

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872453
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

15 June 2015

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 25 June 2015 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
S F Bannister
T J Bartlett
T A Bond
B Gardner
D P Murphy
A F Richardson
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

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

4 **MINUTES** (Pages 5-17)

To confirm the attached Minutes of the meeting of the Committee held on 28 May 2015.

5 **ITEMS DEFERRED** (Page 18)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 19-22)

6 **APPLICATION NO DOV/14/01211 - LAND OFF ARK LANE, DEAL** (Pages 23-34)

Demolition of existing building and erection of 14 town houses, estate road, garages, parking areas and landscaping

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

7 **APPLICATION NO DOV/15/00147 - 22 LYNDHURST ROAD, RIVER** (Pages 35-39)

Retrospective application for the erection of a verandah/balcony

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

8 **APPLICATION NO DOV/15/00197 - LAND FRONTING BEVAN CLOSE AND REAR OF 223 TELEGRAPH ROAD, DEAL** (Pages 40-48)

Erection of a pair of semi-detached dwellings, creation of vehicular access and associated parking

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

9 **APPLICATION NO DOV/15/00099 - LAND ADJACENT TO MUNDELS, CHERRY LANE, GREAT MONGEHAM** (Pages 49-57)

Reserved matters application for the erection of a detached dwelling (details pursuant to outline permission DOV/14/00457)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 28 May 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
S F Bannister
T A Bond
M R Eddy
B Glayzer
K E Morris
D P Murphy
P M Wallace

Officers: Head of Regeneration and Development
Principal Planner
Principal Planner
Principal Planner
Principal Planner (Renewable Energy)
Senior Planner (Development Management)
Senior Planner
Planning Consultant
Development Planner (KCC Highways and Transportation)
Principal Infrastructure and Delivery Officer
Principal Solicitor
Democratic Support 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/15/00321	Ms Stephanie Burke	Mr Phil Stucken
DOV/15/00101	Mr William Osborne	Dr Angeline Kanagasooriam
DOV/15/00115	Ms Debbie Marriage	-----
DOV/14/00477	Mr Ian Bull	Councillor M J Ovenden Mr Richard Clements
DOV/15/00256	Ms Kate Stewart	Mr Roger Ayling

142 APOLOGIES

It was noted that apologies for absence had been received from Councillors T J Bartlett, B Gardner and A F Richardson.

143 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors K E Morris, M R Eddy and B Glayzer had been appointed as substitutes for Councillors T J Bartlett, B Gardner and A F Richardson.

144 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

145 MINUTES

The Minutes of the meetings held on 12 March and 9 April 2015 were approved as correct records and signed by the Chairman.

146 ITEMS DEFERRED

The Chairman advised that Application No DOV/14 01013 (The Beacon Church and Christian Centre, London Road, Dover) had been deferred at the meeting held on 12 March 2015 and was not for consideration at this meeting.

147 APPLICATION NO DOV/15/00321 - PENCESTER ROAD CAR PARK, PENCESTER ROAD, DOVER

The Committee viewed a plan of the application site. The Planning Officer advised that the soup kitchen currently operated from the Russell Street car park. However, due to the redevelopment of the St James's area, it was proposed to relocate the soup kitchen to the motorcycle parking bays in the north eastern part of the Pencester Road car park.

There had been 25 objections, 149 representations of support and 3 representations taking a neutral stance. Dover Town Council had raised no objections to the proposal, but had recommended that a more suitable location should be sought after 12 months. The Council's Community Safety Unit had also raised no objections. Members were advised that there were two proposed additions to the conditions detailed in the report. Firstly, it was proposed to restrict the hours of operation to 6.00pm and 6.30pm and, secondly, to include the standard condition that delegated powers to the Head of Regeneration and Development to settle any necessary planning conditions.

The Planning Officer advised that the key issues for the Committee to consider were set out at paragraph 2.1 of the report. The need for the development was established, the service having been well used for 25 years. Two alternative locations had been explored and discounted for the reasons set out in the report. The reasons for choosing Pencester Road were its central location and accessibility, good parking for volunteers and effective screening from residential properties. In security terms, there was good CCTV coverage and lighting and it was located on a main thoroughfare. There would be an impact on properties in The Paddock and, to a lesser extent, on properties in Maison Dieu Road. However, the portable building was relatively small and it was the use of the development that was more likely to have the greatest impact. Nevertheless, the proposed hours of use were limited and activity after 6.00pm in a town centre was to be expected. Due to concerns raised about security and disorder, it was proposed to give temporary permission for 18 months, to be reviewed after 12 months.

Supported by Councillors T A Bond and M R Eddy, Councillor K E Morris suggested that the operating hours be extended to 7.00pm to allow serving and clearing up to be conducted in an orderly and unhurried manner. Councillor Bond stated that the car park chosen was not ideal given its proximity to residential properties, but he could accept it. The Chairman reminded Members that any permission given would be temporary for 18 months, and would be reviewed after 12 months to consider any problems and identify alternative sites if necessary.

- RESOLVED: (a) That Application No DOV/15/00321 be APPROVED subject to the following conditions:
- (i) Time limit for commencement – 3 years;
 - (ii) List of approved plans;
 - (iii) Hours of operation to be restricted to between 6.00pm and 7.00pm;
 - (iv) Temporary permission – 18 months.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

148 APPLICATION NO DOV/13/01037 - SNOWDOWN WORKING MEN'S CLUB, SNOWDOWN, AYLESHAM

The Committee viewed photographs and a plan of the application site. The Planning Consultant advised Members that the proposal involved the demolition of the working men's club, and the erection of four pairs of two-storey, semi-detached residential dwellings with a frontage on Holt Street.

As an update, the Planning Consultant reported that the lead local flood authority, Kent County Council (KCC), although not a statutory consultee on small-scale developments, had confirmed that it had no concerns in relation to local flood risk in the area. KCC Archaeology had raised no objections. However, its comments on the previous application remained relevant and it required a watching archaeological brief. Aylesham Parish Council supported the application and confirmed that it would be able to use the developer contribution sought for increasing the capacity of the play area. Access had been improved following initial concerns raised by KCC Highways, Transportation and Waste. The location was well served by mainline train and bus services. In respect of drainage, surface water details would be covered by condition, with details to be provided and agreed before commencement.

In policy terms, the application site was outside settlement confines and, therefore, contrary to Policy DM1 of the Core Strategy. However, the Council had a shortfall in its 5-year housing land supply which meant that policies in the Council's Development Plan could not be considered as being up-to-date and, consequently, carried less weight when assessing applications. In such circumstances, paragraph 49 of the National Planning Policy Framework (NPPF) – and its presumption for sustainable development - should be considered as a significant material consideration. Whilst the shortfall would be reduced by the recent outline planning permission given for the Salvatori site at Preston, a shortfall remained nevertheless. Notwithstanding these considerations, other Development Plan policies could be taken into account when assessing the application, where they accorded with the NPPF. For example, DM15 which related to protection of the countryside was still relevant, as was DM16. The proposed development would be visible in the open countryside and therefore contrary to DM15 to some degree. However, it was necessary to weigh the harm that would be caused against the other benefits of the scheme.

In summary, Members were advised that the application must be viewed against its social and economic impacts. The development would assist in addressing the Council's housing land shortfall, and was on a site which had previously been developed and enjoyed good access to public transport. Furthermore, the design was now sympathetic to the location. Officers considered that the limited harm that would be caused to the countryside did not outweigh the benefits of the scheme, and planning permission should be granted.

Councillor B W Butcher welcomed the proposal, stating that it ticked many boxes and would improve a site that was currently a real eyesore. Although drainage was a potential difficulty, this could be overcome by conditions.

- RESOLVED: (a) That, subject to the satisfactory resolution of matters relating to the play space contribution, including the completion of a Section 106 Agreement (if justified/necessary following consultation with the Parish Council), Application No DOV/13/01037 be APPROVED subject to the following conditions:
- (i) Development to commence within 3 years of the grant of permission (DP04);
 - (ii) In accordance with the approved plans numbered C.01 Rev B, 101 Rev E, 102 Rev E, 011, 012, 013 Rev A, 004 Rev B and 005 Rev C (DP08);
 - (iii) Contamination found during development (CO5);
 - (iv) Prior to commencement of development, a Surface Water Drainage Scheme, including management and maintenance strategy. The approved scheme shall be fully operational prior to first occupation;
 - (v) Samples of materials;
 - (vi) Soft and hard landscaping details and landscape management strategy to be submitted and approved prior to commencement, with the approved scheme to be in place prior to occupation;
 - (vii) Management and maintenance plan for landscaped areas outside of private gardens;
 - (viii) Boundary details to be submitted and approved prior to commencement; and the details approved in place prior to occupation;
 - (ix) Windows in 100mm reveal;
 - (x) Construction vehicle loading/unloading and turning facilities;

- (xi) Parking facilities for site personnel and visitors during construction;
 - (xii) Measures to prevent the discharge of surface water onto the highway;
 - (xiii) Provision of wheel-washing facilities prior to commencement of work on site and for the duration of construction;
 - (xiv) Provision and permanent retention of vehicle parking spaces prior to the use commencing;
 - (xv) Use of a bound surface for the first 5 metres of the access from the edge of the highway;
 - (xvi) Secure, covered cycle parking prior to the use commencing;
 - (xvii) Completion of the access shown on submitted plans including the necessary vehicle crossing in the footway, prior to the use of the site commencing;
 - (xviii) Provision and maintenance of 80 metres (west) and 2.4 metres visibility splay at the junction of Aylesham Road and Holt Street with no obstructions over 1.05 metres above carriageway level within the splay, prior to the use of the site commencing;
 - (xix) Provision and maintenance of 25 metres x 2 metres x 25 metres visibility splay at the site access with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing;
 - (xx) Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6 metres above footway level, prior to the use of the site commencing;
 - (xxi) Provision prior to first occupation and subsequent maintenance of a continuous fence and hedge along the Holt Street frontage;
 - (xxii) Noise mitigation measures to be submitted and approved prior to development commencing;
 - (xxiii) Archaeological watching brief.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and Section 106 matters in accordance with the issues set out in the report and as resolved by the Planning Committee.
- (c) Informatives: In respect of bats, works to highway, lighting, burning of waste and demolition and construction noise.

APPLICATION NO DOV/15/00101 - LAND NORTH OF BEAUCHAMPS,
BEAUCHAMPS LANE, NONINGTON

Members were shown photographs and a map of the application site. The Senior Planner advised that, since the report was written, two further letters of objection had been received, raising questions about which businesses would benefit from the development, reasons behind the choice of location, health issues and financial compensation for loss of views. One letter of support had been received, referring to the improvement in telecommunications in the area.

The Senior Planner advised that the proposal would provide a service to 18 'not spots' and 95 premises which did not currently have mobile phone coverage. The application site was situated in the countryside where development would not normally be permitted, unless it functionally required such a location which this proposal did. Eleven alternative sites had been considered but discounted. There were a number of listed buildings in the surrounding countryside, the nearest being situated 330 metres away. However, due to separation distances and the numerous areas of vegetation/screening, it was considered that the development would cause no harm to the listed buildings or their settings. Finally, it was the view of Officers that the mast would not be prominent in the landscape albeit that the top would be visible above the trees.

