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26 May 2023

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 1 June 2023 at 6.00 pm, the following report that was unavailable when the agenda was printed.

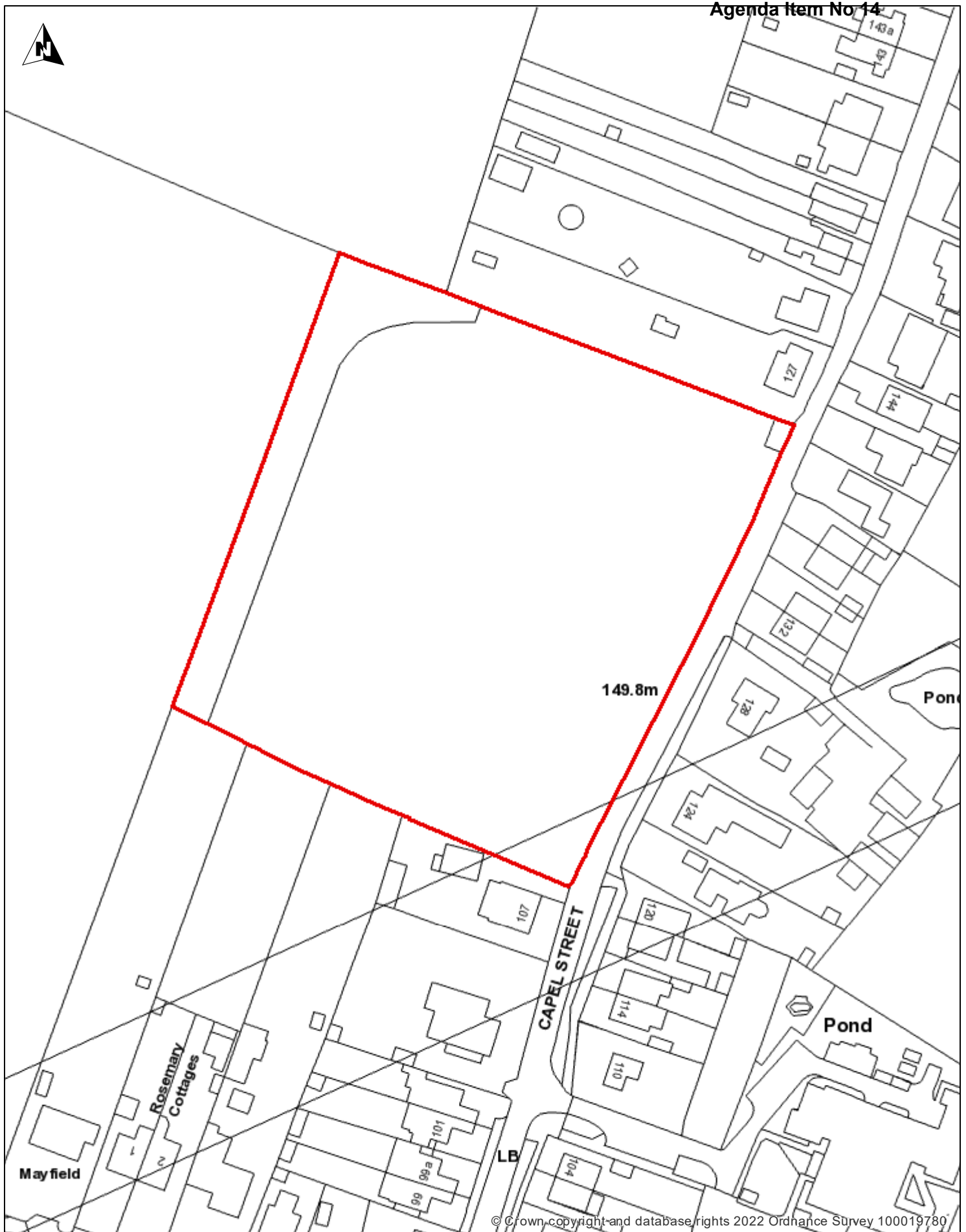
14 **APPLICATION NO DOV/22/00043 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE** (Pages 2-20)

Reserved matters application for approval of landscaping, layout, scale and appearance pursuant to outline application DOV/19/00669 for 34 dwellings

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

Yours sincerely

Chief Executive



22/00043

Land Between Nos 107 And 127
Capel Street
Capel Le Ferne

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/22/00043 – Reserved matters application for approval of landscaping, layout, scale and appearance pursuant to outline application DOV/19/00669 for 34 dwellings – Land Between Nos 107 and 127 Capel Street, Capel-le-Ferne**

Reason for report – Number of contrary views (22)

- b) **Summary of Recommendation**

Approve reserved matters.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, CP3, CP4, CP6, CP7, DM1, DM5, DM11, DM12, DM13, DM15, DM16, DM17

Land Allocations Local Plan (2015) LA26, DM27

Draft Dover District Local Plan to 2040

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP2, SP4, SP5, SP11, SP13, SP14, SP15, CC1, CC2, CC4, CC6, CC8, PM1, PM2, PM3, PM4, H1, TI1, TI2, TI3, TI5, NE1, NE3 and NE5.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 92, 100, 104, 110, 111, 112, 113, 119, 124, 130, 131, 157, 174, 180

National Design Guide & National Model Design Code (2021)

Kent Downs AONB Management Plan

- d) **Relevant Planning History**

DOV/21/01406 - Variation of Condition 2 (commencement dates) of planning permission DOV/19/00669 to clarify the period relating to commencement of the development (application under Section 73) – Granted

DOV/19/00669 – Outline application for the erection of 34 dwellings (8 x 2 beds, 16 x 3 beds and 10 x 4 beds) and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Granted

DOV/16/01316 – Outline planning permission for the erection of 10 flats in 2no. blocks (6x1 bed and 4x2 bed); and 31 dwellings (10x2 bed, 15x3 bed and 6x4 bed); plus associated access and parking (with appearance, landscaping and scale reserved) – Refused – Appeal Dismissed

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

Consultations and representations can be found in the online planning file, a summary is provided below:

KCC Archaeology – Note that the outline permission for DOV/19/00669 had no archaeological conditions attached. The area has multi period archaeological potential and the site appears to be green field where past impacts to below ground

archaeological remains may be limited. Request that a programme of archaeological evaluation is undertaken before any reserved matters groundworks is secured by condition.

