose knit and varied form of development.

- 1.4 The adjacent detached garage building has a rectangular form with a half hipped pitched roof at the front. It is finished in yellow facing bricks under an artificial slate roof. It has a hardsurfaced threshold between the building and highway where parking can take place. The property to the north of the site, is a detached dwelling. It has a rectangular form, with a pitched roof, and an area for parking to the front, and a garden and conservatory extension to the rear. Accommodation is provided in the roof of this building, facilitated by roof lights.
- 1.5 The proposal is for a detached dwelling with two parking spaces and a rear garden. The dwelling would have a rectangular form, with a pitched roof - with a gabled end roof design to the front and rear of the building. The ground floor would accommodate the living areas and the upper floor, within the roof space, would accommodate two bedrooms, with an ensuite bathroom located between them. The building is intended to be finished in buff coloured brickwork, with cedar cladding on the upper floors, under an artificial slate roof. Brick and artificial slate would reflect the materials on the building on the southern side of the site, whilst cedar cladding would reflect the timber cladding used on the building to the north.
- 1.6 The location of the building on the plot is staggered between the front elevations of the buildings either side. The rear elevation will project beyond the main rear elevations of the buildings on either side, although it will not project beyond the conservatory extension to the dwelling to the north (Praslin).
- 1.7 The proposed garden area is narrow and rectangular but will provide private amenity space for the occupiers of the proposal.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- The impact upon highway safety

Principle of Development

2.2 The application site falls within the village confines of Eythorne. As such, under Policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.

2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such

are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore, whilst the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.

- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the village confines would be consistent with Paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside.
- 2.5 As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.

Impact Upon Character and Appearance

- 2.6 The proposed development has a simple rectangular form, which will be compatible with the form of the buildings on either side of the application site. The roof design having a gabled roof in the front and rear elevations of the building and its height would also be compatible with those buildings either side. The proposed use of materials would reflect the finishes on the adjacent buildings.
- 2.7 In comparison with those properties adjacent, the width of the plot appears narrower and consequently the width of the house would be narrower than those buildings either side. At present, the buildings on either side have a more spacious visual setting, with space between and around them. The proposal would reduce their spatial setting and would have the appearance of being 'squeezed in'. Views of the proposed building from the highway would be limited to the front of the building, as views from the highway further afield, from the north and south, would in part be screened by the existing adjacent buildings.
- 2.8 The building is well designed and mostly compatible with the design and appearance of the buildings on either side. It would become part of a varied street scene where, along this section, the buildings do not follow any particular visual uniformity in form, design or appearance.
- 2.9 On balance, the proposal would not appear intrusive or otherwise unduly harm to the prevailing visual quality of the street scene or the character and appearance of the area, to the extent of warranting a refusal of planning permission, in this case.
- 2.10 As such, it is considered that the design of the new house and its impact upon the immediate area would meet the requirements for good design as set on in the NPPF.

Residential Amenity

- 2.11 The proposed house is designed to have its principal windows in its front and rear elevations. The windows in the front elevation would face the highway and those properties opposite in The Crescent. To the rear, there appears to be suitable separation between the window in the rear elevation of the proposed building and those windows in the rear elevations of properties that front Sandwich Road, to avoid causing undue levels of harm from overlooking and loss of privacy.
- 2.12 The gardens to the rear of the application site rise up to the properties in Sandwich Road. This change in topography would have the effect of the application building being constructed at a lower level than those properties. This will mean that the building would not appear as imposing or otherwise overbearing when seen from the Sandwich Road properties.
- 2.13 The key impact is how the proposal would affect Praslin – the dwelling to the north of the site. There are three rooflights in the south facing roof slope of that building and a window to the side which appears obscure glazed.
- 2.14 The proposed building is orientated to the south of Praslin which means that the proposed building is likely to give rise to some loss of light and sunlight to the windows on the south side of the building and conservatory extension. However, the design of the proposed dwelling has the highest part of the pitched roof in the centre of the building (due to the apex roof design), which means that its impact would not be so adverse to give rise to significant harm from the loss of light and sunlight to that property.
- 2.15 No windows are proposed in the north facing roof slope of the proposed dwelling, so that there would be no loss of privacy from overlooking towards the rooflights and conservatory windows from the application building.
- 2.16 In conclusion, it is considered that overall, the living conditions of the occupiers of nearby dwellings would not be unduly harmed by the proposal.
- 2.17 The proposed dwelling would, whilst being relatively small, provide a reasonable standard of accommodation. The internal floor space would amount to around 91sqm, whilst the usability of the space has been assisted through the open plan layout. Rooms would be naturally lit and ventilated. There is adequate space for the provision of cycle and refuse, although full details will be required by condition.

Highway Impact

- 2.18 The proposed development will accommodate two parking spaces on the site, which is in a location central to the village. This provision of on-site parking is considered to be acceptable, according with the requirements of policy DM13.
- 2.19 The proposal uses an existing access and area for two parking spaces. KCC Highways now advise that as the level of parking spaces remains unchanged between the parking for the Sandwich Road property and the parking for the proposed dwelling that this would not amount to a material increase in impacts on highway safety.
- 2.20 The NPPF advises that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. As it

has been concluded and officers have been advised that the development would not harm highway safety, it is considered that the proposal is acceptable, subject to suitably worded conditions to secure car parking, EV charging and cycle parking.

Other Matters

- 2.21 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.22 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.23 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3. Conclusion

- 3.1 By virtue of the relevant Development Plan policies not being up-to-date, it is considered that the 'tilted balance' (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.
- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the village confines within reasonable walking and cycling distances of the village's facilities and amenities. Its location would meet the requirements of the Development Plan and is supported by the NPPF.
- 3.3 With regard to the objective of achieving good design, it is considered on balance, that the proposed development would not have an unduly adverse impact on either the character and appearance of the area or the living conditions of the occupiers of adjacent properties, to the extent that this would warrant a refusal of planning permission.

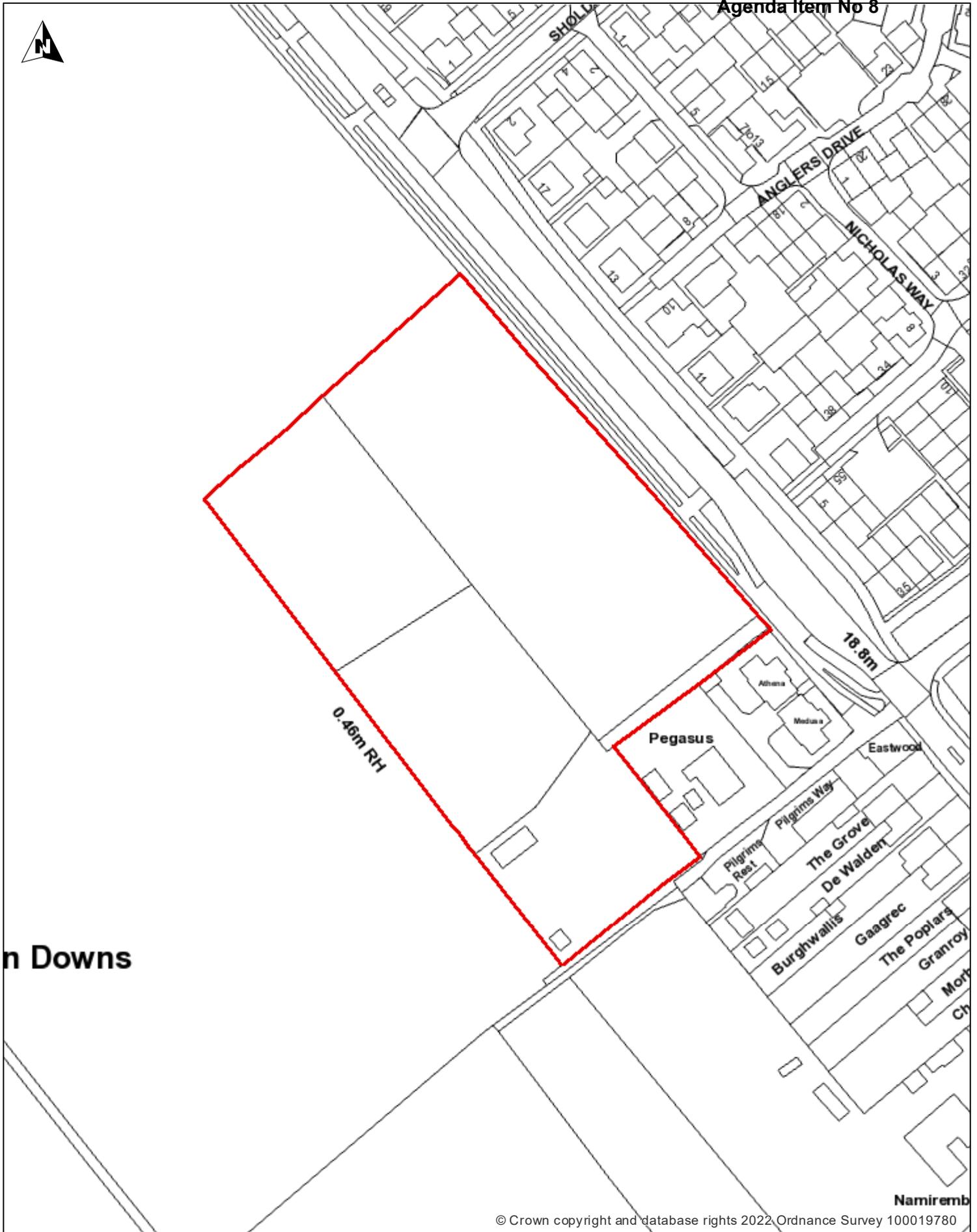
g)

Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:
- i) Standard 3 three period for implementation
 - ii) Subject to the Drawings that have been submitted.
 - iii) Details for the disposal of foul and surface water to be submitted for approval.
 - iv) Details of the finished site levels and threshold levels of the building to be submitted for approval
 - v) The provision and retention of car parking spaces (of a minimum length of 4.8m), including the provision of an electric charging point, access to the site and secure cycle.
 - vi) Removal of 'permitted development' rights to install windows within the north facing roof slope
 - vii) Removal of 'permitted development' rights to extend the building.
 - viii) Provision of landscaping details including retaining structures and boundary enclosures and a timetable for their implementation to be submitted for approval.
 - ix) Details of refuse storage
- II Powers be delegated to the Planning and Development Manager to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester



21/01459

Land North West Of Pegasus
London Road
Sholden

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/21/01459 - Reserved Matters application pursuant to outline permission DOV/19/00216 for the erection of 42 residential dwellings (for the approval of appearance, landscaping, layout and scale) and discharge of condition 17 (landscaping) – Land North-West of Pegasus, London Road, Sholden**

Reason for report – Requested by Planning Committee

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of his planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Planning Policy Framework (NPPF) (2021)

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

d) Relevant Planning History

DOV/19/00216 - Outline application for the erection of up to 42no. dwellings with associated parking and access (all matters reserved except for access) - Granted

e) Consultee and Third-Party Representations

DDC Environmental Health - no further observations

DDC Trees - no objections to the proposed landscaping proposals. All works to be in accordance with the Soft Landscape Specification document and Landscape plans

DDC Housing Manager - There is a section 106 agreement in place which requires 30% of the properties to be affordable housing, 13 units should be affordable.