In response to Councillor S F Bannister who questioned whether the proposed location was technically the best place for the mast, the Senior Planner advised that a technical document had been submitted with the application, demonstrating that there would be full coverage of Nonington and beyond to the edges of Aylesham, Elvington and Chillenden. Councillor Bannister indicated his support for the proposal, given the extensive screening. Councillors Bond, Eddy, B Glayzer and P M Wallace also voiced doubts that this was the right location for the mast and questioned whether better coverage could be achieved elsewhere. The Chairman reminded them that this particular site had not been casually chosen.

The Senior Planner clarified that the site had been chosen because it offered the greatest benefits and the fewest disadvantages given its distance from listed buildings and residential dwellings and the adjacent copse of large trees which would help to screen the mast. Moreover, lengthy and detailed technical evidence had been submitted which had demonstrated to Officers' satisfaction why other sites had not been chosen.

Councillor Bannister withdrew his motion to approve the application and suggested that a site visit should be held to assess the relationship between the proposed development and historic assets. Councillor Eddy added that further information on coverage and siting, showing the development in relation to the surrounding topography and heritage assets, should also be provided for the next meeting when the outcome of the site visit would be considered.

RESOLVED: That Application No DOV/15/00101 be deferred on the following grounds:

- (i) That, in order to assist Members in assessing the relationship between the proposed development and nearby heritage assets, a site visit be held on Tuesday, 23 June 2015 and Councillors S F Bannister, B Glayzer, D P Murphy, F J W Scales and

P M Wallace (reserve: Councillor M R Eddy) be appointed to visit this site.

- (ii) That Officers be requested to provide further information relating to coverage and siting in general (including maps).

150 APPLICATION NO DOV/15/00115 - LAND AT MARSHBOROUGH FARM, MARSHBOROUGH, WOODNESBOROUGH

The Committee was shown photographs and maps of the current and previous application sites. The Principal Planner (Renewable Energy) advised that the site was low-lying agricultural land situated to the west of the A256. The current site was 9.7 hectares in size as opposed to the 19.2 hectares of the site that had been the subject of an application refused by the Committee in 2013. Whilst the previous proposal would have involved the loss of Best and Most Versatile agricultural land of Grade 3 or higher, the agricultural land on the current site was classified as Grade 3B land or lower. It was considered that the development would not be prominent in the landscape, with fleeting or glimpsed views only. Although there would be views from the A256 for a distance of approximately 400 metres, tree and hedge planting mitigation measures would address this. No technical, flooding or highways issues had been raised and no public letters of objection had been received. Officers considered that the benefits of the scheme outweighed any harm that would be caused, and recommended the development for approval.

Councillor J S Back supported the proposal which was significantly better than the application that had been refused. Councillor Butcher referred to Woodnesborough Parish Council's support for the proposal and the absence of any objections from local residents.

RESOLVED: (a) That Application No DOV/15/00115 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Development carried out in accordance with Construction Management Plan (as amended);
- (iv) Landscaping and biodiversity to be carried out in accordance with submitted details;
- (v) Archaeological watching brief;
- (vi) Further details of land drainage run-off to be submitted;
- (vii) Works to stop in event of contamination being found;
- (viii) Details of bunds to be submitted to ensure no oil spillage in construction compound area;

- (ix) Construction compound to be removed post completion;
 - (x) Arrays to be removed after 25 years;
 - (xi) Implementation of decommissioning plan;
 - (xii) No external lighting;
 - (xiii) Colour of buildings in accordance with revised details.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

151 APPLICATION NO DOV/14/00477 - LAND AT MONKTON COURT LANE, EYTHORNE

Members were shown photographs and plans of the application site. The Senior Planner (Development Management) updated the Committee on the additional representations that had been received since the report was written. One e-mail circulated to Committee members before the meeting referred to the proposal being a major development that would affect the Conservation Area and be seen from Waldershare Park. Two other representations had raised points regarding car headlights shining into properties and construction vehicles which, if parked on Monkton Court Lane, could impede access for emergency vehicles. An e-mail had also been received regarding outbound vehicle traffic movements in Shepherdswell. The traffic data provided were a duplication of those submitted as part of Shepherdswell and Coldred Parish Council's comments the preceding year.

The Senior Planner read out the preamble to a petition that had been received containing 352 signatures. In respect of the most recent amended plans, it was clarified that these had been sent to parish councils for information only. It was confirmed that the draft Section 106 Agreement was with the Council's Solicitor and, provided that it was specific in respect of securing book stock provision for the mobile library serving Eythorne, it would satisfy Community Infrastructure Levy tests in respect of the pooling of contributions. It was also clarified that the reference in paragraph 3.43 of the report related to peak times.

The proposal was for 20 dwellings on a site which lay outside the village confines of Eythorne, adjacent to the Conservation Area. The original scheme had proposed 26 dwellings and allotments, but the number of dwellings had been reduced and the allotments removed following discussions with Officers. The amended layout and design now provided a looser grain of development, with a central adopted highway from Monkton Court Lane with four private drives, each serving 5 dwellings. A 10 to 20-metre deep landscaped buffer with the countryside was also proposed. In respect of drainage, the proposals included a sustainable urban drainage system that would use a series of swales along the front boundary and eastern boundary of the development. Each garden would also have a private soakaway.

The Senior Planner summarised the main issues detailed in the report. There were several key policy issues for the Committee to consider. The site lay outside the settlement confines and was therefore contrary to Policy DM1 of the Core Strategy. It was also a site which had not been allocated for development in the Council's Land Allocations Local Plan. However, due to the fact that the Council did not have a 5-year housing land supply, DM1 carried less weight and it was therefore necessary to assess the application primarily against paragraphs 14 and 49 of the NPPF. That said, whilst DM1 carried less weight, Core Strategy Policies DM15 and DM16 which were concerned with the protection of the countryside remained relevant and continued to attract considerable weight as they accorded with the NPPF. In accordance with paragraph 14, Members would need to consider whether any adverse impacts of approving the scheme would significantly and demonstrably outweigh any benefits of doing so.

The Senior Planner advised that, whilst the proposal would result in the direct loss of countryside, it would not significantly affect the character of the landscape given the relative containment of the site. The visual impact would also be contained in a local setting. The benefits of the scheme included that it would help to meet the shortfall in the Council's 5-year housing land supply and deliver 30% affordable housing. There would also be no harm in ecological terms. The scheme's impact on nearby designated heritage assets, Waldershare Park and Eythorne Conservation Area, and their setting, had to also be considered. However, Officers had concluded that there would be no harm to views into or out of these heritage assets or their settings. It was also felt that there would be no detrimental harm to residential amenity. Developer contributions would be secured in respect of mobile library book stock, play space improvements and the Thanet Coast and Sandwich Bay Special Protection Area. Traffic counts had been questioned by third parties, and counts provided by Eythorne and Shepherdswell and Coldred Parish Councils had been taken into account. The proposal was considered acceptable in highways terms. Flood risk and water management issues were considered to have been satisfactorily addressed by way of a pre-commencement condition, further to consultation with the relevant statutory consultees.

A disadvantage of the scheme was that it would lead to the loss of a significant amount of Best and Most Versatile Grade 1 agricultural land. However, the loss of this land would not by itself be a compelling and overriding reason to justify refusal of the application. In conclusion, Officers were satisfied that, having considered all matters in the report, the proposal would constitute sustainable development where social, economic and environmental gains would be achieved.

The Head of Regeneration and Development clarified that the supply of housing at Farthingloe had already been included in the Council's housing land supply calculations. Whilst planning permission for this site had been granted, the development was the subject of a judicial review. Calculations on the housing land supply were based on several factors and subject to change, which is why they were reviewed annually. It was not simply a question of deducting the number of houses in a proposed development from the housing land supply shortfall.

Councillor Morris commented that it was his understanding that, due to the Council's housing land supply shortfall, the Committee was forced to fall back on the NPPF which had a presumption in favour of approval unless there would be significant and demonstrable harm. Whilst Officers had concluded that the scheme would be sustainable, this was surely a matter of opinion.

The Head of Regeneration and Development advised that this was broadly correct. There was a presumption in favour of sustainable development within the NPPF which applied in all cases. Where the Council was unable to demonstrate a 5-year housing land supply, its policies for the supply of housing (i.e. the Local Plan) became out-of-date. Whilst the Council may have policies which constrained or prevented developments such as the one proposed, these had a lot less weight as a result of the mechanism within the NPPF. The onus shifted on assessing proposals against the sustainability tests of the NPPF which presumed that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Councillor Back felt that sufficient planning permissions had been granted to meet the Council's housing land supply. Not only was the proposed development contrary to DM1, but the applicant had failed to address all of the Officers' concerns which were set out in a series of bullet points in paragraph 1.6 of the report.

Councillor Bannister was concerned that new house-building targets were being used as a 'straitjacket' around communities and residents. Whilst the report was logical and well written, and a good deal of work had been done to achieve a good development, he was against the proposal because it was outside the settlement confines and would involve the loss of agricultural land. In addition, the development would generate significant traffic since it was unlikely that many people would drive or cycle to Shepherdswell to use the train. It was beholden on the Committee to take residents' views into account, and policies to protect the countryside were there for a reason. Councillor Bond was of the view that the LPA's policies were not automatically 'defunct' because of the NPPF. If there was to be a departure from the Local Plan, Members needed to weigh up the pros and cons of the scheme. He doubted the estimated traffic movement figures and expressed concerns about the location of the site opposite the Conservation Area. He also questioned whether there was sufficient infrastructure in place, and referred to the loss of Grade 1 agricultural land.

The Senior Planner clarified that the site was not in a flood plain but rather in a Flood Zone 1 area where Environment Agency maps indicated that localised flooding occurred. The necessary statutory consultations had been undertaken. It was for the LPA and Environment Agency to ensure that the development did not exacerbate existing problems, but it was not a requirement that the proposal should rectify an existing problem. In terms of school capacity, KCC had confirmed that no financial contributions were required towards additional school places and/or improvements, demonstrating that the primary school had sufficient capacity. KCC Highways and Transportation had considered the traffic data and its conclusions were set out in the report. The KCC Highways and Transportation Development Planner added that traffic movements had been calculated using information from a national database which took into account that some residents would be retired and others, whilst working, would work flexible hours or from home. In terms of the development's effect on heritage assets, it was only the south-west corner of the development that adjoined the Conservation Area, and views from and to the Conservation Area were limited. Moreover, it was considered that the development would be relatively contained within the landscape. In response to the point raised by Councillor Back, it was confirmed that all of the concerns raised by Officers had now been addressed. Members were advised that they would need to judge the application on sustainability grounds and their decision would be one taken on balance.