KCC Biodiversity – Advise that sufficient information has been provided. The updated ecological assessment has confirmed that there have been limited habitat changes within the site since the original surveys. Two active badger setts have been recorded around the peripheries of the application site since the original survey. These are likely to be annex setts and will be temporarily impacted by the proposed development. Badgers and their setts are protected under the Protection of Badgers Act 1992 and would require closure under a derogation licence from Natural England prior to any works commencing.

The Ecological Mitigation and Management Plan provides protective measures for badgers, reptiles, breeding birds, bats and hedgehogs. Furthermore, a range of ecological enhancements have been proposed which include bat and bird nesting boxes, brash piles and SUDs systems. We are satisfied with the outlined measures and advise that these are incorporated within the landscape masterplan.

DDC Environmental Health – No observations.

Environment Agency – Please take into account of any planning conditions or advice provided in our response to the outline application when making your determination of this reserved matters application. - (No objections subject to informatives in respect of pollution prevention and waste control. The site lies on a Principle Aquifer of Chalk geology, as well as in Source Protection Zone 3, measures should be taken to ensure the protection of the groundwater quality below.)

KCC Highways – It is noted that the internal highway is not intended for adoption. The internal parking layout has been amended to provide 10 parking spaces along the access road. This is in line with the requirements of the Traffic Regulation Order (TRO) which will displace parking once implemented. This level is far more suitable and appropriate and will aid school drop off and pick up periods. Once the access is constructed, a Temporary TRO (TTRO) is required via KCC Streetworks East to ensure that temporary measures are in place while the permanent TRO goes through the consultation and approval process.

Tracking has been submitted for parking spaces for Units 21-23 and illustrates that the manoeuvre is more appropriate with spaces for Units 21 and 22 set back slightly. Tracking has been submitted to illustrate vehicles entering and exiting parking spaces for units 26/27 and 28/29 which is acceptable. Confirm no objection.

If adoptable lighting were proposed, it would be required to be column mounted, as a minimum of 3 lighting columns. Noted solar lighting is proposed which would not be adopted by KCC Highways. An informal pedestrian crossing point has been illustrated adjacent to the vehicle crossing point at 120 Capel Street. The works would be subject to a separate 278 Agreement with KCC Highways.

Refuse freighter tracking has been submitted which has sought to address previous comments in relation to the turning area at Units 10/11. The area was highlighted as constrained with no room for error due to the tight arrangement of the accesses. The area has been amended to provide a slightly widened access. However, the turning movement requires the utilisation of parking spaces for Unit 12, which are likely to be occupied. Updated drawings have been submitted involving amendments to the parking for Units 12 to ensure that there is sufficient space available without utilising

the parking spaces to enable the manoeuvre. I am minded to accept the tracking submitted (drawing reference: 8202-MJM-XX-XX-DR-H-9003 Rev P04) and raise no objection on behalf of the local highway authority. All private shared drives should have 1m service margin on either side, including at turning heads.

Capel Street is part of an existing 20mph zone, however, speed surveys conducted as part of the outline application identified measured vehicle speeds of 31mph southbound and 28mph northbound. In order for a robust design to be provided, visibility splays have been illustrated in line with these speeds, as opposed to the speed limit, which is considered to be acceptable.

Pedestrian visibility splays are required to be demonstrated at the private accesses at Capel Street and all dropped kerb accesses within the extent of the adoptable highway. These splays should be 2m x 2m either side of the accesses, with no obstruction above 0.6m. Suitable lighting should be provided for the proposed footway, while mindful of the 20mph and reduced illumination nature of Capel Street.

Two parking spaces are proposed per dwelling. This exceeds parking standards for a village location, but given the constrained nature of Capel Street, the parking proposed is acceptable. While the visitor parking proposed is slightly below the 20% requirements, it is considered that the school pick up spaces could be utilised by visitors outside of school drop off times and during school holidays.

KCC PROW – No comments

KCC Flood and Water Management – Have reviewed the discharge of conditions 9 and 10 and consider our previous points are addressed and no further objections to the reserved matters stage. We will assess the final drainage details as part of conditions 9 and 10.

The layout presented would indicate that the original drainage design of 4 deep bore soakaways has been followed through from the Sustainable Drainage Assessment report at outline planning submission. The Planning Statement reinforces that the required 10m separation distance between the deep bore and any foundations is maintained. Whilst the design has been reinforced, we are aware that no further testing/installations of deep-bores have taken place. The Sustainable Drainage Assessment report submitted earlier highlighted that one deep bore was drilled and reported a collapse during testing.

It is our recommendation that the installation of these deep bore soakaway locations occur at this stage and subsequent testing is undertaken. The reason is to confirm that the locations proposed are suitable and to prevent any possible implications on the site layout. The site layout presented currently would appear to us to provide limited opportunities for relocating of these soakaways and still achieving the required separation distance. Therefore, it is important for the testing/installation of the deepbores to be undertaken at this stage.