DDC policy requires the following tenure split within these 13 properties:
3 x First Homes, 3 x Shared Ownership, 7 x Social or Affordable rent

Our preference is for Affordable Home Ownership properties - ie First Homes and Shared Ownership – to be predominantly 2 bedroom homes. This is on the grounds of affordability and suitability for first time buyers. There is the potential for one or two of the 3 bedroom properties to be provided for Shared Ownership, but First Homes should all be 2 bedroom. There is a need and a demand for social and affordable rented properties of all sizes in the district, and particularly in this location. The ideal mix would include 2, 3 and 4 bedroom houses.

KCC Highways and Transportation –

1. Further details regarding the level of parking and justification for the tandem parking. As noted, tandem spaces will require additional visitor parking.
2. Tracking for refuse freighters at the northern turning area.
3. Confirmation of the proposed highway features.

The site plan has been amended to indicate the number of visitor (19) and unallocated (4) spaces has been increased. There are 10 visitor spaces proposed along the frontage of the site. These spaces are abutting a verge or a hedge, where confirmation is required as to how passengers will be able to access the spaces. Should they not be sufficiently accessible, this could lead to vehicles parking else where within the site. Tracking is also required for the northern turning area, or confirmation that freighters will be expected to reverse.

Vehicular access to the new development is taken from Sandwich Road to the North East of the site, which remains in line with the approved outline plans. Pedestrian crossing facilities are required to ensure safe access. A Stage 1 Safety Audit will be required for any amendments to the public highway and will be subject to a S278 Agreement.

A total of nine visitor spaces are outlined, which is in line with the required 20% provision. The majority of parking is illustrated as tandem parking, which will require an additional .0.5 spaces per tandem arrangement. In a location such as Sholden 3 and 4 bed dwellings should have 2 independently accessible spaces, unless it can be justified that sufficient additional visitor spaces are provided to mitigate for the tandem spaces.

Refuse freighter tracking does not illustrate vehicles turning in the northern turning area. It is noted that this is a small turning area. Are refuse freighters proposed to reverse the length from the turning area to the access road?

Features are noted on the highway outside Plots 25 and 28, where confirmation is required as to their nature and materials proposed.

KCC Archaeology: No response in relation to RM

KCC Flooding and Waste Management - recommend approval of the drainage strategy drawing E21-001-1000 Rev P4

KCC Public Rights of Way Office – Public Right of Way EE389 passes adjacent to the proposed site. The existence of the right of way is a material consideration.

No objections to the application but as part of the wider network we look for rural connectivity into Deal centre and an important Active Travel opportunity. As this application will include an additional access over London Road, I would like to draw the applicant to the comments below in relation to the promoted Miners Trail Route.

The Miners Trail: The primary access to this development cuts across the Miners' Cycle Track that runs alongside the A258. This is a well-used promoted route and a significant part of the Districts leisure and tourism promotion for walking and cycling routes, and as such it is disappointing to see the access here. Cyclist and all user safety must be paramount at this access point and comply to the latest national Cycle Infrastructure Design. KCC PROW request approval of a detailed design to ensure this is upheld. We are aware of Deal Council aims to maintain the cycle routes of the area, providing Active Travel and leisure opportunities to residents and visitors, particularly connectivity from the surrounding villages. We would request that the applicant provides some funding towards improvements for the Trail as mitigation for the above and loss of countryside environment.

Kent Fire and Rescue: The Off-Site emergency access requirements have been met.

Southern Water - no objections to the reserved matters application for appearance, landscaping, layout scale submitted.

Affinity Water – No comments

Environment Agency - No comments.

Natural England – No comments

Kent Police Crime Prevention Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict. We submitted comments on the outline application. Whilst most of these recommendations have now been addressed we still have the following outstanding concerns;

Parking courts that serve plots 13 to 21 have limited natural surveillance from adjacent properties. This can attract crime and ASB as the area is not sufficiently lit. We recommend, where possible, for residents to have on-plot parking covered by natural surveillance from an active window i.e. living room or kitchen.

All windows and doors on the ground floor or above a flat roof meet both PAS 24:2016 or certified equivalent and any ground floor bedroom windows to have defensive treatment to protect them.

Sholden Parish Council – DOV/21/01459 should be refused on the grounds that the reserved matters application whilst only referring to Condition 17, in considering the whole application the applicant has not demonstrated that the proposed landscaping could be accommodated on the site in a manner that would result in a form of development that would deliver an appropriately high standard of urban design as sought by the NPPF and the National Design Guide. The applicant's proposal

concerning condition 17 would likely create a poor layout that will not provide a high-quality development, a beautiful or successful place in which to live nor a high standard of amenity for future users. This is contrary to paragraphs 8 and 130 of the National Planning Policy Framework and the National Design Guide and in line with paragraph 134 of the NPPF.

In addition to (i) and (ii) above, Council was further concerned that in the draft Local Plan Regulation 18 consultation there is reference to the developers of this proposed site and the developers of 21/0402 collaborating on access etc. Sholden PC is very concerned that we have not seen any evidence of such collaboration and in the absence of such, reserved matters may be further not compliant with parts of the NPPF.

Third Party Representations - 2 representations have been received objecting to the proposal. The following is a summary of the objections:

- School places limited, Deal doesn't have infrastructure and houses are not affordable
- Increased congestion, risk of accidents and danger to school children in the area
- Further countryside/greenfield sites being developed
- More houses are not needed

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

The Site

- 1.1 The site is located on the western side of London Road, Sholden and forms an area of 1.51 hectares. It is situated outside the settlement boundary of Deal but adjoins it on the southern and eastern boundaries. It is roughly rectangular in shape and extends along the London Road frontage. On the other side of London Road is a relatively recent housing development with dwellings extending along the London Road frontage. To the southeast and outside the application site is Pegasus, a chalet style bungalow. To the front of this property, two detached two storey dwellings have recently been constructed. To the north and west of the site are open agricultural fields laid to crops.
- 1.2 The site is situated to the south of a number of national and international designations – Thanet Coast and Sandwich Bay RAMSAR and SPA on the coast and Sandwich Bay to Hawkinge Marshes to the north/west. These also form part of the SSSI. Betteshanger Park and Cottington Lakes are to the north of the site. There is also a Public Right of Way along the southern boundary EE389 that links up to a number of other PROW and a Bridleway to the north ED37.
- 1.3 The site itself is largely grassed and fairly flat and has been used for grazing. Tree hedges from the rear/western and northern boundaries with some landscaping to the front /eastern and southern boundaries. To the rear of Pegasus there are a number of low key outbuildings and hardstanding areas. It is with Flood Zone 1 and Groundwater Source Protection Zone 3.

The Proposal

- 1.4 This application is a reserved matters (RM) application pursuant to the outline planning permission DOV/19/00216 for up to 42 dwellings. The RM application is for 42 dwellings of 3 and 4 bedroom open market dwellings and 2, 3 and 4 bedroom affordable units. The affordable units are sited to the southeastern corner of the site. The dwellings are to be 2- 2.5 storeys in height. The proposed plans show the

layout of the proposed development. Off-street carparking is available for all the dwellings in the form of drives and dedicated car parking spaces, this also includes some additional visitor spaces. Existing and new tree and hedge planting and associated landscaping is proposed throughout the development and along the boundaries. The landscaping across the site and along London Road has been further enhanced.

- 1.5 The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of trees on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 1.6 Since the original application a number of amendments have been submitted, these have all been minor in nature and the layout has not changed significantly. Recent amendments enhance further the level of landscaping and tree planting along London Road and the access road into the site, along with strengthening with additional tree planting to the boundaries of the site. Clarification was also sought on the provision of affordable units on the application site.

2. Main Issues

- 2.1 The main issues to consider are:
- Background
 - Principle of Development & Landscape Impact
 - Site Layout and Design
 - Affordable Housing and Residential Amenity
 - Highways Issues
 - Archaeology
 - Ecology & Appropriate Assessment
 - Drainage and Flooding
 - Planning Contributions summary

Assessment

Background

- 2.2 Outline planning permission was approved subject to conditions and a S106 agreement to secure the required contributions as set out below. Unfortunately, a one-off error occurred when the decision notice was issued, and the wrong set of conditions were attached to the decision notice. This included planning conditions that were required but not included in the issued decision notice. These were conditions relating to affordable housing, archaeology and EVC charging points. However, the full wording and set of the conditions had been agreed by all parties in advance. It should be noted this error has been fully investigated for audit purposes.
- 2.3 In agreement with the Head of Planning, Regeneration and Development and

Legal Services, repeated attempts were made to resolve this through a Unilateral Undertaking (UU) with the original applicant as soon as the error was identified by the case officer, nevertheless the site was sold to Abbey Homes during this period and the UU was not signed. Further negotiations with the new owners of the site were also undertaken to sign the UU and secure the agreements to the conditions identified above. It was identified that any other minor errors with wording in the issued decision notice were not determinative and could be addressed through the RM submission or the discharge of the relevant planning conditions.

- 2.4 Conditions relating to affordable housing, archaeology and EVC charging points were considered to be determinative, and informal negotiations had not secured a suitable outcome it was felt necessary to judicially review the DDC decision. Appropriate measures were therefore put in place to address the matter in full agreement with the Leader, Members, Directors and Heads of Service. The outcome of the Judicial Review and Consent Order is set out below.
- 2.5 The judicial review of application (reference DOV/19/00216) was successful in quashing the first, erroneous, decision notice (dated 17 February 2021). The Consent Order (dated 11 January 2022) confirms the quashing of the decision. The reasons that the order was made are recorded in the schedule. The situation now is that the second decision notice (dated 15 April 2021) is accepted to be of legal effect and is the basis for the permission.
- 2.6 The schedule sets out that a second planning obligation under section 106 of the TCPA 1990 (which took the form of a unilateral undertaking dated 9 December 2021) was the mechanism used to rectify the omissions in the second decision (ie. the inclusion of the conditions set out above) notice and, in conjunction with the existing section 106 agreement (dated 17 February 2021), secures the necessary planning contributions and restrictions.
- 2.7 The RM application was submitted before the Consent Order was received but could not be progressed until this process had been concluded. As set out above any further minor alterations to wording can be addressed either through this RM application or through the discharge of the conditions that now have legal effect. In relation to the reference to the wrong road in the Construction Management Plan condition, this can be addressed when details are submitted pursuant to the condition.