Councillor Eddy proposed that the application should be refused on the grounds that it was outside the settlement confines, would have an adverse impact on the countryside and heritage assets, would involve the loss of Grade 1 agricultural land and increase travel demand. Following advice received from Officers, the Committee agreed that the application should be refused on the grounds that it conflicted with Policies DM1, DM15 (and by extension DM16) of the Core Strategy and saved policy CO8 of the Local Plan, and would involve the loss of Grade 1 agricultural land.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/14/00477 be REFUSED on the following grounds:

- (i) The development would result in the significant development of Grade 1 Best and Most Versatile Agricultural Land, and the permanent, irreversible loss of such land, that would result in harm to the environmental quality of the area, such that the harm is not outweighed by the benefits of providing housing. The development would thereby be contrary to the provisions of the National Planning Policy Framework.
- (ii) The development outside of confines would result in the direct loss of countryside, and loss of part of the hedgerow to Monkton Court Lane, and by virtue of the location of the site adjoining the edge of the village settlement, and the scale, height, form and design of the dwellings, would result in localised harm to the character of the countryside immediately adjoining Eythorne where it forms an important transitional, soft edge between the settlement and the countryside. The harm to the countryside is not outweighed by the benefits of providing housing, and would be contrary to policies DM1, DM15 and DM16 of the Dover District Core Strategy, saved policy CO8 of the Dover District Local Plan and the provisions of the National Planning Policy Framework.
- (iii) In light of the foregoing reasons, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework.

152 APPLICATION NO DOV/15/00256 - LAND AT SALVATORI, NORTH OF GROVE ROAD, PRESTON

Members viewed photographs, layout plans and a location map of the site. The Principal Planner advised that the application was a Reserved Matters application for the erection of 70 dwellings on a parcel of land that was one of three granted outline planning permission in December 2014. The other two parcels of land were former depots owned by Salvatori and not part of the application before Committee.

Since the report was written, Kent Fire and Rescue had confirmed that it had no objections to the proposals. Two letters had been received, the first raising concerns that sewers would not cope, particularly during periods of heavy rain. The second, from the National Farmers' Union, raised concerns about sewage control and the potential effect on high value crops in nearby land, urging that a robust sewerage system must be in place. Finally, following concerns raised by Preston

Parish Council about the proposed use of white weatherboarding, the applicant had agreed to look at other colours and to consult the Parish Council before submitting details to the LPA.

The outline permission had required the cessation of the Salvatori business, together with the demolition of buildings, remediation of land and creation of meadow land. Since the issue of the decision notice in March, along with the Section 106 Agreement covering financial contributions and various trigger points, the site had been sold to David Wilson Homes which would be bound by the notice and the legal agreement. The principle of development on this site was not for reassessment, only those reserved matters such as layout, appearance and landscaping. Reserved matters relating to the meadow land and depot land would be the subject of separate applications. Members were referred to the report which set out details relating to foul and surface water drainage. These would be conditioned and the relevant bodies consulted once details had been submitted, and were not for consideration at the meeting.

The Local Planning Authority (LPA) had worked with the applicant on the layout of the scheme with a view to achieving various objectives, such as road-fronting houses, spacious residential plots, a soft buffer along the northern boundary and satisfactory parking, access and highways arrangements. Officers were now satisfied that these objectives had been met.

In response to Councillor Bannister, the Chairman clarified that there was no provision for affordable housing within the development itself. However, there was an option for the LPA to acquire a one-acre site for this purpose. The land in question would be gifted and had been included in the Section 106 Agreement. That said, there was no guarantee that the LPA would take this site forward as much would depend upon whether it was suitable for such a development. Councillor Bond queried whether the 30mph speed limit outside the site could be extended and the Chairman supported this proposal. In response to Councillor Bond, the Chairman advised that conditions were already in place to ensure that adequate drainage infrastructure was in place. Southern Water's agreement to foul and surface water plans was required before development could commence and it was they who should be held to account in the event of problems relating to foul sewerage.

The Principal Planner advised that the speed limit was a matter of principle for KCC Highways and Transportation to raise at the outline stage and it had not raised any concerns at that time. The issue was one that could be addressed during Section 278 discussions between the developer and KCC. The Chairman welcomed that the developer had agreed to consult the Parish Council on materials.

RESOLVED: (a) That Reserved Matters Application No DOV/15/00256 be APPROVED subject to the following conditions:

- (i) A list of the approved plans;
 - (ii) Archaeology condition for the implementation of archaeological field evaluation works.
- (b) Informatives:

- (i) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents, where required, are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways, Transportation and Waste to progress this aspect of the works prior to commencement on site.
- (ii) Extension of the 30mph speed limit.
- (c) That powers be delegated to the Head of Regeneration and Development to settle and add any necessary planning conditions and matters, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

153 APPEALS AND INFORMAL HEARINGS

Members were referred to the report which indicated that, for the period January to March 2015, 20% of appeals had been upheld, well within the annual target of 25%.

RESOLVED: That the report be noted.

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

The Committee was advised that the Chairman and Vice-Chairman of the Planning Committee had given their agreement on the conditions and the content of the Section 106 Agreement relating to Phase 1 of the Whitfield expansion scheme.

RESOLVED: That the verbal update be noted.

The meeting ended at 9.08 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 25 JUNE 2015

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

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

1. DOV/14/01013 **Outline Planning Application, with all matters reserved, for the erection of nine flats (existing church to be demolished) – The Beacon Church and Christian Centre, London Road, Dover (Agenda Item 6 of 12 March 2015)**

This application is not for consideration at this meeting

Background Papers:

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

MIKE EBBS

Head of Regeneration and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Technician (telephone 01304 872471).

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

The Officer to whom reference should be made concerning inspection of the background papers is Abi Robinson, Planning Technician, Planning, Council Offices, White Cliffs Business Park, Dover (Telephone: 01304 - 872471).

IMPORTANT

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

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

The Development Plan

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

The South East Plan 2009
Dover District Core Strategy 2010
Dover District Local Plan 2002 (saved policies only)
Kent Minerals Local Plan : Brickearth 1986
Kent Minerals Local Plan : Construction Aggregates 1993
Kent Minerals Local Plan : Chalk and Clay and Oil and Gas 1997
Kent Waste Local Plan 1997

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2015

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

Application: DOV/14/01211

Land Off, Ark Lane

Deal

CT14 6PX

TR 3757:5333



- a) **DOV/14/01211 - Demolition of existing building and erection of 14 town houses, estate road, garages, parking areas and landscaping - Land off Ark Lane, Deal**

Reason for report: Level of public interest.

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM2 seeks to protect land last in use for employment purposes subject to: land or buildings are no longer viable or appropriate for employment use.
- Policy DM5 seeks a contribution towards the provision of affordable housing for developments between 5 and 14 houses.
- Policy DM13 sets out parking standards and states that parking should be a design led approach based upon characteristics of the area.
- CP2 identifies the requirement for allocating land for houses and employment.
- CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development

Land Allocations Local Plan

- Policy DM27 - Sets out standards for providing open space to meet additional need generated by residential development of 5 or more dwellings

National Planning Policy Framework

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- Paragraph 49 housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should be considered out of date if a 5 year supply of deliverable housing sites cannot be demonstrated.
- Paragraph 109 Planning system should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes.

- Paragraph 128-136 LPAs should assess significance of any heritage asset which may be affected by a proposal. Where proposal would lead to less than substantial harm, harm should be weighed against public benefits of proposal. The more important the asset the greater the weight should be.

National Planning Practice Guidance

Introduced on 6 March 2014. Provides guidance on a number of planning issues and supplements advice in the NPPF. Detailed advice in respect of flooding and advice on the need for specific flood risk assessments for sites vulnerable to flooding.

Other Planning Documents

- Affordable Housing SPD.
- Kent Design Guide

d) **Relevant Planning History**

A number of applications relating to previous use of the site not relevant to this proposal.

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

Technical consultations

KCC Highways – No objections in principle bearing in mind previous use as factory and to minor amendments including footway radius at the entrance and to street bollards being set back 5.5 metres from Ark Lane. Both items have now been addressed.

Southern Water- No objections and confirmation from a capacity check that there is sufficient capacity in the network to accommodate the proposal. A formal application will be required to connect to the foul sewerage system. Details of future maintenance of SUDs should be provided.

Environment Agency – Accepts findings in the Flood Risk Assessment(FRA) but points out that the site remains in a Flood zone 3a area and could be affected in an event which exceeds the design flood event. Supports flood resilience measures in the FRA as well as a condition that no sleeping accommodation should be on ground floor. Would also wish to see finished floor levels no greater than 300mm above existing levels.

KCC Fire & Rescue Service – No objections and from submitted plans it appears access to the site for fire safety reasons is adequate.

KCC Archaeology – No pre determination studies required at this stage but would wish to see archaeological condition imposed which would require some trial trenching post determination.

Environmental Protection Officer - Accepts conclusions of contamination study and that some sampling will be carried out. No objections subject to a condition requiring further details in relation to that.

Third Party Responses

Deal Town Council- Currently objects but would withdraw objection if 1) brick wall between Outdowns and the site is erected before development takes place and 2) a Traffic Management Plan is imposed to ensure no conflict with local school. 3) No development to take place until necessary infrastructure is available to service the development and implemented prior to occupation. (NB – Applicant has written to Town Council in response to the above but no further response currently received from the Town Council)

19 letters of objections for reasons which may be summarised as follows:

*A wall should be erected between the site and Outdowns as originally intended. A number of representations advised that they would have no objections if this was secured.

*Traffic concerns along Ark Lane/College Road

*There is a lot of wildlife on the site as a result of mature trees which should be retained.

*Loss of light/overshadowing/privacy to houses in College Road

*3 storey properties are too high

*Concern about impact of construction activities for local schoolchildren travelling to and from school.

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

1.1 The site is located on the northern side of Ark Lane and comprises a rectangular shaped area of land 0.347 hectares in area. It is presently occupied by a vacant low lying factory building which was previously used for the manufacture of sports clothing, with the remainder of the site taken up with hardstanding. It sits down slightly below the level of Ark Road itself and there is an existing vehicular access onto that road. Either side of the access are rows of mature trees on a splayed grass frontage on land which belongs to Kent County Council.

1.2 To the north and partly beyond the western boundary of the site is a recently constructed residential development known as Outdowns, which includes a Doctor's surgery. These comprise primarily 3 storey town houses. Beyond the remainder of the western boundary is a car park serving a 2 storey residential block of flats known as Sandown Place. To the east are 2 and 3 storey properties which front College Road which are mostly Grade II listed.

1.3 The proposal is to erect 14 x 3 storey town houses which will be grouped around a central access road, either fronting on to that road or at right angles to it. The design draws references from the adjoining Outdowns development but introduces its own character through the use of strong gable elements. A palette of materials is proposed using references from materials elsewhere in the town, which includes stock bricks on the ground floor, cladding above and with slate roofs. Parking is based on Kent Design standards with a total of 29 spaces being provided together with cycle provision within rear garden sheds. The road is intended to remain private but is designed to adopted standards and will have an automated barrier system to prevent unauthorised access or parking. It will be a shared surface for vehicles and pedestrians with vehicle speeds being controlled through laybys and planting. Landscaping will include tree planting along the main

road as well as the edges of the site. Two of the frontage trees will be removed with all others being retained but will be cut back where they currently overhang the site.

- 1.4 The original design intention was to create a public access at the rear of the site with Outdowns to improve pedestrian permeability between the two sites. However, following extensive consultation with local residents who objected strongly to the idea, it was dropped and a solid rear boundary wall will now be constructed.