Kent Police Designing Out Crime – Request previous comments for the outline application be applied. Especially the following:

- Perimeter, boundary and divisional treatments should meet 1.8m min height. Rear gardens should be protected by min 1.8m high lockable gates.
- Parking including visitor parking to be clearly defined and marked to help minimise the opportunity for nuisance and conflict.
- Doorsets should meet PAS 24: 2016 UKAS certified standard.

- Windows on the ground floor or potentially vulnerable should also meet PAS 24: 2016.

Kent Fire and Rescue – Request confirmation the access road meets the minimum width and provides appropriate turning facilities to allow appliances to access all the premises.

Natural England – This application will result in a net increase in residential accommodation. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which is considered to be ecologically sound.

NHS Kent and Medway - Proposal will have a direct impact on delivery of general practice services which will require mitigation through the payment of an appropriate financial contribution.

DDC Tree Officer – No objection to the proposed landscaping as set out in the Landscape and Open Space Management Plan and associated documents.

Southern Water - No objection to the reserved matters application.

DCC Strategic Housing Manager – There is a need and demand for affordable housing across the district, including rural settlements like Capel. This application proposes 34 houses, of which 10 should be for affordable housing. The tenure plan shows 10 houses as affordable housing. The tenure split should be 2 bedroom houses for first homes, 2 or 3 bedroom houses for shared ownership. There is a need and demand for all size of unit for affordable rent. I welcome discussions with the developer to ensure there is early identification of a suitable RP to acquire the affordable properties.

Capel-Le-Ferne Parish Council – Comments on amended scheme:

Remain opposed to the proposed development for the following key reasons:

Landscaping, layout, scale and appearance

- The PC do not agree with grouping the affordable housing in one part of the site.
- The site borders an AONB and would like reassurance that the existing landscape buffer around the site is maintained and enhanced.
- The PC fundamentally disagree with the density of built development on this plot which is out of keeping with the density within this rural location.
- Concern regarding the number of driveways accessing Capel Street directly and the lack of turning space on some of the driveways.
- Conflicting information provided on various plans and in the Design and Access Statement relating to the number of school drop off parking bays on the site, which could be either 6 or 10.
- KCC recommend 7 visitor parking spaces, not 4, for a development of this size. Therefore, because of the lack of visitor parking bays, it is our view that the parking bays designated for school drop off will be used by visitors and overflow parking for site residents.

Traffic, parking and other issues related to Capel Street

- The reserved matters does not address issues in relation to speed and volume of traffic on Capel Street.
- Congestion and increased pollution in the area at school times.
- General increase in traffic movement up 25% across the day.
- The impact of increased traffic at the junction of Capel Street and New Dover Road.

Risk of Flooding

- Would like reassurance that the proposed SUDs scheme which includes several borehole soakaways with storage tanks will be sufficient to avoid surface water run off causing future flooding issues.
- Important that a condition precedent is set prior to a practical completion certificate is achieved for any unit, the management company is established and full systems including legal obligation requirements of the management company are fully executed and agreed.
- PC would like assurance from Southern Water that the new development will not have a negative impact on the foul water drainage system that exists in this part of Capel Street.

Other Issues

- Would like reassurance that the street lighting adjacent to this site will be relocated to the opposite side of the road in Capel Street.
- Widening Capel Street at the front of the site to form a layby would improve parking arrangements.
- Very concerned about the impact the development will have on local residents during the construction phase.

Third party Representations: 22 letters of objections have been received and are summarised below:

- Raise concern regarding loss of countryside.
- Development is out of keeping with the village.
- Density of dwellings inappropriate for this setting.
- Consider that ecology, biodiversity and wildlife have not been properly accounted for.
- There is an established drainage/flooding issue in the vicinity. Several neighbours have been flooded in close proximity to the site and the road impassable.
- Proposal would result in increased drainage and flooding issues through the development of the existing undeveloped field/meadow which absorbs water and is located on a higher ground level than the neighbours opposite.
- Concern that the proposed maintenance that would be required for the large sediment traps upstream from the boreholes and other elements of the drainage system would not be properly maintained leading to potential flooding of the neighbours opposite.
- Amended plan has reduced the 10 replacement parking spaces along the access road to 6 spaces which is below the number we were assured of when outline permission was granted and will not be sufficient to meet the needs of school drop off/pick up and local residents which will be lost when the TRO is implemented.
- The proposal will result in increased parking pressure in the locality, which is already restricted.
- 2 parking spaces per dwelling is unrealistic.
- The site is far from the nearest public transport and residents will be reliant on cars.
- Surrounding roads, particularly Capel Street and the junction with Cauldham Lane and New Dover Road would not cope with increased traffic arising from the development.
- Capel Street is already heavily congested at school drop off/pick up times and this development will worsen this situation.
- The removal of parked cars with double yellow lines on Capel Street will increase the speed of vehicles resulting in highway safety issues.

- The access to the site is too narrow.
- The site is bordered by an established hedgerow with indigenous flora and fauna which will be removed during development.