Principle of Development and Landscape Impact

- 2.8 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. The tilted balance under paragraph 11 of the NPPF was engaged and duly applied and outline planning permission was granted. The principle of housing development on this site was established under the outline planning permission DOV/19/00216. This application is submitted pursuant to the outline permission. The terms of the outline permission, its conditions and the s106 legal agreement are all therefore applicable and are not matters to be addressed under a RM application, key issues are, however, set out briefly and summarised.
- 2.9 It was determined that there were no policies that indicated development should be restricted as the site has no landscape or other designations. Permission was therefore granted as no clear harm was identified that would significantly and demonstrably outweigh the benefits of additional housing development in the district.
- 2.10 It is also relevant that the Regulation 19 Local Plan Review included this site for development accordingly. Although the Local Plan review has limited weight at this stage, its assessment is material to this application.

- 2.11 The assessment of the outline application found no visual harm to the landscape or local highways and was found to be acceptable in all other material considerations. It is therefore determined an acceptable form of development for this site and was recommended for approval as it met the overarching objectives of the Core Strategy and the framework in the NPPF as whole. This RM application does not alter this position and seeks to determine the appearance, landscaping, layout and scale of the development only which includes the discharge of condition 17 that relates to landscaping details.
- 2.12 In terms of the impact on the wider landscape policies DM15 and DM16 are most relevant. The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 174 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.13 A Landscape and Visual Impact Assessment was submitted in support of the outline application which identified that the impact on the character of the landscape will be low or negligible as all of the existing landscape features are to be retained and enhanced in the context of the site and the existing group of trees. The report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The site is considered to have a long-term capacity to accommodate the proposed development.
- 2.14 In respect of the proposed landscaping details submitted with this application, including the discharge of condition 17 of DOV/19/002,16 the proposal incorporates the retention of existing boundary landscaping to all boundaries except along London Road. Additional landscaping to all the boundaries of the site is proposed including additional tree planting across the site and to boundaries. The proposed landscaping details are extensive and incorporate both native planting and biodiversity gains appropriate to the landscape character and the site. DDC Tree Officer has found the details acceptable and recommends approval. The landscape proposals adequately address screening and mitigation on site from the wider landscape and any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of the proposed landscaping is also controlled through appropriate conditions on the online application to ensure such measures are implemented.
- 2.15 The massing of the development, as shown on the site layout, confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the wider character of the area. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to 2 to 2 and a half storeys, on which is a reasonable for a housing site. In addition, only 2 units are to be 2.5 storeys with the majority being 2 storey only. Nevertheless, it was considered that the height of the resultant dwellings should be controlled by a condition on the outline permission that requires details to be submitted of the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this site are appropriate and acceptable in respect of the visual amenities of the landscape. Such a condition does not need to be included on the RM decision.
- 2.16 It is therefore considered that the scheme does not give rise to any unacceptable impacts on the visual amenity of the site and immediate surrounding landscape. As such, the proposal is in accordance with Policies DM15 and DM16 and

paragraph 174 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

Site Layout and Design

- 2.17 The siting of the access road into the site was submitted at outline stage and has therefore informed the final location and layout of the dwellings. The proposed site layout is representative of a major housing builder's proposal with a simplistic layout arranged around access roads, however this is reflective of the limited size and shape of the application site. The units along London Road, front the road with vehicular access sited behind a new landscaped frontage. All other units are served directly from the access roads. Existing boundary hedges and trees to the northwest, west and southeast are retained and enhanced. Amendments to increase landscaping and tree planting across the site have been submitted with a significant number of new trees to be planted on the main access road into the site from London Road. The design of the proposed units are also simple in form and include a limited mix of materials and designs with repetition of design details and fenestration.
- 2.18 The simple design, palette of materials and features reflects the character of the area and in particular Sholden Fields opposite the application site. Although this isn't raising the design standard or particularly innovative, it is in keeping with the character of the surrounding area and is acceptable in principle. The limited mix of unit styles and materials is also reflective of Sholden Fields and being a fairly limited site is appropriate. The design standard has been raised by the use of an increased level of landscaping and tree planting throughout the site, but particularly along the London Road frontage and along the main access road into the site. Control through conditions on landscaping are addressed in the outline permission. However, it is necessary to require samples of materials to be submitted for approval and also remove PD rights for roof dormers and extension due to the sensitivities in relation to the height of the proposed units and ensure control of such additions is controlled in the future. Overall the scheme is considered to accord with the NPPF in relation to design consideration and comply with paragraph 130 of the NPPF.

Affordable Housing and Residential Amenity

- 2.19 The applicant is proposing to provide the required 30% affordable housing, which amount to 13 dwellings. The affordable units are provided in a small cluster to the southeastern corner of the site and are tenure blind. The Council seeks 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to further details of the affordable housing being submitted by condition, which includes details of the provision and tenure, the development is in accordance with Policy DM5 of the Core Strategy and the Affordable Housing SPD. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.20 This proposed site layout demonstrates that the development can be accommodated and ensures a significant separation distance between new and existing properties and a good standard of accommodation is proposed for the future residents. Given the location of the site and the significant separation distances to existing properties, being 3 adjacent dwellings including Pegasus, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development. The siting therefore mitigates any detrimental impact on their residential amenities.

- 2.21 The development has the potential to cause limited harm to the amenities of neighbouring properties during the construction phase and a construction management plan was conditioned under the outline permission to mitigate this potential harm.
- 2.22 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potentially exceeding the recommended indoor noise levels with windows open adjacent to the A258 which has the potential to cause noise and disturbance to future occupiers. The proposed dwellings towards the front of the site will therefore need additional acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. This can be addressed through further details submitted pursuant to a condition, which was recommended to be imposed on the outline permission, however, was not included for the reasons set out at the beginning of the report. It is therefore recommended that this condition is therefore included under this application.

Highway Impacts

- 2.23 The relevant Core Strategy policies are DM11, DM12 and DM13. Policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.24 Details of the proposed access were approved at outline stage. This included details of off-site highway works and a details of right turn lane on London Road. Footpaths are proposed on the site that provide easy links to the wider area and with London Road providing links to the town. The proposals therefore provide connections to the existing townscape and adjoining built form that encourages walking. KCC Highways and Transportation raised no objection at outline stage and have not raised an in principle objection to the RM application. The proposed works and the erection of up to 42 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 111 of the NPPF.
- 2.25 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for the Core Strategy. The layout of the development demonstrates that car parking can be provided in association with the proposed dwellings with the required car parking standards met for each dwelling and additional visitor spaces provided on site. KCC Highways have raised some concerns as some of the units propose tandem parking rather than independently accessible spaces, therefore they have requested additional visitor spaces to be provided. Some additional spaces have been provided but at a slightly lower number than is considered appropriate by KCC. However, providing increased on site parking needs to be off-set against layout and the level of landscaping to be provided. On this occasion the need to provide a strong landscaped character along the London Road frontage is considered more appropriate than large areas dedicated for visitor parking spaces. A balance has therefore been achieved that increases the number of visitor parking spaces but ensures that landscaping and tree planting are a key element of the layout. On a practical level there is limited scope to park outside the application site due to existing restrictions, and on-site tree planting and landscape are the main focus reducing the opportunities for on-street parking. Residents will therefore need to use the limited number of tandem carparking spaces more effectively. It is considered this balance is appropriate for this proposal.
- 2.26 For the reasons previously stated it is necessary to include a condition that was recommended at outline stage, to ensure the access is implemented before development commences and completed before first occupation and is therefore

included in the recommendation. It is also necessary to require these details to be submitted and approved due to the discrepancies with the outline decision notice. This therefore can also include details to address the concerns stated in relation to the Miners Way and ensure a timetable and appropriate works minimise any impact on this cycle route.

Archaeology

- 2.27 The outline application was supported by a Desk-based Archaeological Appraisal as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The assessment notes the potential for the site to contain archaeological remains of Bronze Age and Anglo-Saxon date of regional or national importance and a high likelihood of archaeological remains from other periods. If nationally important remains are present, as the DBA suggests could be the case, then careful consideration needs to be given to these. KCC Archaeological Unit provided their statutory views on the archaeological potential of the site under the outline permission but have not provided a response in relation to this application. For the reasons set out at the beginning of the report the Archaeological Evaluation condition was addressed under the UU.
- 2.28 As such, and in view of KCC's comments in relation to the outline permission an up-to-date position was sought from the applicants. The response was the submission of the Archaeological Evaluation report undertaken by Canterbury Archaeological Trust. This has been added to the public file for information. It confirms that no significant finds were identified following the evaluation of the site. On this basis the potential for archaeology remains on the site has been fully addressed and the development is acceptable in this regard and accords with the NPPF in this regard.

Ecology

- 2.29 In furtherance to the impacts on the off-site Ramsar/SPA discussed below, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with the NPPF. The outline application was supported by a Phase 1 Ecological Appraisal which considered both the flora and fauna of the site. Safeguards were recommended and these were controlled by condition on the outline permission. In respect of the outline permission, the DDC Natural Environment Officer confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures were addressed through planning conditions at the outline stage. As no ecological constraints to development were identified at outline stage, it was not considered necessary for further consideration in relation to the RM submission.
- 2.30 The proposed layout allows additional planting to provide landscaped areas and new trees planting throughout the site. Overall, the proposals are acceptable in respect of the protection of ecology and the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF. In respect of existing trees there are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. The impact on those to be retained and the necessary protection measures including root protection zones were controlled by conditions on the outline permission.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:
Appropriate Assessment

- 2.31 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.32 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. For proposed housing developments the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.33 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £2,322.43 was agreed and included in the S106 in relation to the outline planning permission.

Drainage and Flooding

- 2.34 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible. A Drainage report and FRA were at the outline stage. The method of surface water disposal is acceptable for this site with the LLFA, raising no objection. The proposed drainage measures are therefore considered acceptable and were addressed by conditions on the outline permission.
- 2.35 Southern Water supplies foul waste disposal at this location and they have raised no objection. They advise that they require a formal application for a connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard and complies with the NPPF. It is noted that the outline planning permission did not include the foul drainage capacity condition that has been attached to a number of recent major proposals, which seeks to ensure that any necessary upgrades to capacity in the SW drainage network within Deal is undertaken in advance of occupation on site. It is therefore suggested that this condition is now attached to the RM permission.