2. Main Issues

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

- The principle of the residential use
- Design and layout
- Flooding Issues
- The impact upon residential amenity
- Impact upon heritage assets
- Other Matters
- Development contributions

3 Assessment

Principle of the residential use

- 3.1 Notwithstanding the site's urban location and vacant use, it was not included in the Council's Land Allocations Local Plan (LALP) primarily because it is located in Flood Zone 3a i.e. it is vulnerable to flooding, and there were other sites identified which did not have that constraint. That situation was accepted by the Inspector conducting an examination into the LALP and the Plan was adopted by the Council in January 2015 without its inclusion. However since that time, the Council's Annual Monitoring report has identified that there is a shortage in the 5 year supply, largely because of a deficit in on site starts and therefore annual completions. In such circumstances, as referred to above the NPPF advises that relevant policies for housing should not be considered up to date and that proposals should be considered in the context of a presumption in favour of residential development.
- 3.2 In that respect, the site lies wholly within the urban fabric of Deal and is surrounded by other residential development. It is close to local amenities and services including a primary school, community centre, the recently constructed Doctor's surgery and public playing fields. It is within walking or cycling distance to most of these and close to bus routes.
- 3.3 Evidence submitted with the application demonstrates that the former use caused problems in terms of large vehicles using the site, together with a number of noise complaints experienced by occupiers of nearby residential properties. The proposed residential use is therefore considered a more neighbourly form of development in that respect.

- 3.4 Notwithstanding the above, Policy DM2 of the Core Strategy seeks to protect employment land subject to exceptions if the land or building is no longer viable or appropriate for employment use. In that respect, evidence has been submitted showing previous attempts to market the site for employment or business activity which met with little success. In support of the current application, evidence from professional surveyors point to the availability of better suited accommodation elsewhere in the District, such as Discovery Park or Minter's Yard in north Deal, both of which are yet to be fully occupied. Additionally, the building itself is dated and not suited to current needs or standards. Having regard to that advice, the fact that the site is poorly located for an industrial use and has caused problems in the past, and the fact that a residential use is a better alternative use, officers consider that the exceptions in Policy DM2 are satisfied and that there is no objection in that respect.
- 3.5 In the light of the above, the proposal is considered to be acceptable in principle for residential development, notwithstanding the fact that it is not allocated specifically for that purpose, subject to there being no adverse impacts which would demonstrably outweigh those benefits. These issues are considered below.

Design & Layout

- 3.6 The layout proposes reusing the existing access on to Ark Lane with a central access road leading to two communal parking areas. The intention is that it will act as a 'home zone' with footpath and carriageway shared by pedestrians and vehicles but with the carriageway itself demarcated with bollards. High quality surfacing materials will be used including granite setts and bonded gravel. The combined design and use of materials will provide a sense of place to the development rather than being dominated by a conventional estate road. KCC has raised no objections to the proposed highway arrangements which will be constructed to adoptable standards although will remain private. Similarly no objections are raised to the rising bollard at the entry to the site which is designed to prevent any indiscriminate parking within the site (a problem being experienced by the adjoining site at Outdowns) and will be maintained as part of the overall maintenance of common areas.
- 3.7 The design is conceived to reflect a strong seaside defence wall on the ground floor, using reclaimed stock brickwork, with oversailing residential accommodation above on three floors. A three storey development is considered appropriate in context with the surrounding area comprising a mixture of two and three storeys. The design makes reference to the adjoining development at Outdowns with the use of strong gable features, and will therefore be satisfactorily integrated within the surrounding area. Similarly, the use of materials such as stock brickwork, slate cladding and slate roofs are all sympathetic to the local area whilst at the same time will be used in a contemporary way, particularly the slate clad elevations. Photovoltaic panels are proposed on the roofs although no specific details have been supplied at this stage. A Code for Sustainable Homes Assessment indicates that a Code level 3 can be achieved, together with some elements of

Code 4. However, in April of this year, the Government have withdrawn the Code in the Deregulation Bill and therefore it is no longer appropriate to seek to ensure the standard is delivered through the planning system.

- 3.8 Parking will be in accordance with Kent standards which require a total of 28.5 spaces. 29 spaces will be provided in a mixture of garages and small parking courts. However, all spaces will be conveniently located to individual dwellings. Provision is also made for storage of 1 cycle space per dwelling, either in garages which will be constructed to 6 metres in length, or in sheds which are to be provided in each rear garden. Plans show that refuse vehicles can enter and turn on site in accordance with standards.
- 3.9 Rear garden areas are considered adequate in this urban location and all will be capable of accommodating refuse storage and washing lines in addition to garden sheds. However, given their relatively limited size officers would recommend that permitted development rights be removed having regard to the potential size of extensions which could be permitted without the need for planning permission.
- 3.10 As referred to earlier, most of the frontage trees will be maintained albeit cut back where they currently extend into the site, and will provide a mature and pleasant appearance to the entrance of the site. There will be additional tree planting along the proposed access road to provide balance for what will be an essentially hard landscaped area, together with further tree planting along rear boundaries.
- 3.11 In overall terms, officers consider that the proposed design and layout has been well considered and will provide a sensitive but contemporary addition to the urban fabric of the area.

Flooding Issues

- 3.12 The site is included within Flood Zone 3a on the Environment Agency's flood Map and therefore has a 1 in 100 year or greater annual probability of river flooding or 1 in 200 or greater annual probability of sea flooding. In this case it is the latter and to put it into context, a large part of the Deal urban area also falls into that same zone. Primarily for that reason, new flood defence infrastructure was recently completed in June 2014 along the Deal frontage. Together with a rock revetment at Sandown castle and new wave wall and new beach, coastal flood defence works now provide a 1 in 300 year standard of protection against coastal flooding and wave overtopping.
- 3.13 Because of the site's location, a full Flood Risk Assessment (FRA) was submitted. In accordance with national policy advice in the NPPF and National Practice Guidance, it is necessary for development in such areas to pass both the sequential and the exception test. The purpose of the former is to guide development to less vulnerable areas. However, as referred to above, that is difficult in the case of Deal given that most of the urban area lies within Flood Zone 3 and there are no obvious other sites within the town centre which pose less risk. The 3 allocated sites within the LALP are now committed and the remaining allocation relies heavily on windfall sites such as

the current proposal, coming forward. Given its sustainability advantages and other site specific advantages as noted above, it is considered to be acceptable from a site sequential point of view.

- 3.14 With regard to the exception test, the two key components are the wider sustainability benefits and the outcome of the specific flood risk assessment. The former has been dealt with above. The FRA notes that all sleeping accommodation will be at first floor level and that the finished floor levels will be 150mm above existing ground levels which would be sufficient for both actual risk events and residual risk events such as the new sea defences failing. The calculations were based on a numerical hydrodynamic flood model and have been accepted by the Environment Agency. However as a further precautionary measure, the Agency would prefer to see thresholds set at 300mm above ground level due to the risk of some overland flow. The applicants are reluctant to pursue that owing to design implications and potential impact upon amenity of adjoining properties. They are currently in discussions with the Agency on this point and officers will update members at the meeting.
- 3.15 In addition to the above, current surface water run off from the amount of hardstandings will be reduced through the provision of garden areas and the use of permeable surfacing leading to soakaways. Given the fact that it is a constrained urban location the opportunities for such items as ponds are impractical. The principle will be that soakaways will either be in private gardens in the form of a storm-cell crate construction with inspection points, and two further soakaways within the road area. Further details need to be clarified, including the need for future ongoing maintenance, but such measures can be secured through a planning condition.

Impact upon residential amenity

- 3.16 The two issues which have raised local concerns relate to the relationship of the site with the neighbouring development at Outdowns, and with properties in College Road to the east.
- 3.17 In terms of Outdowns, there seems to have been a perception that construction would be via that development which would clearly be undesirable. That seems to have stemmed from the fact that a section of boundary between Outdowns and the application site was finished as a timber fence rather than a wall as is the case with the adjoining section of boundary in that area. The applicant has confirmed that was not the intention and all construction traffic will access the site via the existing access from Ark Lane with the approval of Kent Highways. The applicant has also confirmed that the northern section of boundary wall will be completed at the same time as foundations are commenced on the site. Although some representations have requested that the wall be provided before any construction starts, officers consider that is unreasonable. A suitably worded condition for the wall to be constructed commensurate with foundations together with a further condition to prohibit any construction traffic from using Outdowns, is considered to be sufficient to safeguard the concerns.

- 3.18 A consequence of using Ark Lane is the potential impact upon the local school as children are arriving and departing. However the applicant has indicated that a Construction Management Plan (CMP) will be prepared which will include the following: no deliveries to the site will be carried out between 8.30 and 9.30 and 3.30 to 4.30 during school term week days; no construction or other access shall take place other than from Ark lane; details of construction compound to be provided; a direction to construction workers not to park in the adjoining Outdowns development. Details of the CMP can be secured through a suitable planning condition.
- 3.19 With regard to the potential impact upon properties in College Road, officers consider that the spacing between the elevations of the properties and those of College Road (as opposed to their gardens) will be for the most part in excess of 20 metres which is considered acceptable in this urban location. However, following concerns expressed about loss of sunlight the applicants were requested to carry out a sun path study. That study has been assessed against guidelines from the Building Research establishment which recommend that at least half a garden area should receive at least 2 hours of sunlight, or alternatively, an area which receives 2 hours of direct sunlight should not be reduced by more than 20%. The study demonstrates that for much of the year there will be no adverse impact but that the worst case would be during the autumnal equinox on No 17 College Road which would see a 12.8% reduction in sunlight. Whilst therefore there will be some minor impact, it will be less than guidelines recommended and therefore there would be no basis to oppose the scheme for that reason alone, particularly when weighed against other advantages.
- 3.20 Elsewhere within the development fenestration has been carefully sited to avoid direct overlooking of adjoining properties for the most part or where it does, separation distances are considered reasonable within this urban context. The one exception is a landing window at second floor level to Unit 8 on the eastern side of the site. It is recommended that this be obscure glazed which can be secured through condition

Impact upon Heritage Matters

- 3.21 Given the proximity of listed buildings the statutory test is to have special regard to the impact of any development and the desirability of preserving the listed buildings themselves, or their setting. In this instance it is only the latter which is a consideration.
- 3.22 The primary value of the terrace of listed buildings is the composition they make to the street scene in College Road where they present an attractive and unified appearance. At the rear and backing on to the site, their appearance is less attractive with rear projections and outbuildings in modest gardens. As referred to above, the development has been set well away from the common boundary with the College Road properties and there is good screening from several trees which will remain. Additionally, the design of the proposed scheme together with sensitive choice of materials which complements the yellow stock and slate roofs of the listed buildings is

a significant improvement visually compared to the relationship of the current building on the site to those properties in College Road. For these reasons, officers are satisfied that the setting will be preserved.

Other Matters

- 3.23 The applicant has been in detailed discussions with KCC Archaeology, and the latter is satisfied that there is no requirement for any prior evaluation. Investigation is likely to take the form of trial trenching across the site with any follow up work dependent upon the outcome of that. A suitable condition can secure the detailed specification required.
- 3.24 A detailed contamination report was carried out which concluded that there was a low risk of contamination on the site and there was no reason why it could not be developed for housing. Environmental Protection officers have accepted those conclusions but recommend a condition to ensure sampling is carried out and any contamination discovered following commencement of on site works can be suitably dealt with.
- 3.25 Southern Water has confirmed that there is sufficient capacity in the foul sewer to accommodate the development, which would be served by a different sewer to that of the adjoining Outdowns development. Additionally, surface water from the site currently drains into the foul sewer whereas the proposal intends that surface water will be disposed of via soakaways as referred to above, thus generating additional capacity. A formal requisition to Southern Water to connect to the existing system would be needed following any grant of permission and that Authority would approve technical details at that stage.