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

- 1.1 The site is located on the northern side of Capel Street and is extensively screened by hedgerows to all boundaries. To the west is the Kent Downs AONB with views of the site possible along Cauldham Lane where there are gaps in the hedgerow and from Green Lane which is a Public Right of Way between Capel Street and Cauldham Lane. Capel Street and the surrounding streets are predominantly residential with a mix of one and two storey detached and semi-detached housing of varying architectural styles.
- 1.2 The northern boundary adjoins a two storey semi-detached residential property and garden, to the south is a single storey detached dwelling on Capel Street and further rear gardens serving properties on Green Lane adjoining the southern boundary, opposite the site are a mixture of two storey properties. The site is currently undeveloped and used as horse paddock and occupies an area of 1.51 hectares. It is with Flood Zone 1 and Groundwater Source Protection Zone 3.
- 1.3 The site lies within the settlement boundary with residential development to both the northern and southern boundaries. It is a designated housing allocation site under the Land Allocations Local Plan Policy LA26 subject to certain criteria and in effect infills this gap in the defined settlement.
- 1.4 The application seeks permission for the reserved matters of landscaping, layout, scale and appearance for 34 dwellings, with the principle of the development and access approved under the outline permission. The 34 dwellings comprise 8 x 2 beds, 16 x 3 beds and 10 x 4 beds, which was secured by the outline planning permission and included within the description. The scheme has a mix of single and two storey detached and semi-detached dwellings of varied, traditional designs. Affordable housing would be provided at 30% in line with the outline permission.
- 1.5 The conditions of the outline permission require that the reserved matters should be in accordance with approved plans and documents which includes the proposed illustrative master plan, the design and access statement and supporting technical documents. This was a specific requirement of the planning committee when considering the outline permission as the proposed layout was considered to be of high quality, in order to secure this being carried forward to the reserved matters application. The additional committee report (set out in the annexe) detailed that the approved illustrative masterplan will no longer be indicative, but is not included in the matters being fully determined under the outline application. The proposed reserved matters layout is therefore broadly in conformity with the approved illustrative masterplan, (submitted at outline stage) but with some minor changes.

- Highway issues
- Drainage matters

Assessment

Principle

- 2.2 The principle of residential development has already been accepted under the outline planning permission DOV/19/00669. It is important to note that under the outline permission, the principle of 34 dwellings and the access, including the associated impacts on matters such as traffic and infrastructure have been accepted. Therefore, this application does not re-visit the principle of housing on the site or the access, but can consider whether the detailed layout, scale, landscaping and design are acceptable.

Design, Layout, Scale and Landscaping

- 2.3 The application site is a broadly square shaped undeveloped field with an established hedgerow/landscape buffer to its boundaries located to the north west of Capel Street. The western rear boundary abuts the AONB and countryside and is sited in line with the parameters of adjacent development and their gardens to the south, but extends slightly beyond the developed parameters to the north. Capel Street is characterised by residential ribbon development with of varied styles and designs.
- 2.4 Policy DM16 relates to landscape character and seeks to avoid development that would result in harm to the character of the landscape. Draft Policy NE2 requires proposals demonstrate particular regard to the defined landscape character area and have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs AONB. Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place. Paragraph 174 of the NPPF sets out that decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
- 2.5 Policy LA26 has a number of requirements for this housing allocation in respect of minimising the impact on the character and setting of the AONB, the surrounding countryside and landscape. This specifically references the need for frontage development, requires retention of the existing boundary hedgerows and vegetation to the west and the provision of a landscape buffer to the western boundary to reduce the impact upon the AONB.
- 2.6 The varied character of the locality and the street scene of Capel Street has been established as a key positive feature of the local area. The Inspector in the dismissed appeal (ref DOV/16/01316), set out that one of the key reasons for dismissal was the regular and standardised layout, form, appearance and footprint of the proposed development which was determined to be out of keeping with the locality. The approved layout and approach secured and conditioned under the outline permission addressed this concern and provides an appropriate and compatible development for the locality.

Layout

- 2.7 The proposal largely conforms with the layout on the approved illustrative masterplan submitted at outline. This was considered to form a good quality layout and therefore secured by condition. The layout continues to comprise a main access road with two smaller sections extending off to form two cul-de-sacs. A street frontage is provided to Capel Street served by 4 separate vehicle access points serving 2-4 dwellings. These street frontage units are set back from Capel Street with a replacement hedgerow and soft landscaping provision to the front boundary and new footpath in front. The dwellings adjacent to the western rear boundary of the site are set in from this boundary with a landscape buffer retained and enhanced to the rear of these units, adjacent to the AONB boundary. This landscape buffer area is outside the curtilage of the dwellings and of varying widths to all boundaries. An open landscaped area is proposed to the west of the spine access road which allows views to the fields beyond. Each unit is provided with 2 parking spaces located to the front or side of the relevant dwelling. 10 parking spaces are proposed along the access road as replacement school drop off spaces and 4 visitor parking spaces in front of the western landscaped area. The siting and form of the dwellings broadly accords with the illustrative masterplan, providing a varied arrangement and layout, with staggered positions relative to spaces.
- 2.8 The changes from the illustrative masterplan layout include the exact position and layout of the internal roads, parking areas, form and siting of dwellings, the location and provision of soft landscaped areas and the arrangement and materiality of hard surfacing. The scheme has been amended through the course of the application to provide greater consistency with the approved illustrative masterplan and maintains the visual distinction of individual plots, increased soft landscape provision and provides greater variety and visual distinction to the hard surfacing.
- 2.9 Whilst the scheme differs from the approved masterplan, it broadly accords with its layout and is considered to sufficiently retain the characteristics and features which were considered to be important. Including the varied and non-standardised layout, arrangement and form of units and the landscape buffers to the boundaries, particularly to the AONB to the west. Through this the layout is considered to be reflective and respectful of the ribbon development along Capel Street, and appropriate for its rural setting, alongside providing sufficient landscape provision and buffer to the adjacent open countryside and the AONB. The scheme maintains the approved density of the outline of approximately 22 dwellings per hectare which is considered to be appropriate and compatible with surrounding development.
- 2.10 The affordable housing is proposed to be located in a cluster to the south western corner of the site. Whilst this arrangement does not comprise best practice and would be better dispersed throughout the scheme, it is acknowledged that the site and number of dwellings is moderate which constrains this to a degree. The proposal provides a practical arrangement within its context and as such, is considered to be acceptable in this instance.
- 2.11 Overall, the layout is considered to be of a suitably high standard and appropriate for its rural setting and context, while broadly conforming with the approved illustrative masterplan.