Planning Contributions

- 2.36 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind. These needs were all

addressed in a signed s106 legal agreement, attached to the outline permission. The Heads of Terms that were considered necessary to make the development acceptable in planning terms were:

- Primary education – towards Phase 2 expansion of Deal Parochial CE Primary School of £139,608
- Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £172,830
- Library - contribution towards a 'Digital Den' at Deal library of £2016.66
- £2,322.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site local equipped play space contribution towards Travers Park of £27,436.63
- An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £17,975.22
- Monitoring per trigger event of £236 per event

2.37 The full range of contributions required by the development have been met and it is not proposed to secure further contributions under the RM application.

3. Conclusion

3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be acceptable in principle and is in accordance with the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal. Further as a reserved matters application the principle of residential development has already been established under the outline permission.

3.2 There are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the benefits of the development identified in the report, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.

3.3 The proposal in this RM application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle being pursuant to the outline planning permission. All other matters raised can be adequately addressed by planning conditions, that includes conditions that were recommended at outline stage, yet need to be included in this RM submission. Consequently, the application is recommended for approval, subject to conditions.

g) Recommendation

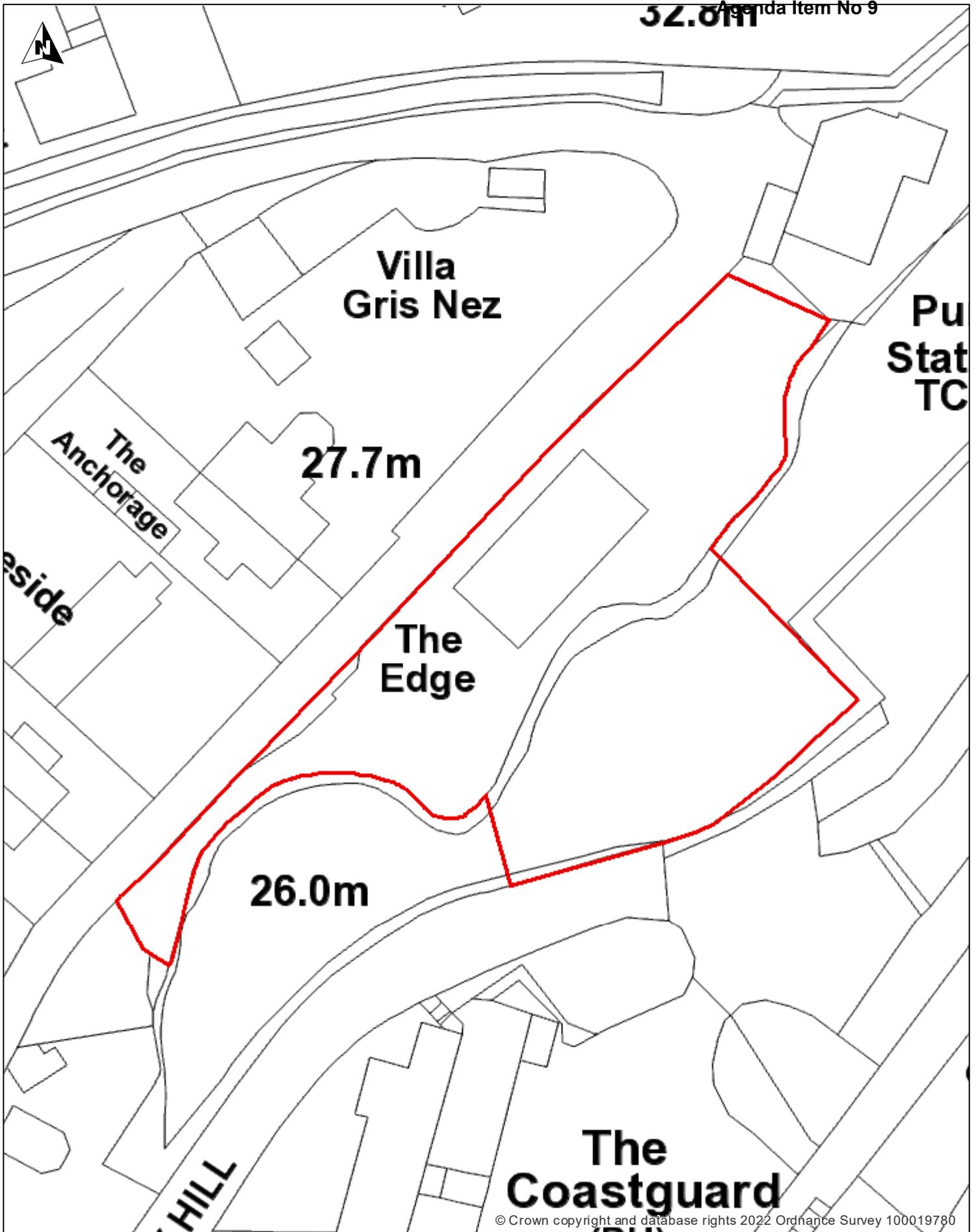
I. PLANNING PERMISSION BE GRANTED subject to the following conditions:

- 1) Approved plans
- 2) Samples of materials
- 3) Removal PD roof extensions/dormers
- 4) Foul drainage capacity SW
- 5) Noise mitigation, internal noise levels
- 6) Works to access undertaken prior to commencement and completed in accordance with an agreed schedule prior to occupation
- 7) Broadband provision
- 8) Secured by design details

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

Case Officer

Lucinda Roach



21/01402
The Edge
Bay Hill, St Margarets Bay
CT15 6DU

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/21/01402 – Erection of detached dwelling (existing dwelling to be demolished - The Edge, Bay Hill, St Margaret’s Bay**

Reason for report – Number of contrary views (25 Public Representations & Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM8 – Replacement Dwellings in the Countryside

DM11 – Location of Development and Managing Travel Demand

DM15 –Protection of the Countryside

DM16 –Landscape Character

St Margaret’s Neighbourhood Plan Area

No neighbourhood plan adopted

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 60 – 62, 86, 79, 110 - 112, 120, 123, 130 - 135, 167, 168, 174, 176, 180, 194 - 208

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

The Dover District Heritage Strategy

Planning (Listed Buildings and Conservation Areas) Act 1990

Draft Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

d) **Relevant Planning History**

Various applications including:

DOV/13/00329 – Construction of vehicular access and parking bays, erection of retaining wall, fencing and gates – Granted

DOV/14/00613 - Retrospective application for the construction of vehicular access and parking bays, erection of retaining walls, fencing and gates. - Granted

e) **Consultee and Third-Party Responses**

Representations can be found in full in the online planning files. A summary has been provided below:

St Margaret's Parish Council – Object. No evidential need for demolition of the existing building of 1923 which can function as a dwelling for the foreseeable future. The existing building has historic interest as it is of unique construction in this locality (subject to a request for listing as a heritage asset) its loss could cause harm to the Conservation Area. The design and proportion of the existing building sits well in the cliff side location and contributes to the special landscape character of this Conservation Area, its value should be preserved. Despite its age it is fully insulated and has an above average energy efficiency rating, there is no justification on sustainability grounds for its demolition and replacement. The proposed replacement dwelling would be significantly larger with its greater height and obtrusive balcony. It would detract from rather than enhance the visual attractiveness of this sensitive location. It would potentially have negative effects on neighbouring dwellings.

In response to amended plans, noted that the applicant had submitted CGI photos to support the application. The St Margaret's Bay Conservation Association has commented that these photos only serve to emphasise how dominant and obtrusive the new building would be in this highly sensitive location and the Parish Council agrees. In its original objection the Parish Council provided a photo (available to view in their online representation) to show how well the existing building nestles into the landscape. A recent photo from a Kentlive article (also available to view in the online representation) also shows how well The Edge fits into the scene. The Parish Council confirms its objection to a completely unnecessary replacement by a significantly larger, obtrusive building which is harmful to the Conservation Area.

Heritage Team – *Initially advised:*

The principal issues are:

- whether the building contributes positively to the historic or architectural interest of the conservation area;
- whether demolition of the building would cause harm and if it does what is the nature of that harm and is it justified in terms of the NPPF;
- whether the proposed replacement dwelling preserves or enhances the character or appearance of the conservation area.

The existing building: the submitted heritage statement notes that the proposal would 'serve to enhance an existing dwelling of no architectural merit'. This statement is flawed for two reasons: firstly, the building is proposed to be demolished not retained, so I'm unclear on how that could be an enhancement of the existing structure, and secondly the statement is unevidenced. The heritage statement does not contain even a basic description of the building, no photographs and no demonstration that the building has been assessed in terms of its value to the conservation area. Not even a basic map regression has been carried out to identify the age of the building. In terms of the conservation area, again there is not even a basic description of the area or how this building sits within it.

Consequently, the heritage statement does not demonstrate that the building and its role in the significance of the conservation area has been described as we should be requiring under paragraph 194 of the NPPF (I note that the heritage statement replicates information in the Design and Access Statement, which itself barely mentions the building or the conservation area).

Consultation responses have been received that identify that the building may have some historic value and I need to take this into account. The HER identifies a potential WWII feature to the west of the building, although it appears that this is very unlikely to be affected by the actual development itself. The consultation response from the parish council note that the building is of 'unique construction' but does not elucidate on what this means.

The contribution of the building to conservation area: potentially the primary view of the building, and therefore the greatest impact on the conservation area, is from the beach frontage. This shows a low-key building sitting within a highly vegetated landscape. This open landscape is punctuated with other buildings of similar or larger scale. The use of white render creates a harmonious and cohesive character to the buildings despite their different architectural forms. The building presents modest sized dormers in the shallow pitched roof and substantial but not overtly visually dominant glazing to the ground floor. To Bay Hill only the roof is visible due to the land levels. The building does not have a strong presence in the conservation area in terms of its appearance. If this were the only consideration then in my view demolition would be unlikely to harm the significance of the conservation area; the gap created would be entirely consistent with the loose grain of the area.

However, the parish council noted that the building has a 'unique construction' and I also understand that there is some reference to it being the 1st example of a particular style of building. This suggests that potentially the building has a historic value that may be reflected by its built form. While we have no evidence to demonstrate this and so are unable to determine whether its appearance is linked to any historic value at this time based on the information submitted, demolition would clearly result in total loss and a potential loss of the historic character of the conservation area. The proposed new building and impact on the conservation area: the proposed is not significantly larger in footprint or height to the existing dwelling and is unlikely to have much impact on the openness of the conservation area in this respect. However, the large 'dormers' would add significant bulk to the roof form, creating a top-heavy appearance. While there is no conformity in the architectural form of buildings within the CA with which this dwelling would be viewed in context, in my view the dormers would result in the dwelling becoming uncomfortably dominant visually. In my view this would unbalance the relationship of built form to space and consequently harming the significance of the conservation area. The harm would be less than substantial but is unjustified as there is only a private benefit. I recommend that the two 'dormers' are significantly reduced.

Recommendation - In my view, understanding the building is essential in determining its contribution to the conservation area both historically and architecturally. The information submitted does not even provide the barest amount of assessment as set out by the NPPF. Consequently I do not consider that we are able to come to a conclusion on this matter and advise that further information is required.