Development Contributions

- 3.26 In accordance with provisions in the NPPF and Development Plan Policy, the proposal would attract various contributions in order to mitigate the impact of the development. In that respect, such contributions need to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010(as amended). Those regulations require that any contributions to be sought through either a S106 Agreement or Unilateral Undertaking need to satisfy 3 tests, namely: they must be necessary to make the development acceptable in planning terms, they must directly relate to the development, and must be fair and reasonable in scale and kind. As of 6th April 2015, there is also now a limit of 5 on the number of contributions that can be pooled for any particular project.
- 3.27 In response to the above, the applicant has submitted a draft Unilateral Undertaking which shows a combined amount of contributions totalling £242,231. This would be made up as set out below with trigger points within the Undertaking to ensure contributions are collected as the development proceeds on site.
- 3.28 A contribution of £193,000 as an off-site contribution to the District Council towards the provision of affordable housing. This is in

accordance with the Council's Addendum to its Supplementary Planning Document for affordable housing where a formula is applied for off-site contributions for developments of between 5-14 units. The Housing Manager has confirmed this is acceptable. In terms of open space, a further contribution of £8702 would be made to the District Council towards ongoing projects at North Deal playing fields. In that respect the Council is working closely with the North Deal Community Partnership to increase capacity on the playing fields and the contributions would be put towards current projects.

- 3.29 Kent County Council requested contributions of: £33,053 towards Deal Primary School; £6804 towards the new youth centre in Deal; £672 towards additional book stock in Deal library; £1067 towards adult social services; and £358 towards community learning and skills. Of these, the contributions towards Deal Primary school, the youth centre and the additional book stock for Deal library are considered to satisfy the statutory tests and do not exceed the number of pooled contributions. They are therefore included in the Unilateral Undertaking. However, the contributions requested for community learning and adult education are not considered directly related to this particular proposal as they are somewhat imprecise and could be used at a number of venues across the District. Accordingly they are not considered to satisfy the statutory tests and have therefore not been sought.
- 3.30 If members are mindful of accepting the recommendation to grant permission, it would only be issued subject to the satisfactory completion of the signed Undertaking which would then bind the current and future owners of the land.

Planning balance and conclusion

- 3.31 The NPPF advises that in the absence of an identified 5 year supply of housing, development proposals should be assessed against a presumption in favour of sustainable development. The NPPF also advises that the latter comprises three components, namely an economic, social and environmental role, all of which are mutually dependent.
- 3.32 From an economic perspective, the proposal will bring a redundant site back into beneficial use and will generate a significant number of jobs during the construction phase. In social terms, it will provide much needed family housing and in a wholly sustainable location close to local facilities and public transport. It will therefore also contribute towards healthier communities which is also an objective of the NPPF. From an environmental point of view, the proposal will result in an improvement to the existing site visually with a well considered design which will add to the quality of the urban fabric. A detailed flood risk assessment has demonstrated that there is a very low likelihood of flooding and that flood resilient measures will further reduce that risk. Surface water disposal will also be improved compared to the existing situation.
- 3.33 In the light of the above, the proposal is considered to satisfy the presumption in favour of sustainable development. In terms of site

specific issues, relevant standards are met for such issues as road layout and access configuration, parking provision and building relationships. Existing trees along the site frontage will also be maintained. There will be no adverse impact upon the setting of nearby heritage assets. Concerns about residential amenity have either been addressed through careful design or can be controlled through suitable conditions such as the need for a Construction Management Plan and to prevent any access from the adjoining Outdowns development. In officers' view and in line with advice within the NPPF, there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, planning permission is recommended to be granted subject to the satisfactory completion of the Unilateral Undertaking and the conditions set out below.

g) **Recommendation**

I PERMISSION BE GRANTED subject to the following conditions:-

1) Standard time limit; 2) Development in accordance with approved plans; 3) Sampling for contamination and measures to control if found during development; 4) Archaeology – specification for evaluation by trial trenching; 5) Details of foul and surface water drainage together with ongoing maintenance requirements; 6) Samples of materials including surfacing materials; 7) Details of soft landscaping; 8) Protection measures for existing trees; 9) Access and estate road to be fully constructed before first occupation; 10) Details of rising bollard and future maintenance arrangements; 11) Parking spaces to be provided before first occupation and thereafter retained; 12) Removal of PD rights for garages and any extensions; 13) Obscure glazing to second floor window in east elevation of unit 8; 14) Sheds to be provided before first occupation; 15) Boundary fencing to be erected before first occupation; 16) section of northern boundary wall adjoining Outdowns to be completed before completion of first house foundation on site; 17) Construction Management Plan to include: Restriction on hours of deliveries to site 0830-0930 and 1430-1530 Mondays to Fridays during Primary School term time; no construction other than from Ark Lane; details of construction compound; details of wheel washing equipment; details of vehicle routing arrangements; no construction workers to park in adjoining Outdowns development; 18) Details of photo voltaic panels on roofs; 19) No permanent bedroom accommodation on ground floor; 20) Details of floor levels in accordance with Flood Risk Assessment; 21) Details of flood resilience measures in design of buildings; 22) Measures to prevent discharge of surface water onto highway.

II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and matters within the proposed Unilateral Undertaking, in accordance with issues set out in the report and as resolved by the Planning Committee.

Case Officer

Kim Bennett



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2015

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

Application: DOV/15/00147

22 Lyndhurst Road

River

CT17 0LY

TR 2951:4299



a) **DOV/15/00147 – Retrospective application for the erection of a verandah/ balcony - 22 Lyndhurst Road, River, Dover**

Reason for Report: At the request of Ward Member

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Primary Legislation

- Town and Country (Planning) Act 1990 (as amended)

Dover District Core Strategy 2010

- The Local Development Framework, Core Strategy (2010), sets out policies and objectives for shaping development in the District.

National Planning Policy Framework (NPPF)

- The NPPF sets out a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These should not be taken in isolation, because they are mutually dependent.
- The NPPF also stresses that sustainable development also includes replacing poor design with better design and improving the conditions in which people live (Statement 9)

d) **Relevant Planning History**

Enforcement Case: RIV/14/00193 – Unauthorised erection of a raised balcony/decking area at ground floor level (which is similar to first floor level to the rear) with stairs down to the garden area.

e) **Consultees and Third Party Responses**

- River Parish Council

River Parish Council has no comments but wishes to express its concerns about possible overlooking of adjacent properties in Ash Close and resulting loss of privacy

- Public Representations:

4 letters of objection have been received; the material comments are summarized as follows:

- Design not consistent with the rest of the properties in the surrounding area
- Could have an effect on the character and appearance of the area
- Could increase the perception of overlooking and loss of privacy to residents in Ash Close
- Overlooking and loss of privacy into gardens of Ash Close

- Loss of privacy into rear rooms of properties in Ash Close
- Too high
- Given the height above ground level, any noise on the balcony carries to neighbouring properties

2 Letters of support have been received; the material comments are summarized as follows:

- Improvement upon an un-maintained shed structure which was there previously
- Could already see into the gardens of Ash Close from inside 20 Lyndhurst Road so the views from 22 Lyndhurst would be even closer
- Ash Close has been overlooked since its construction
- Elevated area to rear of the garage of 22 Lyndhurst Road which was part of original construction of these properties, already had a panoramic view of the rear of the properties in Ash Close and new deck is actually further away from the boundaries.
- Ground floor of Lyndhurst Road properties appears to be at first floor level to the rear of the properties given the fall of the land to the rear.

f) 1. Site and the Proposal

1.1 The property is a detached single family dwelling located towards the top of the hill on a bend in Lyndhurst Road. It is a two storey property built on a sloping site which means that the ground floor at the front of the property appears to be first floor level from the rear. When these properties were built, there was no direct ground floor access to the gardens, requiring the owners to go through their garages to their gardens. The neighbouring properties have all, over time, added gantries or balconies/raised decking to gain access to their gardens directly from the rear rooms of their properties. 22 Lyndhurst is the only property which does not have direct access.

1.2 The lack of a direct access does not fit in well with modern living and the owner has constructed a raised decking area and steps down to her rear garden outside of the kitchen/dining area to the rear of her property. The proposal consists of a raised timber decking structure with timber railings and a timber staircase down to the garden towards the side of the deck closest to the boundary with 20 Lyndhurst to the south-east. The proposal also now includes obscure glass screening panels on the end closest to Ash Close to the north-west and the first 0.5 metre across the rear of the deck.

2. Main Issues

2.1 Impact of the new raised decking area on the amenity of the neighbouring properties

2.2 Impact on appearance of host property and the character of the area

3. Assessment

Impact on the amenity of neighbouring properties

3.1 The current, unauthorised raised decking area has given rise to issues regarding increased overlooking and loss of privacy. These issues include both loss of privacy to neighbouring garden areas as well as interlocking

between the application site and the rear rooms of the properties in Ash Close in particular. It should be noted that these objections came in prior to the submission of the detail drawings of the privacy screen. The screening would considerably reduce the interlocking opportunity to the benefit of the neighbouring occupants.

- 3.2 22 Lyndhurst Road has been inspected internally and having looked from the windows of the kitchen and from the patio doors (allowed under permitted development rights), your officer was able to fully see into the neighbouring gardens so there is already significant opportunity for overlooking.
- 3.3 The proposal, as it current stands, includes the provision of an “L-shaped” privacy screen (1.7 metres high) to the north-west end of the decking structure. The screen effectively closes off this overlooking opportunity towards the nearest properties in Ash Close. Accordingly, the proposals, including the screen, would be a benefit to neighbours as it would significantly reduce overlooking opportunities.
- 3.4 Whilst there may be a degree of perception of increased overlooking towards Ash Close, it is considered that with the addition of the screening panels, any increase in perception of overlooking and loss of privacy would be sufficiently mitigated bearing in mind the ready views that can be achieved from existing windows.
- 3.5 The above is also true in respect of the potential for increased interlocking to the rear rooms of the properties in Ash Close, which again would be overcome by the proposed screening.
- 3.6 The design of the decking area is in keeping with those of neighbouring properties in the section of 12 to 22 Lyndhurst Road, all of which have some form of raised platform to the rear of the property across the full width in some cases. The development would not be readily visible from the wider street scene and is therefore considered to be acceptable in terms of design and appearance.

Conclusions

- 3.7 It is considered that the raised decking structure will have a material improvement in amenity to the neighbouring properties given the screening which, along with the railings, would significantly minimize the opportunity for overlooking and interlocking from inside the property.
- 3.8 For the reasons set out above, although the raised decking area may increase the perception of overlooking and interlocking, it is not considered that there is any additional harm caused
- 3.9 Given this, there would seem to be no overriding material planning grounds which would justify a refusal. On balance, it is therefore concluded that planning permission should be granted, subject to appropriate conditions.