Appearance and Scale

2.12 The proposal includes predominantly two storey and 2 single storey detached and semi-detached dwellings of varied sizes, forms, designs and material finishes. The height of the Capel Street frontage units has been amended and reduced to ensure these units do not exceed the height of the adjacent neighbours, either side of Capel Street, 107 and 127 respectively. No dwellings exceed two storeys and there is no provision of accommodation within the roof space. The design and material finish of some units has been amended during the application to provide greater visual interest and detailing to particular units and provide appropriate materials in relation to their position. The proposed dwellings comprise moderate, varied footprints and are of a range of built forms, with the most predominant roof form comprising hipped roofs or side gabled roofs, which hip away from the adjacent properties.



Figure 2 – Capel Street Street scene

2.13 The scale, height, form and moderate footprints of the proposed dwellings are considered to be compatible with the surrounding built environment, which contains dwellings of varied, comparable scales, heights, forms and footprints. The proposed Capel Street frontage includes a variety of unit types and designs including 2 single storey semi-detached bungalow units. Bungalows are prevalent in the immediate vicinity, including opposite the site, and the inclusion of 2 bungalow units is respectful of the existing character and aids the integration of the development into its context. These street frontage units are considered to reflect the varied dwellings in the locality, of appropriate, proportionate scales and heights, and will be comfortably accommodated in the street scene. This includes sufficient separation distance between units and to the adjacent neighbouring properties. The general scale and height of units across the scheme is reflective of the street frontage and relative to the ground level changes on site. This provides consistency across the scheme and comfortably accommodates the development within the site.



Figure 3 – Internal Street scene

- 2.14 The scheme proposes a varied and rural design approach and character which is considered to be respectful of the existing eclectic character within Capel (rather than a standard housing estate design). The unit types and designs provide variation based upon a traditional design approach, whilst maintaining a degree of coherence through design features, material finishes and compatible built forms. This provides a good quality design approach which complements the surrounding built environment.
- 2.15 Further design details have been incorporated into specific unit types to provide visual interest, such as headers above windows and quoin detailing. The material palette includes red brickwork, black timber cladding, natural timber cladding, white render, clay and slate roof tiles, timber doors and white UPVC fenestration. The white rendered units adjacent to the rear boundary of the scheme have been amended to natural timber cladding which is considered to provide a softer and more appropriate material finish to these units at the AONB boundary. The provision of singular material finishes to units has been reduced to break up the appearance of particular units and provide greater visual interest. This revised material palette and design detailing is considered to be compatible with the materials and design features present in the surrounding area and provides visual interest whilst maintaining a cohesive approach across the proposed scheme.
- 2.16 The external lighting scheme proposes post mounted louvre lighting dispensed at intervals throughout the scheme, adjacent to parking areas and includes outdoor wall lights to each dwelling, several of which incorporate 2 wall lights. This external lighting scheme does not seek to be adopted by KCC Highways and is therefore not bound by the requisite requirements. Capel Street is lit by standard lampposts owned by DDC. The proposed external lighting, whilst not conforming to adoptable standards is considered to be suitably appropriate for this edge of countryside site and is sufficiently dispersed throughout.

Landscaping

- 2.17 The illustrative masterplan at outline fixed the broad layout and landscaping provision of the development, which this reserved matters scheme is considered to provide sufficient conformity with. The development maintains the landscaped buffer to all boundaries outside the curtilage of the proposed dwellings and involves the retention and enhancement of existing planting and trees in these locations. This provides suitable transitional screening and buffer adjacent to the open countryside and AONB to the west and will soften and aid the integration of the scheme into its environment. The outline accepted the loss and replacement of the frontage boundary hedge which facilitated the provision of a legible and useable footpath to the front and provided a replacement hedgerow. This reserved matters scheme maintains this arrangement, with native hedge and tree planting with a grassed area behind. This arrangement is considered to provide an appropriate balance between providing the footway, visibility splays and the provision of robust soft landscaping at the focal point of the development.
- 2.18 The scheme has been amended to incorporate a greater provision of soft landscaping to break up areas of hardsurfacing, particularly between parking areas, and involves a greater provision of tree planting to these areas and throughout the development. This increased landscaping distributed at intervals has further softened the development and increased its conformity with the illustrative masterplan. The scheme also incorporates planting immediately to the front of the majority of units, albeit modest, which will soften the frontages and

distinguishes individual plots. There will be trees distributed along the northern side of the access road and a degree of planting adjacent to the 10 parking spaces. The end of the access road will also incorporate an open landscaped area with shrub and tree planting. This is considered to provide sufficient softening to this largely hard surfaced aspect, which has high visibility outside the site, whilst balancing the provision of the requisite parking provision for school drop offs.