Subsequent response:

Further to my previous comments we have now received a revised Heritage Statement and a copy of the notification from Historic England of the decision to not list The Edge. The reasons the building has not been listed are: the high degree of loss of original fabric, its age when compared to other (listed) examples and the lack of physical evidence in the existing building of its wartime use. The final reason for non-listing is of importance in terms of the contribution that the building makes to the character of the conservation area. In my previous comments I

identified the limited contribution that the building makes to the appearance of the conservation area and noted that it was unclear if the historic value of the building was reflected by its built form. The clear advice from HE confirms that this is not the case. The Heritage Statement adequately identifies the issues and I am content that demolition of the building will not cause harm to the special interest of the conservation area. However, as the building has some historic value albeit limited I recommend that a condition requiring a survey be carried out prior to demolition and deposited in the HER (and a copy provided to the local historic society) in addition to a condition requiring no demolition to commence until a contract has been given for the construction of the new build.

In terms of the impact of the new development on the conservation area, CGI views have been submitted which confirm my initial view that as a result of the bulky dormers the building is uncomfortably dominant in the principal view from the beach promenade. The statements in the Heritage Statement lack substance unfortunately as they do not explain why it is considered that the dormers are appropriate, but in any case, my view remains as previously stated.

Recommendation - I recommend the dormers are reduced in scale as previously stated. Recommended that if minded to grant permission, conditions were imposed in respect of building recording and no demolition until a contract for construction and timescales had been agreed.

In response to the final set of amended plans, advised:

In respect of the demolition of the building, while it is recognised that it is a heritage asset, its value was insufficient to warrant listed status. It does make a positive albeit limited contribution to the character of the conservation area through its form and use of materials, creating a harmonious and cohesive character with other dwellings in the area. In my previous comments I noted that, from the information submitted with the application, it was unclear if the historic value of the building was reflected by its built form. The listing assessment by Historic England confirms that this is not the case.

As an undesignated Heritage Asset the NPPF requires the LPA to consider the significance of the heritage asset and to weigh up any harm to this as a result of development proposals. Demolition will result in total loss, however, the inherent heritage value of the building is recognised as limited and I am therefore content with demolition subject to a condition requiring that this will not be carried out without confirmation of a contract for the redevelopment of the site to ensure that an inappropriate gap is not created within the CA. In addition, a further building recording survey is necessary to fully record the building prior to demolition: this should consist of a series of clear, labelled photographs of both interior and exterior, a brief report outlining the history of the building and a copy of the Historic England listing assessment report. The building recording survey should be deposited with the Kent Historic Environment Record.

In terms of the impact of the new development on the conservation area, an initial concern was raised regarding proposed dormer windows which were considered to be too bulky, consequently resulting in the new building becoming uncomfortably visually dominant in the principal view from the beach promenade. I am very pleased to see that the applicant has amended the proposal in line with my recommendations.

In conclusion, in my view there is no harm to the historic and architectural character and appearance of the conservation area and I support the proposal for demolition of the existing building and redevelopment of the site subject to imposition of the above noted conditions.

KCC Public Rights of Way and Access Service – Have no comments to make.

Southern Water (SW) – Provided an extract map from their records (available to view in the online file) showing the approximate position of the existing foul rising main within

the development site. The exact position of the public asset must be determined on site by the applicant in consultation with SW before the layout of the proposed development is finalised.

- The 150 mm diameter foul rising main requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the foul rising main without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The applicant has not stated details of means of disposal of surface water drainage from the site.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Natural England – Further information required to determine impacts on designated sites. As submitted, the application could have potential significant effects on Dover to Kingsdown Cliffs Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Further information outlining how any impacts to the qualifying features of the designated sites – during the construction and development phase – will be avoided and/or mitigated.

- An assessment of the proposed development and any measures intended to avoid and/or mitigate impacts to the features of the designated site, through a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Additional Information required

Having reviewed the application, it is apparent that the red line boundary of the proposed development encompasses part of the Dover to Kingsdown Cliffs SSSI and

SAC. Nonetheless, it also recognised that the Planning, Design and Access Statement (September 2021) states that there shall be no built development within the designated sites. As such, Natural England provides the following advice on the assumption that there shall be future encroachment of the development within these sites. Should this change, Natural England would expect to be consulted on this application again, and for any potential impacts to be appropriately considered.

Construction and Demolition Impacts:

Dover to Kingsdown Cliffs SSSI is a site of national importance owing to its geological and physiographic features, as well as a number of breeding birds species that breed along its cliffs. Owing to the nature of the proposal and the potential for disturbance impacts associated with both the demolition and construction phase(s), Natural England would advise that information needs to be submitted, that demonstrates how any potential impacts will be avoided and/or mitigated. We would advise that such information considers – but is not necessarily limited to – the following measures that may be necessary to avoid and/or mitigate the aforementioned impacts:

- Consideration of the timings of the works, so as to avoid and/or minimise any disturbance of bird interest features that may use the designated sites as roosting grounds.
- Ensure best practice measures are in place for operating machinery to reduce unnecessary noise and dust deposition.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition to the SSSI designation, Dover to Kingsdown Cliffs SAC is a site of international importance and supports a full zonation of maritime cliff communities found on chalk substrates, reflecting different levels of exposure to wind and salt spray. There are also numerous areas of species-rich open grassland with a range of typical chalk-turf grass and herb species. In the absence of mitigation measures, there is a risk that potential impacts to the SAC could occur from either the demolition or construction phase.

Despite the proximity of the application to the SAC, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out. Should your authority decide that a likely significant effect cannot be ruled out, Natural England would also advise that any measures intended to avoid and/or mitigate impacts should be assessed through an Appropriate Assessment.

In addition, Natural England would advise on the following issues:

Heritage Coast

The proposed development is for a site within close proximity to a defined landscape namely South Foreland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and

information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states:

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 60) that “For the purposes of paragraph 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

KCC Highways and Transportation - The applicant has submitted a Construction Management Plan Framework, which has been reviewed. A full CMP will need to be secured by way of a suitable condition. In light of the constrained nature of the surrounding highway, I have the following comments on the CMP Framework:

- Routing of construction and delivery vehicles to / from site - The applicant will need to consider creating a checkpoint at the top of Bay Hill/Granville Road to allow larger vehicles to deliver site materials and goods. These can then be decanted into smaller vehicles to commence to site. Given the geometry of Bay Hill, HGV's will find it difficult to make the turns. A method of warning residents on the route and possible escorting of vehicles along the route will need to be considered. This will help manage vehicle to vehicle conflict.
- Parking and turning areas for construction and delivery vehicles and site personnel- Contractors will need to park off site in the public car park located within the village and walk to site to ensure Bay Hill is clear of cars for local traffic.
- Timing of deliveries - The applicant will need to take into consideration the seasonal peaks given the proximity of local attractions and amenities and the timings of the works are to be placed outside of peak times. In order to do this the applicant will need to place a traffic counter out on the road to ascertain the quietest times to close the road.
- The applicant will need to avoid the use of large steel beams/other large element materials in the construction stages to mitigate the use of HGV's accessing the site via Bay Hill. On site assembly for the larger materials will need to be demonstrated and set out by a contractor at the relevant point of delivery.
- Provision of wheel washing facilities is required to ensure debris is not deposited on the highway.
- Temporary traffic management/signage- The applicant will need to consider measures such as short term (or planned) road closures for the importation of plant and materials. This will need to be agreed with and permitted by Kent County Council Streetworks team.

In line with the above, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- An informative is also suggested (available to view in full in the online planning file).

Subsequently advised: Following on from my submission of a formal response, we have received an enquiry regarding the Construction Management Plan Framework. This application has sparked quite a few public comments and therefore it may be worth asking for the full CMP now as opposed to a condition.

Environmental Health – Have no comments on this application.

KCC County Archaeology – No response received.

DDC Waste Officer – No response received.

Public Representations: Following amendments to the scheme (to reduce the size of two of the dormer windows), the application is being re-advertised and the advertisement period is due to expire on 19th April 2022. Should further representations be received between the publishing of this report and the Committee Meeting, Members will be updated at the meeting.

25 members of the Public have written in objection to the proposals (including the SMBCA). 2 representations have been received in support of the proposals and 1 representation has been received neither objecting nor supporting. Their comments are available to view in full in the online planning file and are summarised below. Matters such as problems arising from the construction period and loss of views are not material considerations and cannot be considered in the assessment of an application.

Objecting

- Character and appearance – most prominent house in the Bay when viewed from beach and surrounding headlands. Impact on AONB (reference made to recent Kent Downs AONB Landscape Character Assessment). Existing area is mix of Edwardian and Victorian properties that have not been overly developed. Existing building nestles into landscape without imposing or detracting from surroundings. 2015 Dover Straits Seascape Assessment details the character area. Will change character of Bay. Concerns regarding visual impact of underside of projecting platform visible from occupants of the beach. Proposal would result in loss of countryside to the detriment of visual amenity. Policies DM15 and DM16 seeks to avoid harm to landscape character which will be dramatically negatively affected.
- Design – south east elevation critical in terms of fit with character and ambience of bay and conservation area. Significantly extended balcony/deck protrudes over cliff edge will be highly visible - Overbearing and overly dominant – impact has not been considered in landscape and visual impact appraisal. Substantial increase in size – site and location not suitable for building of this size. Increased height will become more dominant and overbearing. Proposal is of no particular architectural merit or interest. Out of character with existing buildings of St Margaret's Bay. Significant increase in proportion from existing. Raising roof and surface area would detrimentally

affect open nature of designated area. Overhanging balcony will be extremely prominent – cantilevered overhang will render current privacy hedging redundant. Building will be viewed from below and dormers will be more prominent than the roof itself. If permitted, this building, with its strong axiality and prominent features will dominate the centre of the Bay, drawing attention. No properties from South Foreland Lighthouse to The Monument on heritage coast/AONB/SSSI/SAC overhang the White Cliffs. CGIs omit important perspectives from car park upwards and from house at foot of cliffs to east of the Bay. Relief that flagpole disguardred. Balcony damages the vista – suggest size be reduced to align with access walkways and dormer windows reduced in size.