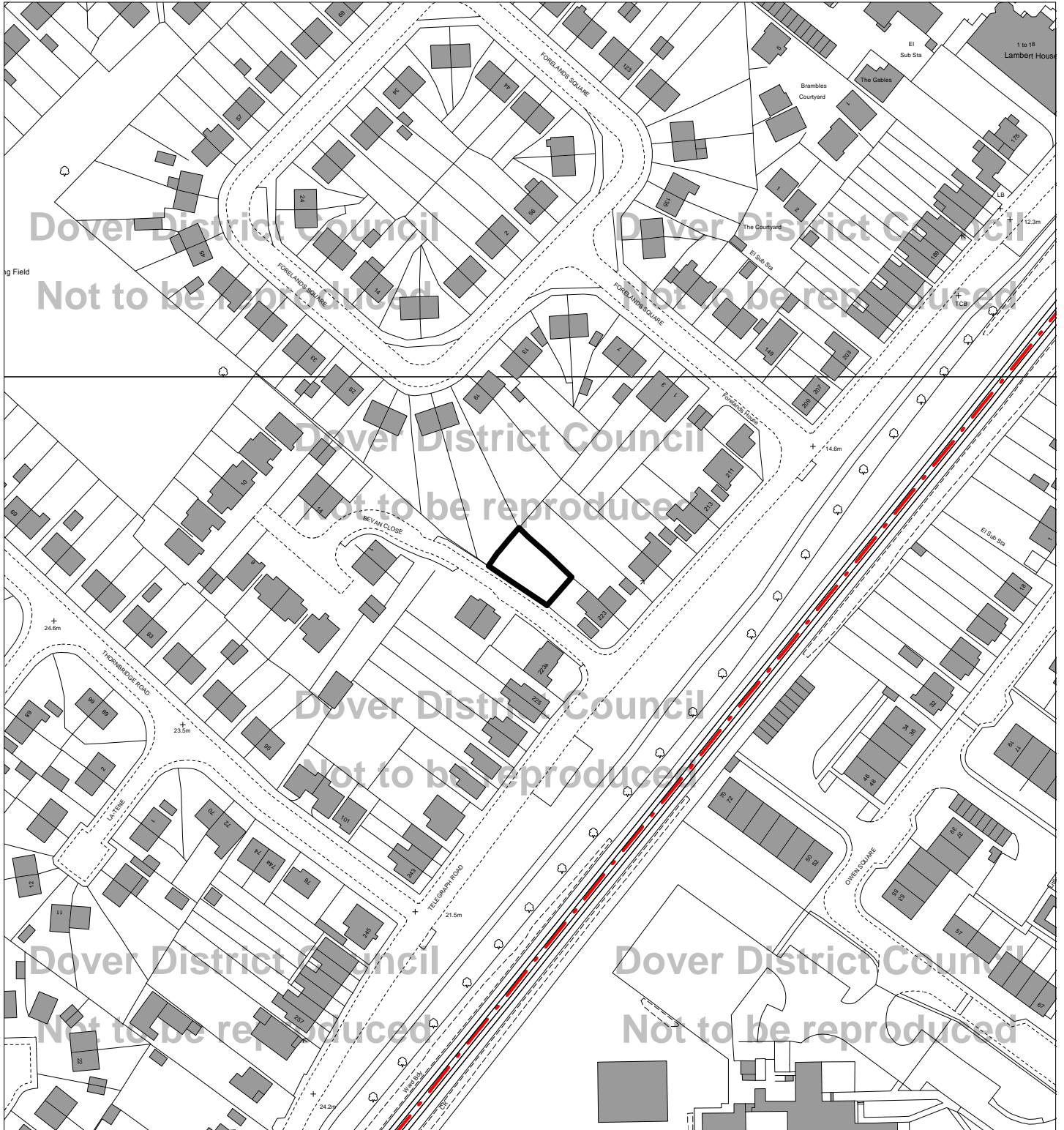
g) Recommendation

- I Planning Permission BE GRANTED with the following conditions:

- i) The glazed screening panels as shown in drawing DDD006 Rev 2 received 10/06/2015 be provided within 1 month of the date of any permission and be maintained as such thereafter.
Reason: To ensure the amenity of neighbouring properties is maintained.
 - ii) The raised decking area and the screening panels shall be completed in accordance with the approved drawings.
Reason: To ensure the amenity of neighbouring properties is maintained.
 - iii) The obscurity of the glazing shall be at Pilkington Screening Level 3, its equivalent or above.
Reason: To ensure the amenity of neighbouring properties is maintained.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2015

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

Application: DOV/15/00197

**Land Fronting Bevan Close &
Rear of 223 Telegraph Road
Deal
CT14 9DU**

TR 3675:5094



- a) **DOV/15/00197 – Erection of a pair of semi-detached dwellings, creation of vehicular accesses and associated parking - Land fronting Bevan Close and R/O of 223 Telegraph Road, Deal**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning permission be Granted

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the Saved Policies from the Dover District Local Plan 2002, and the newly adopted Land Allocations Local Plan. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

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

A summary of relevant planning policy is set out below:

Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centers within Dover District. Dover is placed atop the settlement hierarchy (Secondary Regional Centre) and Deal (including Walmer) is identified as a District Centre which is to be ‘the secondary focus for development in the District; suitable for urban scale development’. Planning decisions should seek to maintain the settlement hierarchy.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM17 (Groundwater Source Protection) Prohibits certain uses and drainage systems in Zones 1 and 2 unless adequate safeguards against possible contamination are provided.

Dover District Local Plan (DDLPL) Saved policies – HS2

Land Allocations Local Plan (LALP) – None applicable

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design (Paragraphs 56 -68)

- Seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A core principle is to always seek to secure high quality design and a good standard of amenity.
- Decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- Local Planning Authorities should consider using design codes; however design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and the access of new development in relation to neighbouring buildings and the local area more generally.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific

deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

National Planning Practice Guidance (NPPG)

- On 6th March 2014 the Department for Communities and Local Government launched a planning practice guidance web-based resource. This contains a number of sections to enable users of the planning system to obtain information in a useable and accessible way. It is a material consideration when making decisions as it replaces the previous planning guidance documents which are now cancelled

Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

d) **Relevant Planning History**

DOV/07/01005 – Erection of 14 detached/semi-detached dwellings and garage, construction of vehicular access, associated works and landscaping – Granted

DOV/11/654 – Outline application for the erection of four dwellings, associated parking and construction of a vehicular access, site rear of 223A Telegraph Road, Deal – Refused

DOV/12//00126 – Outline application for the erection of a pair of semi-detached dwellings, a detached dwelling, construction of a vehicular access and associated car parking – Granted

DOV/12/00828 – Submission of reserved matters (landscaping) for the erection of a pair of semi-detached dwellings, a detached dwelling, construction of a vehicular access and associated car parking (Details pursuant to DOV/12/00126)

DOV/13/00820 – Erection of a detached dwelling and construction of vehicular access – Granted

DOV/14/01119 – Erection of a pair of semi-detached dwellings and creation of vehicular accesses – Refused

e) **Consultee and Third Party Responses**

Deal Town Council: The Town Council have confirmed that they have no objections to the proposal as per their comments on DOV/13/00820

Environmental Health – No observations

Kent Highways – This is a non-protocol application which can be dealt with by the Planning Officer. We did comment previously on a similar scheme on the site last year which may be of some assistance.

Southern Water - There are no public sewers for surface water drainage in this area, alternative arrangements should be made and it should not be discharged to the public sewer (attach informative to any decision)

Public Representations: Fourteen letters of objection have been received and their comments are summarised as follows:

- Parking is at a premium in the area, with not enough space being provided for the dwellings or potential visitors
- Road is narrow and parking on the pavement will prohibit access for residents and emergency vehicles
- Will make the approach and junction around Bevan Close and Telegraph Road even more hazardous
- Parking and access is at full capacity
- Emergency services would have access problems
- Health and safety risk to children and the elderly crossing the road and increase in risk of car/pedestrian accidents
- Road is blocked by vehicles constantly whilst development is undertaken
- Height of the proposed dwellings will inevitably reduce the light and outlook of the adjacent properties
- Velux windows to the rear are only 1.5m above floor level so people would still be able to see out of them into gardens
- Height will be overbearing with the ground floor being considerably higher than the neighbouring gardens in Telegraph Road
- Loss of privacy
- Councils refuse truck has difficulties with access
- Where will visitors park

- Decision should be deferred until houses opposite are completed and occupied
- Reduced height makes little difference as ground floor is still higher than properties in Telegraph Road
- Letters of support are from people who are not affected directly or in any way by the development

Twenty letters of support have been received and the comments are summarised as follows:

- The land needs to be developed to improve the area
- There is a need for housing
- Vacant plot is an eyesore
- Will provide much needed accommodation, jobs, tidy the rubbish
- Houses are in-keeping and has overcome overlooking problems on previous application
- Parking shouldn't be a problem as every house has parking
- Council could paint double yellow lines to prevent on-street parking
- Any development would be an improvement for the site and surrounding area
- Position and design is good
- Parking is not a problem in the area

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

- 1.1 The site relates to a plot of land fronting Bevan Close, located to the rear of no. 223 Telegraph Road. The site is within the urban confines of Deal and is located adjacent to a recently built residential development to the north-west and south-west.
- 1.2 The land form rises from Telegraph Road towards Foreland Square. The land has been used for the disposal of spoil during the construction of Bevan Close, as a result of this the land levels are at a higher level than the adjacent land in Telegraph Road by around 1m.
- 1.3 The site has been separated from the garden of No. 223 to the southeast by a close-boarded fence with hedging planted within the application site itself. A new access road has been created from Telegraph Road into Bevan Close.
- 1.4 The application site has a street frontage which measures 22m and has a depth of between 11m and 14m. The site is currently overgrown.
- 1.5 Planning permission is sought for the erection of a pair of semi-detached dwellings and creation of vehicular access. The proposed dwellings would have two bedrooms with parking to the side of each dwelling for two cars. Each of the properties would measure 5.6m by 8m, with an eaves height of 3.4m and an overall height to the ridge of 6.6m. It is proposed to construct the dwellings in red brick with plain roof tiles and white Upvc fenestration.
- 1.6 Planning application DOV/14/01119 was refused on 27st January 2015 for the erection of a pair of semi-detached dwellings. This application was refused for the following reason:

“The proposal, by reason of its scale, height, form and siting in close proximity to the neighbouring properties on Telegraph Road would result in an unacceptable level of actual and perceived overlooking to the rear gardens of No. 223 and 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.”

1.7 *Plans will be on display*

2. **Main Issues**

2.1 The main issues for consideration are; principle of development, impact of the development on the neighbouring properties, highways and design and impact of the development on the street scene

2.2 **Assessment**

Principle

2.3 The site is located within the urban confines and within an existing residential area. At present the land the subject of this application has no development on it. The last use of the site would appear to be as residential garden in connection with No. 223 Telegraph Road. The site therefore is not considered to be previously developed land.

2.4 The site is however located within the urban confines where development is generally considered to be acceptable and therefore the use of the land for the residential development would be in accordance with Policy DM1 of the Core Strategy and HS2 of the DDLP

3. **Impact on neighbours**

3.1 There would be a separation distance of 11m between the proposed building and the neighbouring property to the southeast at No, 223 Telegraph Road. The dwellings have been designed internally so that the two windows to the rear at ground floor would serve the living rooms and at first floor the bedrooms to the rear would be served by one rooflight which would be 1.5m above finished floor level. To either side elevation a door with a glazed panel would enter the living room. There are no windows proposed in the first floor side elevations.