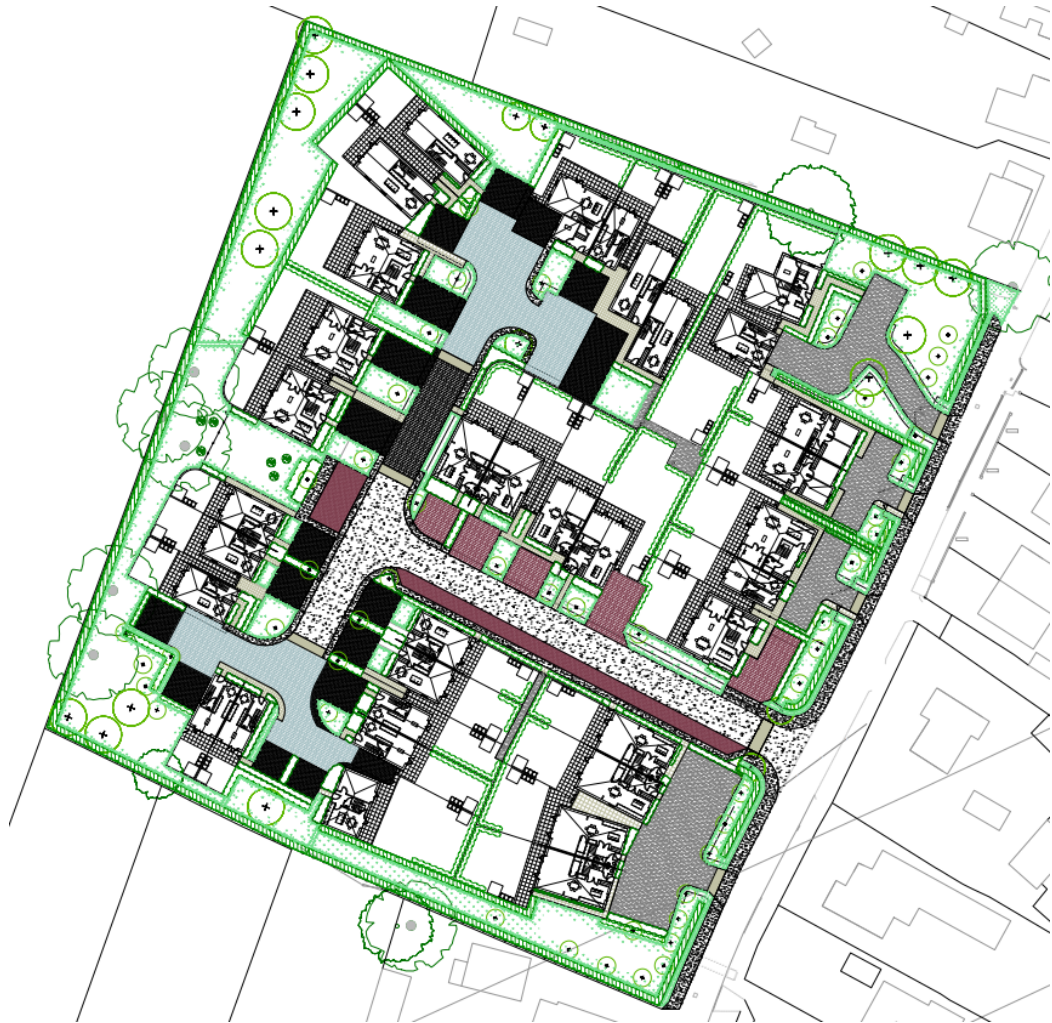


Figure 4 – Landscaping Plan

- 2.19 The proposed hard surfacing has been amended to provide greater variety of hard surfacing types. Asphalt paving is proposed to the main access road and footway to the frontage. Concrete paving and block paving is proposed to the side cul-de-sac roads. Compacted gravel/shingle will be provided to the frontage parking areas on Capel Street, with varied types of block paving to the remaining parking and paved areas. This will break up the provision of hard surfacing and provide greater visual interest throughout the development which has a suitably cohesive approach and arrangement. The compacted gravel to the Capel Street frontage units is considered to be reflective of the rural character and location of the development and improves the visual quality of the development to this prominent view.

- 2.20 In terms of boundary treatments, the Capel Street frontage will include up to 1.2m high post and rail fencing to the front of the replacement hedgerow which is considered to be suitable and appropriate for this rural location. Side/rear boundary treatments to gardens adjacent to the internal roads will comprise brick boundary walls with close boarded fencing used on less visible boundaries, which is considered to be appropriate and provides a sufficient quality to the main public areas.
- 2.21 Overall, the scheme is considered to provide sufficient provision, variation and quality to the proposed hard and soft landscaping which is reflective and respectful of its rural and sensitive location, adjacent to the AONB boundary and will maintain suitable conformity with the approved masterplan. The tree officer has confirmed that the proposed landscaping scheme is acceptable.

Residential Amenity

- 2.22 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. Draft Policy PM2 relates to quality of residential accommodation and requires that all new residential development, must be compatible with neighbouring buildings and spaces and not lead to unacceptable living conditions for neighbouring properties.
- 2.23 The closest neighbouring properties are to the north and south, 127 and 107 Capel Street respectively. The proposed street frontage dwellings are set back from these dwellings, with the nearest dwelling set back approximately 17m from 127 and approximately 9m from 107. A meaningful separation distance will be retained to these adjacent neighbours on either side with a separation distance of approximately 24.8m to 127 and approximately 16.9m to 107. At first floor level the nearest proposed dwelling to 127 Capel Street contains 2 side elevation windows, which are secondary windows serving bedrooms. The nearest proposed dwelling to 107 Capel Street contains a side elevation window serving a bathroom. These windows will be conditioned to be obscure glazed and non-opening up to a height of 1.7m above internal finished floor level to prevent harmful overlooking to the adjacent properties. Given the separation distances and relationship to adjacent properties and the proposed condition, the proposal is not considered to result in harm to the residential amenities. Significant separation distance will also be provided to all other adjacent neighbours and prevents harm arising from the built form of the development.
- 2.24 Units 20 – 23 contain first floor rear elevation windows which face towards the rear garden of 27 Capel Street. These dwellings are staggered, with the distance to the northern boundary increasing and the closest being unit 20 of approximately 8.8m, which is the furthest unit to 127. 127 Capel Street has a long garden of approximately 84m depth. The most private amenity space for dwellings is generally considered to be the portion nearest the rear elevation of the dwelling. Given the significant depth of this properties rear garden, the proposed dwellings are located a considerable distance away from the most private amenity space. Given this separation distance and relationship, the presence of first floor windows to the rear of these units is not considered to result in unacceptable overlooking.
- 2.25 27 has planning permission under ref: DOV/22/00335 for the erection of 2 single storey dwellings within the rear garden. Units 20 and 21 are nearest to the northern boundary and will face towards the access/parking area of this scheme, which is not considered to be private amenity space. The dwellings stagger away

from the northern boundary and face towards the rear garden of dwelling 2. It is considered there is sufficient separation distance to prevent harmful overlooking to private amenity space. Whilst a degree of overlooking may occur to this development, the proposed reserved matters scheme is consistent with the outline and as such the proposed relationship is considered to be acceptable.

- 2.26 In terms of the living conditions of future residents, the proposed layout is considered to provide sufficient privacy, outlook and daylight to the proposed units, with comfortable separation distances between dwellings and private amenity spaces. The proposed units comprise a comfortable internal layout, which meets or exceeds the applicable Nationally Described Space Standards and will be provided with suitably positioned windows to provide sufficient light, daylight and ventilation. Each unit will be provided with a private rear garden and external amenity space. There is also provision for sufficient refuse and cycle storage. All dwellings are provided with independently gated access to their gardens which will allow refuse bins to be transported to their collection point for refuse vehicles. The proposal is therefore considered to provide a good standard of accommodation for future residents and accords with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.27 Policy DM13 relates to parking provision and sets out that provision for residential development should be informed by the applicable guidance within the table of residential parking. Draft Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3.
- 2.28 The main access for the scheme onto Capel Street was approved under the outline and also included 4 vehicular accesses serving the parking areas for the frontage dwellings. This reserved matters application is consistent with these accesses approved at outline stage. The impact of the proposal on associated and additional vehicular movements and parking demand in the locality was fully considered and found to be acceptable under the outline, which remains applicable for this scheme. This involves alterations to the existing highway on Capel Street, minor widening, a frontage footpath and additional parking restrictions on Capel Street to accommodate the proposed development. These works were acceptable to KCC Highways and require a Traffic Regulation Order. KCC Highways also advise that a temporary TRO is secured to ensure measures are in place while the permanent TRO goes through the consultation and approval process. This will be included as an informative to the scheme.
- 2.29 The proposal includes an informal pedestrian crossing point from the proposed new footway to the existing pedestrian links to the south of the new footway, which would integrate the scheme into its surroundings and encourage pedestrian movements and is therefore supported. This informal pedestrian crossing point would be subject to a Section 278 Agreement with KCC Highways and is already secured by condition under the outline planning permission.
- 2.30 In order to accommodate the displaced parking, it was agreed at outline stage that parking provision would be provided on site for use for school drop off/pick up with no restrictions along the access road. The amended scheme includes provision of the agreed 10 parking spaces along the access road to accommodate the displaced parking as school drop off/pick up spaces and also proposes an additional 4 visitor spaces to the end of the access road to the west.

This is a reduction of 1 visitor parking space from the outline in order to enable a greater provision of soft landscaping dispersed throughout the development. KCC Highways have confirmed that this level of unallocated parking provision would be acceptable and would sufficiently accommodate the displaced parking. The visitor parking provision would be sufficient, as the 10 spaces could also be utilised by visitors outside of school drop off/pick up periods and during school holidays. This unallocated parking provision is considered to be appropriately located in the centre of the site and provides a balance between parking provision and landscaping.

- 2.31 Each individual unit is provided with 2 allocated spaces that exceeds typical parking standards for a village location, however this is considered acceptable particularly given the constrained nature of Capel Street. This allocated parking provision would also accord with Policy DM13 and Draft Policy TI3.
- 2.32 The internal roads are not proposed for adoption. Vehicular tracking has been provided in relation to the tightest allocated parking spaces and KCC Highways have raised no objections. Refuse freight tracking for an 11.2m refuse freighter has been submitted and has necessitated the set back of the parking spaces for Unit 12, with a minor reduction to the adjacent landscaped buffer. Amended plans and freight tracking have been provided to this effect which KCC Highways have confirmed is acceptable. These changes are considered to be minor, no not require re-consultation and has not compromised the adjacent landscape buffer.
- 2.33 Visibility splays of 2.4m x 45m have been illustrated at the main access and the private accesses onto Capel Street which are based on recorded speeds of 28-31mph rather than the 20mph speed limit of Capel Street. KCC Highways have confirmed that these visibility splays are acceptable and are addressed by conditions on the outline application. Pedestrian visibility splays of 2m by 2m are capable of being provided and will be secured by condition with no obstructions over 0.6m.
- 2.34 Each dwelling is provided with a dedicated cycle store within the rear garden with space for 4 cycles which provides sufficient cycle storage that is independently accessible via a gated access to each rear garden.
- 2.35 The application includes an external lighting scheme which is not proposed to be adopted by KCC Highways. This scheme is considered to be suitable in providing a balance between illuminating the interior of the development, whilst comprising a compatible scheme for this edge of village location, adjacent to open countryside. The provision and maintenance of this external lighting scheme will be secured by condition.
- 2.36 Overall, the proposed reserved matters scheme is considered to provide sufficient highway and footway provision, visibility splays and allocated and visitor parking provision which is acceptable in terms of highway safety and highway amenity, in accordance with Policy DM13, Draft Policy TI3 and the NPPF.

Ecology

- 2.37 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for

biodiversity. The application is supported by an Updated Ecology Assessment and an Ecological Mitigation and Management Plan which follow on from reports submitted at outline stage. The Assessment concludes that no further survey work is required to inform the application and sets out that all previous ecology reports remain valid, due to the continuation of habitat types and management within and adjacent to the site. The assessment further advises that an updated badger survey will be conducted to inform the required licence application to Natural England.

- 2.38 The Ecological Mitigation and Management Plan seeks to amalgamate all of the avoidance, mitigation and management measures recommended in the various ecological reports submitted at outline stage and also aims to discharge condition 5 of the outline permission. The report sets out a range of measures to suitably address the impact upon relevant species including trees and hedges, birds, reptiles, bats, badgers and hedgehogs. The report also includes recommended ecological enhancement measures such as provision of bird/ bat boxes, log and brash piles and sets out a timetable for these recommendations.
- 2.39 KCC Biodiversity have advised that sufficient ecological information has been provided. The Updated Ecological Assessment confirms there have been limited habitat changes since the original survey, however two active badger setts have been recorded around the peripheries of the application site. These are considered to be likely annex setts and temporarily impacted by the proposal as outside the site. KCC Biodiversity advises that sufficient measures, including timings and mitigation have been included to address this, and the setts would require closure under a derogation licence from Natural England prior to works commencing.
- 2.40 These measures can be secured by an updated condition to ensure implementation in accordance with the recommendations. Subject to this condition, the proposal is considered to have an acceptable impact upon ecology and biodiversity.

Drainage

- 2.41 The outline consent was supported by a drainage report and FRA which confirmed that infiltration drainage would be suitable on the site. This proposed to deal with all surface water and run off by 4 deep bore soakaways into the subsoil below, so that there would be no increase in run-off from the site. This would also involve an underground tank for each soakaway to allow storage capacity for storm water. This method of surface water disposal was considered to be acceptable and the Environment Agency and KCC LLFA raised no objection, subject to appropriate conditions.
- 2.42 This reserved matters application continues this drainage design approach with 4 deep bore hole soakaways. The original submission did not include the results of the necessary tests set out under conditions 9 and 10 of the outline permission to secure the final details of this drainage scheme. This was required by KCC LLFA in order to secure the final layout of the development, given the need for a 10m separation distance between the bores and foundations. Further drainage information to this effect has been provided, which includes the required infiltration testing. KCC LLFA have confirmed that their original concerns have been addressed and raise no further objections to the application. The final drainage details will be assessed by KCC LLFA through the further requirements

of conditions 9 and 10 on the outline that remain applicable. Foul waste disposal was addressed in the outline permission and has been addressed accordingly.

Other Matters

- 2.43 In terms of housing mix, 10 affordable homes and 24 market units are proposed. Of the affordable homes the housing mix is 4 x 2 bed units, 5 x 3 bed units and 1 x 4 bed units and proposes 70% of the units to be affordable rented and 30% shared ownership, with the shared ownership units comprising 3 x 2 bed units. This is considered to sufficiently accord with the requirements of DDC's Strategic Housing Manager who has set out that there is a need for 2-3 bed homes for shared ownership, and all sizes for affordable rent. This has been secured through the s106 under the outline application.
- 2.44 In terms of market units, the reserved matters scheme continues the provision of 8 x 2 bed units, 16 x 3 bed units and 10 x 4 bed units, which was secured through the outline and was included in the description of the development. The size and type of units proposed is considered to continue to broadly accord with the requirements of the most up to date SHMA, as required through Draft Policy H1.
- 2.45 The applicable financial contributions towards infrastructure provisions and the SPA contribution have been secured through the s106 agreement at outline stage.
- 2.46 KCC Archaeology have commented on the reserved matters scheme and noted that no archaeological conditions were attached to the outline. It is advised that the area has multi-period archaeological potential and the site is a green field site where past impacts to below ground archaeological remains may be limited. KCC Archaeology therefore request this reserved matters application is conditioned for a programme of archaeological evaluation works to be undertaken before any groundworks are carried out. This is accepted and a condition added accordingly.

3. Conclusion

- 3.1 The details submitted with this application in respect of the appearance, landscaping, layout and scale of the development are considered acceptable and suitably conform with the illustrative masterplan conditioned and secured through the outline consent. These details demonstrate that the development would cause no unacceptable impacts in respect of the character and appearance of the area, the adjacent AONB and landscape, the living conditions of neighbours or future occupants or the local highway network. The proposals are acceptable in all other material respects, subject to the conditions attached to the outline planning application. The application is therefore recommended for approval. The outline application includes most of the conditions required to ensure a high-quality development. Some additional conditions, listed below, have been added to this reserved matters application.

g) Recommendation

I RESERVED MATTERS BE GRANTED, subject to conditions:

1. Approved plans and details
2. Samples of materials
3. Fenestration within reveals

4. Removal of some PD rights
 5. Archaeology
 6. Obscure glazed and non opening windows up to a height of 1.7m from internal finished floor level for first floor side windows to Units 1 and 24
 7. Pedestrian visibility splays provided and maintained
 8. Provision, retention and maintenance of external lighting scheme in accordance with plans
 9. Provision, retention and maintenance of approved hard surfacing and boundary treatments in accordance with approved plans
 10. Soft landscaping provision and retention (planting, seeding carried out in first planting season) in accordance with approved plans
 11. Ecology avoidance, mitigation, management and enhancement measures in accordance with recommendations in the Updated Ecology Assessment
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Jenny Suttle