- Use/Need – changing rooms next to gym comprise 3 showers, surprising in domestic setting and implies commercial gym use/holiday rental. Recommend if permission granted, should exclude commercial use of property for holiday/rental purposes. Demolition and replacement is contrary to DDC aim of duty to preserve or enhance. Case for demolition not proven.
- Heritage/conservation area – Requests made for building to be Listed/protected. Not listed but iconic feature within conservation area. Demolition would diminish character and appearance. Historic significance – likely to be one of earliest examples of Swedish pre-fabricated house in the UK, may have national architectural importance. Bought as show house at 1923 Ideal Home Exhibition. Should be listed/protected rather than demolished. One of most important contributors to character of conservation area and hard to see how demolition of one of most prominent and historically significant houses is in accord with stated policy. Need to demolish it should be very carefully assessed. Function of The Edge in WW2 and oil pipes to beach laid in garden (to be set on fire in event of invasion – flame barage) – would be irretrievably lost. Proposed change is deleterious to character of conservation area and designation. New increased volume and rear elevation will be more intrusive and damaging to character of Conservation Area. Reference made to duties of Section 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990. Dover District Heritage Strategy – this is the only rural conservation area based on coastal landscape. The White House appeal decision in St Margaret’s Bay is significant – appeal decision turned down on the basis of damage to Conservation Area, surrounding AONB and heritage coast (proposal likely to have even greater impact on AONB than White House appeal. NPPF Paragraph 176 duty – case for demolishing existing building doesn’t exist and is contrary to NPPF. NPPF Paragraph 203 relating to non designated heritage assets. DDC Planning department failing in duty to protect area (reference made to Pine Edge development). Scale is out of keeping with principles of Conservation Area where relationship between vegetation, landscape and built form is balanced.
- Parking – insufficient parking to support use
- Traffic/highways – village already unable to cope with existing volume of traffic. Concerns regarding construction period, logistics, road blocks and no construction management plan. Insufficient parking for large lorries. Impact on local economy and health and safety due to blocking of access to beach at times. Concerns regarding health and safety (NPPF Paragraph 112) – access needed for emergency services, visitors, residents, businesses and deliveries.. No pavements to protect pedestrians, pushchair users or cyclists. Bay Hill is single track in most places. Private laybys used for passing vehicles. Concerns regarding cumulative impact of developments in the area in respect of impact on highways (requests a traffic impact study for the area from KCC).

- Need – demolition seems unnecessary/ not justified. Sensitive re-design and insulation/update of existing could improve quality of housing through better thermal efficiency and layout. Reference made to Policy CP4 and DM8.
- Scale – increase in scale is significant (impact on character of conservation area)
- Precedent – other properties in conservation area for sale, concerns demolition could set precedent resulting in destruction of conservation area character with characterless modern houses. No precedent for raising roof height in this location (Pine Edge development worked with increase of under 0.25m of original roof height). Concerns multiple future applications could be submitted
- Residential amenity – impact on private visual amenity. Currently no windows on NE and SW elevations of roof – plans show windows in situ within roof, concerns regarding overlooking of homes on other side of Bay Hill, intrusion in terms of privacy and additional light. Precedent locally for overlooking neighbouring properties to be a reason to refuse (e.g. Anchorage refuse application for roof terrace). Previous planning minutes for application in Deal discuss 21m as rule of thumb for minimum acceptable distance in overlooking situations – both windows are less than 21m to neighbouring property. Significant noise disturbance from heat pumps facing towards neighbouring property – recommend noise assessment submitted.
- Public amenity – balcony will overlook entire beach, impacting the amenity of visiting public and visible from numerous public pathways (and England Coast Path and Saxon Way). Negative impact on/loss of public amenity. Extending the frontage to jut out over the cliff will significantly dominant most aspects and detract from ambience of the Bay.
- Errors/missing information/application form – existing ground floor plan not included. No visualisations/CGIs to show proposals in context. No attempt to give before and after photos/montages of how building would appear from car park and promenade below. No heights given on plans. Larger scale drawings mass not shown in diagrams in design and access statement. Boundary shown in design and access statement does not accord with site plan. Heritage statement fails to address heritage issues (role of site in WW2 of pipe work to defend beach through fire in event of invasion and Swedish kit building). Unclear if proposal involves removal of hedges and trees. Further information in respect of construction management requested.
- Light pollution from additional windows and from the south elevation (protrusive features, larger dormers, doors, balconies and terraces) will subject users of the bay to distracting and overbearing light pollution. Potential harm to wildlife and SSSI
- Integrity of the cliff – previous owner removed vegetation from the cliff years ago resulting in cliff fall and damage. Significant structural reinforcement of that part of the cliff was required. Concerns that the integrity and safety of the cliff will be compromised which is within the designated SSSI site and SAC and Conservation Area
- Impact on environment – application implies demolishing and rebuilding The Edge is a positive decision for the environment. Demolishing is terrible decision. Likely that demolition and replacement will emit 4-5x the average house build or perhaps 200-250 tonnes of CO₂ – average refurbishment emits c. 15 tonnes. Refurbishing would emit 40-50 tonnes of CO₂ – net effect of demolishing and rebuilding vs refurbishing is around 150-200 tonnes of CO₂. Average person in UK had carbon footprint of 5 tonnes per year – decision likely to result in emissions equivalent to average UK resident over 30-40 years. Environmental vandalism. Coastal village is already suffering effects of climate change through cliff erosion. Suggests existing Swedish kit home should be refurbished instead.

Contrary to NPPF Section 8c – environmental objective and Section 11 presumption in favour of sustainable development. Could retrofit ground source heat pump to existing building

Neither objecting nor supporting

- Concerns regarding access and disruption to car park for visitors, customers and deliveries to businesses in the Bay and emergency services
- Concerns regarding impact to operation of single track road, quality of road, damage to car park and drainage in area causing flooding during heavy downpours

Supporting

- endorse comments made by planning in pre-application stage
- seems to be perfect family home
- house was 'flatpack' from Ideal Home Exhibition in 1920s and is not as sturdy or long lasting as traditionally built house
- house is in poor state of repair
- proposed facilities of new house seem in keeping with family use
- rear elevation proposed is not particularly obtrusive or out of character or any more dominant than the current structure or other houses in this part of the area

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

1.1 The site relates to a detached three storey, five bedroomed dwelling located outside the settlement confines of St Margarets. The site is on the southeast side of Bay Hill, within the St Margaret's Bay Conservation Area. Land to the southeast of the dwelling (within the garden of the site which slopes steeply down to the southeast) is designated as SSSI and a Special Area of Conservation. The site is bounded by Ispingo to the northeast and Pine Edge to the southwest.

1.2 This application seeks permission for the erection of a three storey detached dwelling (and demolition of the existing dwelling). Land below the existing dwelling would be removed such that the proposed dwelling, although containing an additional storey, would be approximately 1m taller than the existing dwelling at ridge height. The basement would contain 2no. guest bedrooms, workshop, utility, changing/shower rooms, fitness room, bar/hang out room and pool room. At ground floor level there would be two further bedrooms, bathrooms, TV room/study and open plan kitchen/dining/living room with access out to a balcony with glass balustrade. At first floor level there would be a master bedroom (with access out to a roof terrace) with offices and bathrooms. The five bedroom dwelling would be finished in a slate roof, with aluminium framed windows and doors and rendered, brick and flint and composite wood clad walls. As part of the works, an access path would be extended to connect to the existing parking area within the site. No changes are proposed to the size of the parking area or to the existing vehicular access. During the course of the application, the scale of the dormer windows of the southeast elevation was reduced, which was re-advertised accordingly.

1.3 Response from the Agent

- The application relates to a proposed residential dwelling. It remains the intention of the dwelling to be used as a family home and not as a commercial holiday let enterprise and is not part of a wider portfolio of holiday rentals

- Consultation comments raise concern regarding potential impacts of construction on the local surroundings, specifically in relation to the narrow road at Bay Hill. It is agreed that a Construction Management Plan Framework should be prepared to identify how construction may take place if planning permission is forthcoming. Fully expect that in the event of a grant of planning permission, a pre-commencement condition relating to a detailed construction management plan would be required.
- CGI images to be submitted. Proposed material palette would reflect the existing and would be of traditional vernacular to include for natural slate roofing in comparison to current configuration of artificial slate; an outdoor balcony with glass balustrades; timber balustrades and steps; opaque rooflights to Bay Hill elevation. Considers that the proposed development would appropriately and sensitively preserve and conserve the character and appearance of the Conservation Area and would not result in harm to, or loss of the character and appearance of the countryside and wider landscape area.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the countryside and landscape area
- Impact on heritage assets
- The impact on residential amenity
- Other material considerations

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 Policy DM8 relates to proposals for replacement dwellings in the countryside. It sets out that replacement dwellings will only be permitted if the existing dwelling is a permanent structure in lawful residential use, is capable of continued residential use and is of no architectural or historic value. In this instance, as discussed further at Paragraph 2.19 onwards of the report, it is considered the existing dwelling is a non-designated heritage asset and the replacement of the dwelling is therefore not permitted by Policy DM8.
- 2.5 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines (albeit is in proximity to the confines

of St Margaret's). The nature of the road connection between the site and the Village (absent of a footway) is such that occupants of the development would be more likely to rely on the use of the car to travel in order to reach all of the necessary day to day facilities and services. The proposal would replace an existing dwellinghouse containing five bedrooms and it is not considered the development would generate additional travel demand. Notwithstanding this, the development is not justified by other development plan policies and as such, is considered to be contrary to Policy DM11.

- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in a limited adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.7 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside and no significant adverse impact on the landscape. Consequently, the development would not conflict with DM16.
- 2.8 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy, but would accord with DM16. It is considered that these policies are also the most important policies for determining the application.
- 2.9 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.10 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The council have delivered 88% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.11 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.12 Policy DM8 sets out specific criteria by which replacement dwellings in the countryside are permitted. The criteria broadly accord with the objectives of the NPPF in respect of flood risk, design, impact on countryside and heritage assets and as such, it is not considered the policy is out of date and should attract moderate weight.
- 2.13 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Given the particular characteristics of this application and this site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives of the NPPF (albeit the proposal would not generate additional travel demand from the existing scenario). Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intention of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.
- 2.14 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the sites appearance within open countryside does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.15 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the DPD and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.16 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the

determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.

- 2.17 It is considered that policies DM1, DM8, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on the Countryside and Landscape Area

- 2.18 The site is outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. The proposals would result in the erection of a three storey detached dwelling finished in composite wood cladding with a slate roof, powder coated aluminium framed windows and doors and a projecting decked terrace set on steel posts. The dwelling would be sited largely on the footprint of the existing dwelling and whilst the ridge height would be approximately 1m taller than existing, this is not considered to be out of keeping with the scale of development in the area. During the course of the application, the scale of two of the dormer windows was reduced and it is considered the development would not unduly dominate or detract from the character of the countryside and wider landscape area, being seen in context in wider views with the existing development on Bay Hill and in St Margaret's. Subject to details and/or samples of the external materials to be used in the construction of the dwelling being submitted, as well as a condition requiring existing and proposed finished floor levels (to ensure the proposed dwelling is built at the correct height in relation to the existing dwelling and surrounding development), it is considered that the design of the dwelling would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area in accordance with Paragraph 130 of the NPPF. For the same reasons, it is considered that the development would preserve the intrinsic character and scenic beauty of the countryside, in accordance with Policy DM15 and Paragraph 174 of the NPPF.
- 2.19 In respect of the impact on the wider landscape character, a landscape visual appraisal has been submitted by the Agent. Due to the containment of the site and the scale of the proposed dwelling (and increase in ridge height of approximately 1m which is considered to be minimal), the report sets out that it is not anticipated that significant visual or landscape effects would arise. Whilst concerns have been raised by third parties in respect of light pollution due to the glazing on the southeast elevation, it is considered that this would be seen within the context of existing residential development within the Bay. Whilst the scale of the dormer windows proposed has been reduced since the report was provided, it is considered that the design and scale of the dwelling, having regard for the setting of the nearby heritage coast and Kent Downs AONB and public views of the site from nearby Public Rights of Way, would be unlikely to result in substantial harm to the character of the wider landscape area, in accordance with Policy DM16 and the relevant paragraphs of the NPPF.

Impact on Heritage Assets

- 2.20 The site is located within the St Margaret's Bay Conservation Area and the existing dwelling is considered to be a non-designated heritage asset. Chapter 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on conservation areas. In particular, special attention must be paid to the desirability of preserving or

enhancing the character or appearance of the conservation area. Paragraph 199 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 2.21 During the course of the planning application, the existing building was submitted to Historic England for consideration for Listing, but was rejected at initial assessment as its value was insufficient to warrant Listed status. The application has been subject to consultation with the Heritage Team, who consider the existing building makes a positive albeit limited contribution to the character of the conservation area through its form and use of materials, creating a harmonious and cohesive character with other dwellings in the area. The demolition of the existing building will result in total loss of the non-designated heritage asset; however the inherent heritage value of the building is recognised as being limited.
- 2.22 In respect of the impact of the proposed development on the Conservation Area, the Heritage Team initially raised concern regarding the proposed rear dormer windows which were considered to be too bulky, resulting in the new building becoming uncomfortably visually dominant in the principal view from the beach promenade. However, the design of the proposals has been amended fully in line with the recommendations of the Heritage Team. They consider that there is no harm to the historic and architectural character and appearance of the conservation area and they support the proposal for demolition of the existing building and redevelopment of the site subject to the imposition of conditions.
- 2.23 The Heritage Team recommend conditions are imposed requiring the implementation of a programme of building recording (in accordance with a written specification and timetable) to be submitted to and approved in writing by the local planning authority prior to the commencement of development, as well as a condition requiring demolition not to be carried out before a contract (which provides and details the timing of demolition and commencement of rebuilding) for carrying out the redevelopment works has been awarded. These conditions are considered to be reasonable to ensure that the non-designated heritage asset is recorded and that the demolition is carried out as a continuous operation with the redevelopment of the site in order to protect the character and appearance of the Conservation Area.
- 2.24 Having had regard to Chapter 16 of the NPPF, and giving great weight to the conservation of these heritage assets (Paragraph 199), subject to the imposition of the suggested conditions, it is considered that the demolition of the existing building and erection of the proposed dwelling, due to its design and appearance, would conserve the character and appearance of the Conservation Area, resulting in no harm (either substantial or less than substantial), and would accord with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.25 Due to the siting and scale of the proposals, as well as separation distance, it is not considered the development would result in harm (either substantial or less than substantial) to Listed Buildings (the closest of which being the Grade II Listed 1-9 Coastguard Cottages, towards the top of Bay Hill to the southwest of the site). In addition, whilst no response has been received from the KCC County Archaeologist, the site does not lie within an area of archaeological potential and it is not considered

necessary to suggest conditions are imposed in this respect.

Impact on Residential Amenity

- 2.26 The proposed dwelling would be sited largely on the footprint of the existing dwelling. The eaves and ridge heights of the proposed building would be approximately 1m taller (at ridge level) than the existing dwelling. However, it is not considered that this increase in height would result in an overbearing or dominating impact on the residential amenities of nearby residents. Whilst the limited increase in height would result in some additional shadow being cast, this would be largely limited to the mornings, when the majority of shadow would fall on the site boundary treatment (hedgerow) or on the public highway. As such, it is not considered the development would result in undue overshadowing or loss of light to the amenities of nearby residents.
- 2.27 In respect of privacy, the majority of windows and openings would be located on the southeast elevation and would overlook the garden of the site and the beach beyond. There would be two windows at ground floor level (serving a TV room/study and secondary window to a bedroom with windows on the southeast elevation) and two rooflights at first floor level (serving an office and a bathroom) on the northeast flank elevation. Whilst these would face towards the neighbouring property to the northeast (Isipingo, Bay Hill), they would primarily overlook the garden of the site and are considered to be sufficiently separated (by approximately 30m) such that there would be no unacceptable harm to privacy.
- 2.28 On the southwest elevation, there would be two windows at basement level (serving a workshop), two windows at ground floor level (secondary windows serving the open plan kitchen/living/dining room with additional windows/openings to the southeast elevation) and one rooflight serving an office at first floor level. These openings would primarily overlook the side garden and parking area of the site, and due to the separation distance to Pine Edge to the southwest, are not considered to result in harm to the privacy of these neighbouring occupants. Concerns have been raised in respect of privacy and interlooking between the upper floor windows of the proposed dwelling and the windows of neighbouring properties to the northwest of the site. It is considered that views between the ground floor level windows and neighbouring properties would be partially screened by the boundary hedgerow and that remaining views would be unlikely to result in unacceptable harm to neighbouring privacy as the primary outlook from the open-plan room (served by larger openings on the rear elevation) would be across the garden of the site, the beach and the Channel to the southeast. In respect of the first floor level rooflight proposed, this would serve an office. It is considered that any views from the rooflight towards neighbouring windows would be oblique and are not considered to result in such significant harm to warrant refusal. Several opaque rooflights would be installed on the northwest elevation of the roof, which would serve a staircase and hallway and are not considered to result in undue harm to privacy.
- 2.29 In respect of the amenity of the proposed occupants, the dwelling would contain five bedrooms with a well sized living/kitchen/dining room at ground floor level with a raised terrace. There would be no change to the existing vehicular access or parking spaces within the site. In addition, the proposals include heat pumps and an MHVR (mechanical ventilation with heat recovery) system (it is considered appropriate to impose a condition requiring further information regarding the specifications of the MHVR and heat pump systems as none has been provided). A bike locker has been identified on the proposed ground floor plan, and it is considered appropriate to suggest a condition is imposed requiring further details to be provided in this respect. It is

considered the development would provide a high standard of amenity for existing and future users, in accordance with Paragraph 130(f) of the NPPF.

Other Material Considerations

Travel

- 2.30 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. The nearest settlement is St Margaret's and the site is located approximately 19.5m from the confines. Whilst access to the village would be via an unlit road with no public pavements, it is not considered that this would unduly deter residents from walking to the village. Nonetheless, the proposals would replace an existing dwellinghouse containing the same number of bedrooms as proposed. As such, it is not considered the development would generate significant additional travel demand beyond the confines and is considered to be acceptable having regard to Policy DM11.

Parking

- 2.31 The proposed dwelling would contain five bedrooms and Policy DM13 identifies that 2no parking spaces would be required. No change is proposed to the existing arrangements, where there is an existing parking area to the southwest of the dwellinghouse (suggested to be secured by condition). Aerial imagery shows that two cars can be parked on the driveway. In respect of visitor parking or if there were additional parking demand, a public car park is available to the south of the site by St Margaret's Bay beach and further parking is available on St Margaret's Road to the west of the site. In the interests of encouraging sustainable travel in accordance with NPPF Paragraphs 110 and 112, it is suggested a condition is imposed should permission be granted for cabling to be installed to allow the installation of EV charging points at the site.
- 2.32 Concerns have been raised by third parties in respect of parking for construction workers and for the delivery of materials and other works during the construction period of the development. Bay Hill is a narrow, mostly single width road, with limited passing places and steep bends. As such, should the construction of the development and timing of deliveries not be carefully managed, this could result in vehicles blocking the road, which would not be acceptable, with access required at all times for the public and emergency services. A Proposed Construction Management Plan (CMP) Framework has been submitted to ensure that robust management policies and procedures are implemented throughout the construction phase at the application site, in order to minimise the impact of the development during the construction phase on the local area and highway network (whilst acknowledging that a detailed CMP will be required should permission be granted). The CMP Framework has been reviewed by KCC Highways and Transportation, which has identified further matters that would need to be addressed fully in the final CMP (i.e. routing of construction and delivery vehicles to/from the site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, avoiding the use of large steel beams/other large element materials to mitigate the use of HGV's accessing the site via Bay Hill), for which they suggest a condition is imposed. Subject to this condition, which would require details to be provided prior to the commencement of the development, they raise no objection. Informally, they recommended it may be worth requesting the full CMP upfront, however it was not considered reasonable to do this prior to the determination of the application and as this could be dealt with by way of condition, which would be subject to consultation with KCC Highways.

Impact on Flood Risk/Drainage

- 2.33 The site is located in flood zone 1 which has the lowest risk from flooding and as such, the sequential and exceptions test are not required. Furthermore, due to the size of the site; less than 1 hectare, a flood risk assessment is not required. The application form states that foul sewage would be disposed of to the mains sewer (connecting to the existing drainage system). No details of surface water drainage have been provided and Southern Water advise that their initial investigations indicate that there are no public surface water sewers in the area to serve this development. They advise that alternative means of draining surface water from this development are required, which should be in line with the hierarchy of Building Regulations with preference for soakaways. As such, it is considered appropriate to recommend a condition is imposed requiring details of surface water drainage to be submitted should permission be granted and subject to this, the development is considered acceptable in this respect.

Ecology/Wildlife

- 2.34 The proposed dwelling would be sited largely on the footprint of the existing dwelling, however the garden of the site (to the southeast) is within the Dover to Kingsdown Cliffs SSSI and Special Area of Conservation (SAC). The application has been subject to consultation with Natural England who advised that further information was required to determine impacts on the designated sites. In response to this, the Agent submitted a construction management plan framework addressing air, water and noise pollution management and a Habitat Regulation Assessment (HRA) screening matrix identifying avoidance and mitigation measures. This was used to inform a HRA produced by the DDC Senior Natural Environment Officer which, having carried out a screening assessment of the project, concludes that the project would not be likely to have a significant effect on any European site, either alone or in combination with any plans or projects and an appropriate assessment is therefore not required. Whilst not required, taking a precautionary approach, this has been sent to Natural England for comment. At the time of publication, a response had not been received. The recommendation is therefore to grant permission subject to no new material considerations being raised by Natural England.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.35 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.36 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.37 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.