3.2 The dwellings being considered here have been set down within the plot by approximately 0.5m following the refusal of the previous application and in an attempt to overcome the potential for unacceptable levels of actual and perceived overlooking. However, due to the topography of the land, which would remain approximately 0.5m higher than the adjoining rear gardens it is considered that the fencing and hedging would be unlikely to sufficiently screen views from the rear facing windows which would overlook the rear garden area of 221 Telegraph Road. Unfortunately overlooking into the private amenity areas of the neighbouring occupants would occur as a result of the elevated levels resulting in unacceptable loss of privacy to their

immediate amenity space. Furthermore, the rooflight within the rear roofslope at a height of 1.5m above finished floor level would not prevent overlooking taking place although this is considered to be less of a problem.

- 3.3 Due to the design, siting and scale of the buildings effects from massing and scale are unlikely to cause significant harm to adjoining occupants.
- 3.4 The front elevation of the properties would have a dormer window which would serve bedroom 1. There is some concern in relation to the potential for interlooking between the dwellings being proposed here and those currently under construction opposite. However, the separation distance of 11m and the oblique angle of view is considered to be sufficient to ensure that any interlooking effects would not be unduly harmful to the residents of either property.
- 3.5 There are some concerns in respect of overlooking towards the rear garden of 223a Telegraph Road and their private residential amenity area. There is only a 10m separation distance between the windows and rear garden of 223a and it is likely due to the proximity of the first floor windows to the rear garden that there would be an unacceptable level of overlooking.
- 3.6 Given the orientation of the proposed dwellings to the northwest, there would be no overshadowing, loss of sun/daylight concerns.

4. Highways

- 4.1 The proposed dwellings would each be provided with two off-road parking spaces to the side. Policy DM13 requires the provision of one space per unit. It is therefore considered that the proposal complies with parking requirements and is acceptable in parking terms.
- 4.2 Concerns have been raised over highway safety and the ability of Bevan Close to facilitate a further two dwellings. Kent Highways were consulted on the previous application and raised no objections subject to the imposition of conditions on any decision. As a result of a change in protocol KCC Highways are no longer consulted on applications of this type. Whilst concerns of local residents are noted, as no objections were raised to the previous proposal and as the parking and access remains the same under this application it is not considered that a refusal could be substantiated on highway safety and road capacity grounds.

5. Design and impact of the development on the street scene

- 5.1 The proposed dwellings have been largely designed to match those previously approved within Bevan Close albeit with differing fenestration and ridge heights as a result of trying to overcome the previous refusal. Despite these differences it is considered that the dwellings would still largely reflect the characteristics of the surrounding built form and the use of matching materials would further integrate the proposal.

- 5.2 The layout and form of the development proposed appears to be relatively commensurate with the urban grain of the adjacent development in Bevan Close. The dwellings in terms of their design, appearance and layout are largely reflective of the newly developed plots in Bevan Close.
- 5.3 Development rises within Bevan Close from southwest to northwest, this continues into Foreland Square which lies behind Telegraph Road and Bevan Close. The development within the area appears "stepped" as a result of the varying land levels, with the land rising slowly from southwest to northwest. As a result of the new development carried out in Bevan Close this is a common feature and represents the streetscape of the wider area.

Conclusion

It is acknowledged that development of the site would bring benefits to the amenity of the street scene and wider area as it would effectively "tidy up" the appearance of the site. However, this benefit has to be balanced against the harm that would result to residential amenity of neighbouring occupants, which in this case is considered to be the prevailing concern.

The proposal, despite its reduced scale, form and massing is considered to result in unacceptable loss of privacy to the adjacent dwellings in particular those at 221, 223 and 223a Telegraph Road as a result of its fenestration arrangements and elevated position.

It may be that a single storey single dwelling of an appropriate design and scale could be achieved here but that care should be taken to address the harm caused from overlooking.

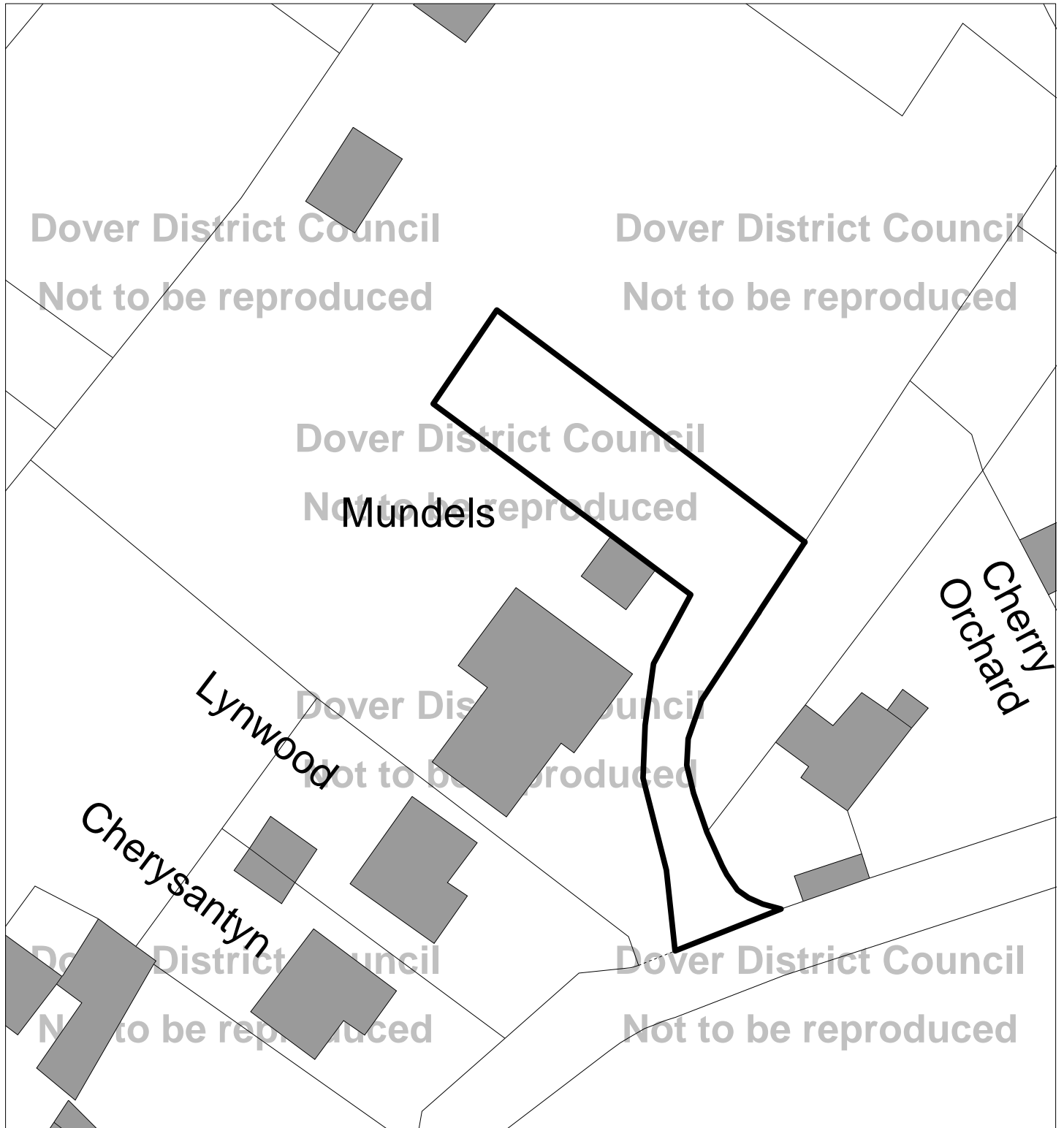
In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

g) **Recommendation**

- I PERMISSION BE REFUSED, for the following reason: (i) The proposal by virtue of its siting in close proximity to neighbouring properties on Telegraph Road would result in an unacceptable level of overlooking to the rear gardens of No. 223 and 221 Telegraph Road by virtue of the land levels and proposed fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.

Case Officer

Kerri Bland



Not to scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2015

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

Application: DOV/15/00099

Land Adjacent to Mundels

Cherry Lane

Great Mongeham

CT15 0HG

TR 3481:5129



- a) **DOV/15/00099 – Reserved matters application for the erection of a detached dwelling (details pursuant to outline permission DOV/14/00457) - Land Adjacent to Mundels, Cherry Lane, Great Mongeham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- CP5 – The development should meet sustainable construction standards (The requirement for Code Level 3 standards is now applied as it reflects National Guidance Standards effectively equivalent to the Code Level 4 standard applicable at the time of the adoption of the Policy).

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future occupants and buildings; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- Chapter one of the NPPF seeks the planning system to do all it can to secure sustainable economic growth. Local Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century and address barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be

required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

- Chapter six of the NPPF seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter Twelve requires that the historic environment be conserved or enhanced. Where development would harm heritage assets or their settings, the development should be refused unless the harm caused is outweighed by public benefits.

The Kent Design Guide (KDG)

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

Great Mongeham Design Statement

- Provides design advice for development in Great Mongeham.

d) **Relevant Planning History**

DOV/14/00457 – Outline application for the erection of a detached dwelling - Granted

e) **Consultee and Third Party Responses**

Great Mongeham Parish Council - Object. The 'style, design and size are out of character with the surrounding buildings which are single storey. Should permission be granted, second storey windows to the front elevation should contain frosted glass to prevent overlooking.

Following the amendment of the application, the Parish Council were renotified. The Parish Council Object to the application, for the same reasons as their initial objection.

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

- The development would be out of character with the area
- Overlooking to neighbouring properties
- Increased surface water run-off to Cherry Lane
- Loss of a view
- Additional traffic on the roads
- Impact on wildlife

In addition, two representations have been received supporting the application and making the following comments:

- There is a need for additional housing in the village, which would add to its vitality
- The dwelling would not be seen from Cherry Lane

Following receipt of amended drawings, the application was readvertised. Three further letters of objection has been received

- Overlooking of gardens
- Loss of views
- The development would be out of character
- The dwelling should be a bungalow

- f)
1. **The Site and the Proposal**
 - 1.1 This part of Great Mongeham has a rural character, with open countryside to the south and grazing land to the north. The site lies on the edge of the settlement confines of the village and is close to two Conservation Areas. The first of the Conservation Areas is centred on the Church of St Martins and is located approximately 200m North West of the site. The second tracks along Mongeham Road and is around 200m to the East.
 - 1.2 The application site lies to the north east of Mundels, which fronts Cherry Lane in Great Mongeham. Mundels is part of a row of three bungalows, including Lynwood and Cherysantyn, which are set back from the road on land elevated above Cherry Lane. Mundels lies partially to the rear of Cherry Orchard, whilst the application site is fully to the rear of Cherry Orchard. The site forms part of the extensive curtilage of Mundels, and is currently used as vegetable plots.
 - 1.3 This application is for the approval of reserved matters in relation to the grant of outline planning permission (OUT/DOV/14/00457) for the erection of one detached dwelling at Mundels, Cherry Lane, Great Mongeham. The application seeks approval for access, appearance, layout and scale, but does not include consideration of landscaping.
 - 1.4 The proposal would be two storeys in height. The building would be finished in a mixture of off-white render and horizontal stained timber cladding, under asymmetric pitched roofs finished in single ply membrane with raised 'standing seam' features. The windows and doors would be constructed of timber. To the right hand side of the building would be a single storey flat roofed protrusion, the roof of which would extend beyond the front elevation of the building to provide a car port.
 - 1.5 To the front of the property would be a permeable block paved area providing access, turning space and parking for approximately 2 cars, whilst a paved courtyard and garden lie to the rear.