- 2.38 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.39 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.40 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Planning Balance

- 2.41 The principle of the development is contrary to the development plan in respect of Policies DM1, DM8 and DM11 (however accords with the objectives of Policies DM15 and DM16). As discussed in the principle of development section of this report, it is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.42 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. As considered in the above report, the development would generate travel outside of the rural settlement confines contrary to Policy DM11. However, it is considered that the location of the site, relatively close to a number of facilities and services (albeit not a full range of day to day facilities and services), could provide some assistance in providing further custom to local services and the vitality of rural services in accordance with Paragraph 79 of the NPPF, which weighs in favour of the scheme. In addition, the proposals would result in the replacement of an existing dwelling with the same number of bedrooms as proposed and as such, it is considered there would be no additional travel generated compared to the existing scenario.
- 2.43 For the reasons set out in the report, it is considered that the design of the proposed dwelling would be visually attractive, sympathetic to the local character of the rural area and would function well and add to the overall quality of the area in accordance with Paragraph 130 of the NPPF. It is also considered that the design, scale and siting of the dwelling would preserve the character and scenic beauty of the countryside and would be unlikely to result in significant harm to the wider landscape character, in accordance with Policies DM15 and DM16. The existing building is considered to be a non-designated heritage asset, however subject to the suggested conditions, it is considered its' demolition and replacement with the proposed dwelling would conserve the character and appearance of the Conservation Area and would result in no harm (either substantial or less than substantial) to the significance of heritage assets. The impact on residential amenity and other material considerations has been addressed above is considered to be in accordance with the objectives of the NPPF.

2.44 Overall, whilst this is a very finely balanced assessment, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Due to the design and appearance of the proposed replacement dwelling, and for the reasons outlined in this report, the development is considered to preserve the character and appearance of the countryside and wider landscape area. Whilst the existing dwelling is a non-designated heritage asset, its demolition and replacement with the proposed dwelling is considered to conserve the character of the Conservation Area, resulting in no harm (either substantial or less than substantial) to its significance (having had regard to Chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990). Furthermore, the development is considered unlikely to result in undue harm to residential amenity. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of this report, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

g) Recommendation

I SUBJECT TO no new material considerations being raised by Natural England, PERMISSION BE GRANTED subject to conditions:

(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) construction management plan (5) details of surface water disposal (6) existing and proposed ground, eaves and ridge levels (7) details of build contract prior to demolition of existing dwelling (8) recording of building prior to demolition (9) provision and retention of vehicle parking (10) EV charging points (11) cycle parking (12) details of MHVR and heat pump systems.

II Powers to be delegated to the Planning and Development Manager 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

Rachel Morgan



21/01438

12 The Strand & Coach House Fronting York Road
Walmer
CT14 7DY

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **21/01438 – (Existing dwelling) Erection of two-storey front and side, single storey rear and dormer roof extensions to front and rear (existing rear extension to be demolished)**
(Coach House) Erection of two storey side/rear extension and roof extensions to facilitate conversion to annexe - 12 The Strand and Coach House Fronting York Road, Walmer

Reason for Report: Sixteen contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (early), however the policies of the draft plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Planning Policy Framework (2021) (NPPF)

- Paragraphs 2, 7, 8, 11, 130, 189-208

Kent Design Guide

National Design Guide

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

d) **Relevant Planning History**

No Planning history

e) **Consultee and Third-Party Representations**

Walmer Town Council – OBJECT

On the grounds that this will remove car parking provision in an area that already has poor provision for parking and in adding another property increase the stress on said provision. 'Members noted that although they voted to object against the application, had the application been for just the work on the house on The Strand this would have been supported.'

Heritage Officer comments – The building is identified as a non-designated heritage asset within the Conservation area. On request, further information was submitted to demonstrate that the building has suffered from significant alterations and additions (including the complete replacement of the roof) and the value of this building to the special interest of the CA is therefore negligible. The proposed development /proposal reflects the architectural form and character of neighbouring buildings and is considered

to be appropriate in relation to the character of the CA. As a result there is no harm to the CA.

KCC Archaeology – No comments received

Third Party Comments - A total of 14 individuals have raised objections to the proposal summarised as follows:

- Loss of parking and pressure on parking in the area
- Loss of light to windows of neighbouring property (Number 11)
- Impact on wildlife due to loss of garden space
- Loss of community caused by growth of holiday lets
(Officer comment: the application is not for a holiday let and its future use can be controlled by way of a planning condition)
- Impact on street scene and character of Conservation Area
- Will set a precedent
(Officer comment: Every application is treated on its own merits)
- Extension will reduce rainfall in neighbouring garden
- Number 13 can no longer access their property for maintenance if garage is converted
- Reduction in value of properties nearby
(Officer comments: The above are not material planning considerations)

f) **1 The Site and Proposal**

- 1.1 The application relates to a semi-detached dwellinghouse on the north-west of The Strand, which lies within the settlement confines of Walmer and in the Walmer Seafront Conservation Area (CA). This property is finished in cream render with white painted timber framed windows and has a small courtyard area to the front. To the rear of the property is a disused coach house, which fronts York Road. This 1.5 storey building had previously been used as a garage, but in recent years has been used for storage. It is finished in dark render with a slate roof. The site is bounded by 11 The Strand to the south and 13 The Strand to the north. The property currently has no off-road parking spaces but uses on street parking.
- 1.2 The area comprises properties of differing design, size, and scale, with many of the properties on The Strand being commercial properties. The application site is dwarfed by the adjacent properties, which both sit at three storeys tall. The predominant finish in this part of the Conservation Area is light/pale cream render with white timber framed windows.
- 1.3 The application is for the erection of a two-storey side/rear extension, roof extensions to the coach house and a single storey flat roof extension located to the rear of 12 The Strand. The extension would have a pitched roof with a single half-hipped pitched roof dormer window cut into the eaves of both the extension and the existing roof. To the front, where there is currently a garage opening, is going to be replaced with a door and fenestration as well as vertical timber weatherboard elements. The extensions would facilitate its conversion to an annexe to serve the main dwellinghouse.
- 1.4 For the main dwellinghouse, the proposed works include the erection of a two-storey front and side extension and a single storey rear extension. To the front roof slope it is proposed to insert 2no. pitched roof dormer windows and to the rear 2no. flat roof dormer windows. The existing rear extensions would be demolished to make way for a single storey flat roof extension with a glazed roof lantern.

- 1.5 The application initially included the Coach House to become a separate dwellinghouse. This has been amended to become an annexe following concerns raised by officers about the creation of an independent dwelling in this location.
- 1.6 The finished roof height to the main dwellinghouse will increase from approximately 7 metres to 8 metres and extend to the rear at ground floor level. The extension to the roof would still be lower than the roofline of the properties either side. There would be no change to the roof height of the existing Coach House building.

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on visual amenity of the area and the Conservation Area and
- Residential amenity
- Highway Safety

Assessment

The Principle of the Development

2.2 The site is located within the settlement confines and the development therefore accords with Policy DM1, subject to impact on visual and residential amenity and other material considerations. The extended Coach House will provide additional accommodation to serve the main dwellinghouse for an elderly relative. This is considered to be an appropriate use as it is located close to the main dwelling to which it will serve. This use can be secured by way of a planning condition to ensure that it isn't occupied separately to the main dwelling at any time in the future.

Impact on Conservation Area and Visual Amenity

2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, Paragraphs 201 and 202 require that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which 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

2.4 When viewed within the immediate context of The Strand, the application property is smaller than those adjacent to it. It is in a poor state of repair, with the timber framed windows irreparable. Properties nearby have benefitted from alterations including dormer windows and repainting of the front elevation. The ridge heights of the properties set within the immediate area also vary, therefore the addition of 1 metre in height will not result in a property that is out of keeping within the street scene and negatively impacts the character and appearance of the area.

- 2.5 The changes to the front elevation and changes to the roof will be visible from the street. The addition of dormer windows to the front of the property will be similar to other dormer windows on nearby properties. They are sensitively designed to reflect the CA context. The proposed changes when viewed within the street scene would contribute positively to the Walmer Seafront Conservation Area, as it will improve the appearance of the front façade.
- 2.6 The proposed works to the rear would create a less cluttered rear elevation. There are currently two rear projections that are also in a poor state of repair. The addition of one single storey rear extension which spans the width of the property would create a more uniform appearance to the rear elevation.
- 2.7 The Coach house faces onto York Road and is currently finished in a dark render. The building has no architectural merit and does not contribute positively to the Conservation Area. The changes to the Coach House would improve the appearance of the building, and its presence within the Walmer Seafront Conservation Area.
- 2.8 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the Conservation Area in accordance with paragraph 130 of the NPPF.

Residential Amenity

- 2.9 The application site is bounded by 11 and 13 The Strand. 11 The Strand is a commercial property with residential accommodation above and to the rear. The properties both sit at three storeys tall, and both properties project to the rear (west). The proposals to the main dwellinghouse include dormer windows and a single storey rear extension. The extension would only have openings on the rear elevation, looking out to the garden and would not result in any harmful overlooking to neighbouring properties. Furthermore, 13 The Strand has a 3-storey blank wall facing the application site, and therefore will not experience any negative impact from the proposals to the main dwellinghouse. 11 The Strand has a large number of windows present in the flank elevation, however due to their location, they will not be negatively impacted by the proposals to the main dwellinghouse.
- 2.10 The works to the Coach House include a single storey extension, and a two-storey extension to replace the existing rear projection. The proposals include the addition of dormer windows. The dormer which faces towards the garden of 13 The Strand, would look over the top of a garage roof, with the rear facing dormer resulting in long range views down the garden and towards the properties. This is approximately 15 metres from the rear of the dwellings and is considered sufficient distance to prevent any unacceptable loss of privacy. The extensions to the Coach House are not considered to result in any overshadowing or overbearing impact to neighbouring properties due to the presence of outbuildings on either side.

Highway Safety

- 2.11 The current property has 2 bedrooms. The conversion of the Coach House to an annexe creates two additional bedrooms. DM13 states that properties of this size, in this town centre location are required to have 1 allocated parking space for the property. Walmer Seafront and York Road, although busy, do offer a number of on road parking spaces. It is not considered that the creation of an annexe would significantly impact the parking pressures in the area.

3. Conclusion

- 3.1 The proposals, due to their design, size, and appearance, would not be out of keeping with the immediate character and appearance of the Conservation Area or the surrounding area. The proposals will be viewed as one dwelling and would not create a negative impact within the area. There would be no harm to residential amenity or highway safety. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be granted.

g) Recommendation

I Planning permission be GRANTED, subject to the imposition of the following conditions:

- (1) 3-year time limit for commencement, (2) compliance with the approved plans
(3) Archaeology safeguarding (4) Coach House to remain ancillary

II Powers be delegated to the Planning and Development Manager to settle any necessary issues in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amber Tonkin