2 **Main Issues**

- 2.1 The main issues are:
 - The principle of the development
 - The impact on the character and appearance of the area
 - The impact on heritage
 - The impact on residential amenity
 - The impact on the highway

Assessment

Principle

- 2.2 The principle of the development has been established in the grant of outline planning permission (OUT/DOV/14/00457) and is therefore acceptable.

Character and Appearance

- 2.3 As established by the Great Mongeham Design Statement, this part of the village has a mixed character, with houses of a “mixture of periods and styles”. Indeed, this part of Cherry Lane includes two storey, one and a half storey and single storey dwellings and comprises detached, semi-detached and terraced buildings. Most properties are set relatively close to the road, behind small front gardens. Cherysantyn, Lynwood and Mundels, which lie directly to the south west of the site, are set at an angle to the road.
- 2.4 The proposed dwelling would be set behind Cherry Orchard, approximately 32m from the road. Due to this location, the dwelling would only be visible from Cherry Lane in glimpse views between Mundels and Cherry Orchard, and between Cherry Orchard and Brecon. In these views, which would be partially obscured by vegetation, the proposal would not be prominent.
- 2.5 Glimpsed views of the dwelling could also be taken from Church Path. However, the dwelling would be seen at a distance of in excess of 100m and would, again, be partially obscured by vegetation.
- 2.6 The location of the dwelling, whilst not explicitly considered at the outline stage, is dictated by the size and shape of the site. The dwelling would be positioned to align with the row of three dwellings, Cherysantyn, Lynwood and Mundels. It is considered that this layout is a logical progression of the existing layout of these three dwellings.
- 2.7 The dwelling would be two storeys in height, which is considered to be comparable with many other properties within the vicinity. Whilst Cherysantyn, Lynwood and Mundels are all single storey, Mundels, which is directly adjacent to the proposed dwelling has a higher ridge than its neighbours. The proposal would have a similar ridge height to Mundels, whilst the two storey nature of the proposal is, to a degree, disguised by the front roof slope, which would continue past the front elevation of the building. In the glimpse views of the building which would be possible from Cherry Lane, it is considered that the scale of the building would not appear out of context or dominant.
- 2.8 The building would have a contemporary architectural design, with long, slender windows and simple detailing. Whilst dwellings in the area are typically traditionally detailed, it is not considered that the dwelling would appear incongruous, due to the mixture of architectural styles in the locality. The NPPF states that planning decisions “should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms and styles”. With this in mind, and having regard for the lack of a strong, locally distinctive, character, it is not considered that the detailed design of the building is unacceptable.
- 2.9 The dwelling would be predominantly finished in off-white render, together with sections of timber cladding. The roof would be finished in a single ply membrane with décor profiles.
- 2.10 White and off-white render is commonly used within the village and is therefore acceptable. The Great Mongeham Design Statement, at policy GMDS7, states that weatherboarding is not typical and is considered inappropriate for new

developments. Timber weatherboarding is less commonly used within the village, although some examples do exist, particularly in subservient buildings. The weatherboarding proposed would be used sparingly and would not dictate the prevailing appearance of the building. For these reasons, it is not considered that the partial use of timber weatherboarding would cause any significant harm to the character and appearance of the area.

- 2.11 The single ply membrane would be dark grey in colour and, together with the décor profiles which produce an appearance similar to standing seams, would replicate the character of a rolled lead roof. Whilst there are no examples of this material being used within the village, the village does display a wide range of roofing materials, including a variety of clay and concrete tiles, slates, corrugated sheeting and thatch. It is not, therefore, considered that the introduction of this material would be harmful to the character of the area, particularly given the buildings partly secluded location.
- 2.12 For these reasons, it is not considered that the development would cause any unacceptable harm to the character or appearance of the area

Heritage

- 2.13 There are three clusters of listed buildings and one isolated listed building within the vicinity of the site. The isolated listed building, Great Mongeham Farmhouse, is around 150m to the west and is Grade II listed. The first cluster of listed buildings is located around 250m to the north and is centred around the Church of St Martin. This cluster includes the Church which is Grade II* and four Grade II buildings. The second cluster is around 350m to the north east and comprises four Grade II listed buildings around the junction of Mongeham Road and Northbourne Road. The third cluster of listed buildings lies around 200m to the east and comprises five Grade II listed buildings around the junctions of Mongeham Road, Cherry Lane and Ellens Road. It is not considered that there are any other buildings within the vicinity which can reasonably be regarded as non-designated heritage assets. There are also two Conservations close to the site, which are approximately 200m to the north west and 200m to the east respectively.
- 2.14 In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possess, whilst special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In furtherance to this, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset, 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) that outweighs that harm.
- 2.15 In this instance, the development would be well separated from heritage assets. Whilst the site gently rises from south to north, the topography of the site does not make the development prominent in views and is within a context of, for the most part, relatively modern houses. For these reasons, and taking account of the special regard which must be paid to listed buildings and their settings and the special attention which must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Areas, it is not considered that the development would cause any harm to listed building or their settings, or the Conservation Areas and their settings.

- 2.16 There are several records of archaeological finds within the vicinity of the site, most notably a Lower Palaeolithic Levallois core which was found directly adjacent to the proposed location of the dwelling. This record was found at a depth of 1.25 meters whilst excavating to form a swimming pool at Orchard House, Great Mongeham, in 1982. Iron Age and Roman finds have also been discovered within the vicinity of the site. The building itself would be dug up to around 1m into the incline to its rear, whilst the development would also require foundations. Having regard for the sensitivity of the location and the nature of the development, it is considered that the site has the potential to include heritage assets with archaeological interest. In accordance with the NPPF, it is therefore considered that it would be reasonable to require an archaeological watching brief to monitor and record any archaeological heritage assets which would be disturbed by the development.

Impact on Residential Amenity

- 2.17 The land rises steadily from south to north and, as such, the dwelling would be situated approximately 2m higher than the level of Cherry Orchard. At its closest point with Cherry Orchard, the building would have eaves of 4m in height, pitching up to 7m in height. This ridge would be a further 5.5m from the boundary with Cherry Orchard.
- 2.18 Two first floor windows are proposed within the front elevation of the proposed dwelling, which would face towards Cherry Orchard. These windows would be approximately 10m from the boundary with Cherry Orchard and approximately 18m from the closest part of the building.
- 2.19 Following concerns regarding overlooking from these windows, the applicant has confirmed that these windows will be obscure glazed and non-opening. Furthermore, the amended design of the building now includes a roof which overhangs one of these windows, further reducing the perception of overlooking. Subject to a condition ensuring that these windows are obscure glazed and non-opening, it is not considered that any unacceptable overlooking would be caused. Furthermore, having regard for the limited height of the building towards its front, together with the reasonable degree of separation, it is not considered that any unacceptable loss of light or sense of enclosure would be caused to Cherry Orchard.
- 2.20 The development would be located approximately 13m from the side elevation of Mundels. Between the proposed dwelling and Mundels is a garage. Having regard for the degree of separation, no unacceptable loss of light or sense of enclosure would be caused. However, side facing windows within the proposed dwelling have the potential to cause overlooking to the garden of Mundels. The applicant has confirmed that, with the exception of the window towards the front of the building, all first floor side facing windows will be obscure glazed and non-opening up to 1.7m above floor level. The window which would not be obscure glazed or non-opening is positioned adjacent to the existing garage and would not allow clear views into the garden of Mundels. For these reasons, it is considered that, subject to a condition to ensure that the identified side facing windows will be obscure glazed and non-opening up to 1.7m above floor level, no unacceptable overlooking of Mundels would occur.

- 2.21 It is not considered that the living conditions of any other properties would be harmed by the development, in terms of overlooking, loss of light or sense of enclosure, due to their location and relationship with the proposed dwelling.

Impact on the Highway

- 2.22 The development would be served by the existing access which serves Mundels. The submitted drawings, in conformity with condition 9 which was attached to the outline application, show a 2m by 25m visibility splay, with no obstruction over 1.05m, to the western side of the access at its junction with Cherry.
- 2.23 The site includes a covered car port, which would be of sufficient size to accommodate two vehicles. The width of the car port (5.8m) is considered to be sufficient to allow vehicles to be parked with sufficient space to allow doors to be opened. Within this village/rural location, four bed dwellings will be expected to provide two independently accessible car parking spaces, which the development would meet. In addition visitor parking (at 0.2 spaces per dwelling) should be provided. The dwelling would retain a relatively large hard standing to its front, which is considered to be capable of providing one additional car parking space, whilst also allowing for turning space. The provision of this the car parking and manoeuvring areas is secured by virtue of condition 6 which was attached to the outline permission, which will remain in force.
- 2.24 Concern has been raised that the development would increase surface water run-off to Cherry Lane. The Great Mongeham Design Statement also raises surface water run-off as an issue. The proposed car parking area to the front (south east) of the proposed dwelling would be permeable, allowing surface water to disperse into the ground and mimicking natural surface infiltration. Subject to a condition to ensure that this paved area will be permeable, it is not considered that any additional surface water run-off would be caused by the development. Other surface water will be disposed of via a soakaway. The outline permission included a condition (condition 8) requiring that measures be incorporated to prevent the discharge of surface water onto the highway, which will remain in force.
- 2.25 The development includes secure, covered storage for at least four cycles, in accordance with the recommended provision of one space per bedroom required by Kent Vehicle Parking Standards SPG4, and in accordance with condition 7 attached to the outline permission.

Other Matters

- 2.26 Concern has been raised that regard has not been had for the Great Mongeham Design Statement. This statement has not been formally adopted by the Dover District Council as Supplementary Planning Guidance. However, the statement is a material consideration, which must be attributed appropriate weight. Whilst the statement pre-dates the NPPF, the two are largely consistent. The statement includes a Character Assessment of the area around the site (Character Area 5) and policies which seek to retain the villages separation from the built up areas Deal, provide adequate and well-integrated car parking, restrict surface water run-off onto the highway and avoid anonymous architecture. These policies, and the statement as a whole, have been considered during the assessment of this application. All the matters which arise from the statement have been considered, alongside the development plan, NPPF and other material

considerations, and the development has been found to be acceptable in all material respects.

Overall Conclusions

2.27 It is considered that the development is acceptable in principle, which has already been established by through the granting of outline planning permission. It is also considered that the development would cause no harm in terms of the character and appearance of the area, and would be acceptable in all other material respects, subject to conditions. It is therefore recommended that planning permission is granted.

g)

Recommendation

- I PERMISSION BE GRANTED, subject to conditions to include:-
 - (i) approved plans, (ii) archaeology, (iii) windows to be obscure glazed and non-opening, (iv) samples of materials.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett