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14 March 2018

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 22 March 2018 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 "Kate Batty-Smith", written over a white background. The signature is fluid and cursive.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
S F Bannister
P M Beresford
T A Bond
D G Cronk
B Gardner
D P Murphy
M J Ovenden
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 5)

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

4 **MINUTES** (Pages 6-18)

To confirm the attached Minutes of the meeting of the Committee held on 22 February 2018.

5 **ITEMS DEFERRED** (Pages 19-20)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 21-24)

6 **APPLICATION NO DOV/17/01527 - LAND AT WOOTTON PARK HOUSE, WOOTTON LANE, WOOTTON** (Pages 25-38)

Erection of a detached dwelling, triple garage with store and formation of access

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

7 **APPLICATION NO DOV/17/00876 - WOODNESBOROUGH ROAD, SANDWICH** (Pages 39-66)

Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children's play (LEAP)

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

8 **APPLICATION NO DOV/16/01476 - LAND TO THE REAR OF HYTON DRIVE AND ROMAN CLOSE, CHURCH LANE, SHOLDEN** (Pages 67-106)

Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished)

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

9 **APPLICATION NO DOV/17/01504 - LAND ADJACENT TO PEGASUS, LONDON ROAD, SHOLDEN** (Pages 107-115)

Erection of two dwellings and creation of parking

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

10 **APPLICATION NOS DOV/16/01365 AND DOV/16/01366 - LONG LANE FARM, LONG LANE, SHEPHERDSWELL** (Pages 116-149)

DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) (Planning Permission)

DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use (Listed Building Consent)

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

- 11 **APPLICATION NO DOV/17/01376 - 32 THE BEACH (COAST HOUSE), WALMER**
(Pages 150-157)

Extension and conversion of existing garage to provide ancillary accommodation, demolition of a wall, erection of a wall and relocation of access

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

- 12 **APPLICATION NO DOV/17/01230 - LAND REAR OF 117 MANOR ROAD AND ADJOINING 437 FOLKESTONE ROAD, DOVER** (Pages 158-166)

Erection of a detached dwelling, formation of vehicle access and parking

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

- 13 **APPLICATION NO DOV/18/00065 - LAND BETWEEN LOOK COTTAGE AND ROSE COTTAGE, THE FORSTAL, PRESTON** (Pages 167-177)

Erection of a detached dwelling with attached double garage and formation of associated parking (existing buildings to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 14 **APPEALS AND INFORMAL HEARINGS**

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

- 15 **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 Services 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, 22 February 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
T A Bond
M R Eddy
B Gardner
P D Jull
D P Murphy
M J Ovenden
G Rapley
P M Wallace

Officers: Team Leader (Development Management)
Development Planner (Kent County Council Highways)
Principal Planner
Principal Planner
Principal Planner
Principal Heritage Officer
Planning Officer
Planning Officer
Planning Solicitor
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/01114	Ms Jane Scott	Ms Eloise Marshall
DOV/17/01451	Mr Mike Dye	-----
DOV/17/01230	Mr Charlie Harston	Mr Ian Davis
DOV/17/01499	Mr Daniel Gray	-----
DOV/17/01492	Mr Ryan Bolton	-----
DOV/17/01360	Mr Tomasz Zarzycki	Councillor P M Brivio Ms Anita Jackson
DOV/16/01365 & DOV/16/01366	Ms Susan Price Mr Harry Kenton	Mrs Claudine Nutley -----

152 APOLOGIES

It was noted that apologies for absence had been received from Councillors P M Beresford and D G Cronk.

153 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors P D Jull and M R Eddy had been appointed as substitute members for Councillors P M Beresford and D G Cronk respectively.

154 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

155 MINUTES

The Minutes of the meeting held on 25 January 2018 were approved as a correct record and signed by the Chairman.

156 ITEMS DEFERRED

The Chairman advised that one of the items listed was dealt with elsewhere on the agenda. The other item (Application No DOV/16/01476 – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden) was likely to return to committee in a month or two.

157 APPLICATION NO DOV/17/01114 - LAND AT GORE LANE, EASTRY

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner clarified that the application sought outline planning permission for the erection of up to 50 dwellings (including 30% affordable housing), new public footpaths, associated landscaping and the creation of access, with appearance, landscaping, layout and scale of development to be reserved. The site was situated on the western side of Gore Lane and consisted of 2.24 hectares, of which 1.90 hectares had been allocated under Policy LA27 in the Land Allocations Local Plan (LALP) for a development of 55 dwellings. The indicative layout showed a scheme of 50 dwellings with a density of 22 dwellings per hectare which was comparable to the surrounding area.

The principle of development on the site was accepted. It was therefore for the Committee to consider whether the criteria for development of the site would be met by the outline scheme proposed, and whether the technical detail submitted demonstrated an acceptable impact on infrastructure and highways.

The indicative layout demonstrated respect for the edge of settlement location, including the presence of listed buildings to the north of the site. The frontage of the development would be set back from Gore Lane, with tree-lined avenues within the site and a footpath provided along the frontage. There would be a landscaped buffer along the western edge, a new footpath across the rear of the site to Public Right of Way (PROW) specifications and the retention of existing hedgerows and landscaping where possible. There would also be views through the site from Gore Lane to the open countryside at the rear and a single central access from Gore Lane. The site was surrounded on three sides by development but, due to its elevation, appeared prominent by its undeveloped nature. When approaching from the north and south, the proposed green frontage would help to reduce the prominence of the development in the street scene.

The proposed footpath would be subject to a creation agreement with Kent County Council (KCC) and would link up to byway EE109 at the junction of Mill Lane and Gore Lane. However, it would not be an extension to the byway and would only have footpath status. The new footpath across the front of the site would provide a pedestrian link to bus-stops at either end of the site and improve connectivity to the PROW which led to the school, park and village.

In terms of financial contributions, the applicant had agreed to meet the updated secondary school contribution of £4,115 per applicable house and £1,029 per applicable flat. The applicant proposed to provide 30% affordable housing on site

which equated to 15 units, with an indicative mix of 2 to 4-bedroom units grouped in three areas of the site. Members were advised that there was no intention to provide all the units as social rented housing as indicated in the report. A condition would secure the affordable housing provision in terms of tenure and delivery phasing.

In relation to drainage, the delivery of the infrastructure required by Southern Water would be conditioned to ensure that details of, and a timetable for, the works would be submitted and delivered prior to the occupation of the dwellings.

In summary, when considering the tilted balance approach required by paragraph 14 of the National Planning Policy Framework (NPPF), the proposal was considered acceptable and in compliance with the requirements of Policy LA27 of the LALP and consistent with the aims and objectives of the NPPF. Accordingly, there were no material considerations that would justify a departure from Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which required all planning applications to be determined in accordance with the Local Development Plan.

In response to Councillor T A Bond, the Principal Planner clarified that one of the footpaths would run along the frontage of the development and the other would run from Selson Lane across the rear of the site, past the rear of properties in Albion Road and those that fronted Gore Lane, finally linking with the existing byway. The KCC Development Planner added that there would be four passing bays at evenly spaced intervals along Gore Lane. Whilst visitor parking was a reserved matter, reassurances were given that sufficient parking would be provided within the site.

In response to concerns raised by Councillor B Gardner, the KCC Development Planner clarified that the projected number of 30 vehicular movements during peak hours was based on statistics from a national database which brought together data from surveys undertaken on hundreds of sites in both urban and rural areas. These data indicated that half a vehicular trip was made during peak hours, reflecting the fact that some people were not working and others worked from home. In response to Councillor G Rapley, he confirmed that the figures took account of traffic movements associated with the school. However, he pointed out that these were likely to be minimal given that occupants of the new dwellings would be in the catchment area for the school which was within walking distance.

Councillor Gardner indicated his support for the application, but voiced concerns about the width of Gore Lane. Councillor P D Jull referred to the large number of objections received. He disliked the fact that the footpath would run along the frontage of the development rather than the highway which was contrary to Policy LA27. He also supported the proposal by Eastry Parish Council that the whole of Gore Lane should be widened. The Chairman reminded Members that a highways study had been carried out prior to the site's inclusion in the LALP, and that KCC Highways had raised no objections, subject to certain mitigation measures. He clarified that the footpath along Gore Lane would be built by the developer to KCC's specification, for subsequent adoption by KCC. The KCC Development Planner added that any highway or footpath improvements would be paid for by the developer but would require a final seal of approval from KCC.

Councillor P M Wallace raised concerns that approval in outline did not necessarily commit the applicant to delivering what was indicated at that stage. The Chairman advised that, whilst the Committee could add an informative or a condition about a matter, its powers were limited. In response to Councillor M J Ovenden who raised concerns about anti-social behaviour caused by motorbikes using the footpath, the

Principal Planner advised that the developer would be required to put physical measures in place to restrict vehicle access, details of which could be conditioned. Councillor Bond referred to the scheme's 15% encroachment outside the LALP boundaries, and the fact that the financial contributions for education would be going to Sandwich and not Eastry. If approved, he requested that a condition be added requesting further details of the footpath along Gore Lane.

The Principal Planner reminded Members that a condition would be attached securing the provision of 30% affordable housing. She also clarified that no development would commence until a drainage strategy had been submitted and approved in writing by the Local Planning Authority (LPA). The applicant had submitted a strategy with the application and indications were that Southern Water's approval would be forthcoming. These drainage works would then need to be completed before occupation of the dwellings. The Chairman added that the site had been assessed as suitable for development and therefore included in the LALP. The Committee would be able to scrutinise the proposal further at the reserved matters stage.

It was moved by Councillor P D Jull and duly seconded that Application No DOV/17/01114 be REFUSED on the grounds that there was inadequate highway provision. On being put to the vote, the motion was LOST.

It was moved by Councillor P M Wallace and duly seconded and

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement, Application No DOV/17/01114 be APPROVED subject to the following conditions:

- (i) Time outline;
- (ii) Time reserved matters;
- (iii) Samples;
- (iv) Design details;
- (v) Cycle and bin storage;
- (vi) Parking/turning;
- (vii) Construction Management Plan;
- (viii) Archaeology;
- (ix) Foul and sewage disposal details;
- (x) Landscaping scheme and landscape implementation;
- (xi) Hedgerow and landscape protection measures;
- (xii) Surface water disposal;
- (xiii) Slab levels;
- (xiv) Details of Sustainable Drainage System;

- (xv) Finished surfacing to vehicle and pedestrian access routes, parking areas and kerbs;
- (xvi) Hard and soft landscaping;
- (xvii) Ecological enhancements;
- (xviii) Details of crime prevention;
- (xix) Submission of external lighting;
- (xx) Details of boundary treatment;
- (xxi) Permitted development rights (means of enclosure);
- (xxii) Details of footpath along Gore Lane;
- (xxiii) Details of measures to restrict vehicular access to footpath;
- (xxiv) 30% affordable housing provision.

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the Section 106/legal agreement and any other matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

158 APPLICATION NO DOV/17/01451 - 1 BULWARK ROAD, DEAL

Members viewed drawings, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a cantilevered first-floor side extension to a dwelling which was located on a prominent corner plot in an area of tightly-knit development in north Deal. The proposed extension would project forward and above of an existing parking space, and would have a different eaves height to the host dwelling. There was an existing dormer extension on the front elevation and another large dormer extension on the rear which had been erected under permitted development rights. Officers considered that the proposed extension was of a contrived design which would be overbearing, incongruous and intrusive in the street scene. Moreover, there was already a limited open view from Capstan Row and this would be restricted even further by the proposed development.

Councillors B W Butcher and Gardner agreed with Officers that the proposed extension did nothing to enhance the host dwelling or the surrounding area, and moved that the application should be refused. Councillor M R Eddy added that a smaller extension might be acceptable but, as it stood, the design was contrived and damaging to the surrounding area. Councillor Bond argued that the reasons given for refusal were subjective, and that the proposed extension would cause no more harm in an area which already had a mixture of extensions and changes.

RESOLVED: (a) That Application No DOV/17/01451 be REFUSED on the grounds that, in this prominent location, the proposed extension, if permitted, would result in an incongruous and intrusive addition to the street

scene. By virtue of its resultant design and its relationship with the existing dwelling, the proposed extension would appear as a contrived and alien feature in the street scene. The proposal would result in harm to the street scene, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 58, 61 and 64.

159 APPLICATION NO DOV/17/01230 - LAND REAR OF 117 MANOR ROAD AND ADJOINING 437 FOLKESTONE ROAD, DOVER

The Committee was shown plans, drawings and photographs of the application site which partly adjoined an Area of Outstanding Natural Beauty (AONB). The Planning Officer advised Members that the application sought permission for the erection of a detached dwelling on a site which comprised part of the rear garden of 117 Manor Road. As an update to the report, further information had been submitted which evidenced ownership of the land within the application site. The proposed dwelling would use an existing access. Officers considered that there would be no harm to the AONB or residential amenity and approval of the application was therefore recommended.

Councillor Wallace proposed that a site visit should be held to assess construction and emergency vehicle access, as well as overlooking and loss of light. In response to concerns raised by Councillor Ovenden, it was clarified that vehicles would travel along the track in forward gear having reversed out of the parking area.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01230 be DEFERRED for a site visit to be held on Tuesday 20 March 2018 to enable Members to assess: (i) Access arrangements for construction traffic and emergency vehicles; (ii) Overlooking of neighbouring properties; and (iii) Loss of light to neighbouring properties, and Councillors B Gardner, P D Jull, M J Ovenden, G Rapley and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

160 APPLICATION NO DOV/17/01499 - MARLEY COTTAGE, MARLEY LANE, FINGLESHAM

Members were shown plans and photographs of the application site. The Planning Officer advised the Committee that the application sought outline planning permission for the erection of a detached dwelling in the countryside where Policy DM15 of the Core Strategy applied. Engineering works would be required which would lead to the loss of an embankment and hedgerow, and views of the dwelling would be particularly prominent from the south-east of the site. The proposal did not meet any of the criteria listed under Policy DM15. Moreover, Officers considered that it was unsustainable and would be detrimental to the character and appearance of the area. It was therefore recommended that the application should be refused.

Councillor Bond commented that there would have to be very good reasons to go against the Local Development Plan. He proposed that the application should be refused in accordance with the report recommendation. In response to several Members who expressed their sympathy for the applicant's situation, the Chairman reminded them that the issues were comprehensively set out in the report. The site was an isolated dwelling and outside any settlement confines, Finglesham being a hamlet where development was not permitted. The development would cause a great deal of harm and provide very few public benefits.

RESOLVED: That Application No DOV/17/01499 be REFUSED on the grounds that the proposed development, if permitted, would result in an unjustified dwelling-house outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable, unjustified sporadic residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car and would significantly and demonstrably harm the rural character and appearance of the locality, contrary to Policies DM1, DM11 and DM15 of the Core Strategy and paragraphs 14, 17, 61 and 109 of the National Planning Policy Framework.

161 APPLICATION NO DOV/17/01492 - LAND ADJACENT TO 51 BALMORAL ROAD, KINGSDOWN

Members were shown drawings, plans and photographs of the application site which was situated in the severed side garden of 51 Balmoral Road. The Principal Planner advised that the application sought planning permission for a two-storey, three-bedroom dwelling. The site was within a wholly residential area and, whilst garden land did not fall within the definition of previously developed land, the principle of development in this locality was considered acceptable. The Committee would therefore need to consider whether the proposal was acceptable when judged against material planning issues. In the opinion of Officers the size of the proposed dwelling was not commensurate with the size of the plot and would appear cramped and congested. The dwelling would be higher than, and sited within two metres of, the adjacent dwelling. Due consideration had been given to paragraph 14 of the NPPF which stated that permission should be granted unless the impact of doing so would significantly and demonstrably outweigh the benefits. However, it was considered that the proposed dwelling would bring minimal benefits and cause significant and demonstrable harm to the character and symmetry of the area.

Councillor Jull commented that there were a number of two-storey properties in the area and the proposed dwelling could therefore provide some symmetry to the road. The occupiers of 75 Balmoral Road had recently been granted permission to raise its ridge height. In respect of amenity, it was the applicant who would be most affected by the new dwelling.

The Chairman explained that, when assessing residential amenity, the Committee was required to take into account future occupants and not just those currently residing at a property. He shared Officers' concerns over the impact on no. 51 and particularly the potential for loss of light. Councillor Bond referred to the potential for overshadowing and agreed that the proposal would be an overdevelopment of the site. The Principal Planner clarified that planning permission had been granted the preceding year for the ridge height of no. 75 to be raised and dormer windows inserted at the front and rear. If carried out, no. 75's ridge height would be just under 5.5 metres which was still lower than the ridge height of the proposal before the Committee. It was agreed that the reason for refusal relating to overshadowing should be strengthened by Officers, using delegated powers.

RESOLVED: That Application No DOV/17/01492 be REFUSED on the following grounds:

(i) Due to its proposed design, height, bulk, size, scale, siting and the provision of car parking and hard surfacing and, given the open nature of the corner plot, the proposed development would appear as an unsympathetic, dominant and cramped form of development which would detract from the visual quality, character and appearance of the street scene and result in a prominent and intrusive form of development which, if permitted, would be harmful to the visual quality of the area contrary to paragraphs 17, 56 and 64 of the National Planning Policy Framework.

(ii) By reason of the scale, height and siting of the dwelling, the proposal would appear as a dominant and overbearing form of development which would cause harm to the residential amenities of the occupiers of 51 Balmoral Road.

162 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.22pm for a short break and reconvened at 8.28pm.

163 APPLICATION NO DOV/17/01360 - 28 PRIORY HILL, DOVER

The Committee was shown plans and photographs of the application site which was situated within the urban confines of Dover on a steeply sloping hill. The Principal Planner advised that the applicant sought planning permission to convert the dwelling into three self-contained flats. The dwelling had no off-road parking. The only external changes would be the demolition of a chimney stack, a replacement door to an existing store and the addition of a bin/bicycle store behind the front boundary hedge. Since its deferral at the last meeting, the Council's waste and recycling team had been consulted regarding bin storage. Following advice received from the team, the applicant had submitted amended plans so as to provide the requisite size and number of bins. A site visit had been held on 20 February in order to allow Members to assess the impact on parking and the character and appearance of the area, together with the proposed bin/bicycle storage arrangements.

Councillor Gardner reported on the site visit which had been very well attended. It was evident from the site visit that there was a significant parking problem in Priory Hill, demonstrated by the fact that only five of the 42 cars parked there that morning belonged to residents of the street. Members of the site visit panel had been unanimous in their view that the proposal would exacerbate parking problems, and that the bin/bicycle stores would be unsightly. This was an attractive street of family houses which should remain as such given that there was a shortage of 3/4-bedroom houses in the district.

Councillor Ovenden advised that a report had been considered at the Dover Joint Transportation Board meeting on 7 September 2017 regarding a residents' parking scheme for Priory Hill. She had received reassurances that a further report would be presented to the Board in March. Once implemented, it was likely that the residents' scheme would alleviate parking problems in Priory Hill.

The Chairman acknowledged that there was a parking problem. However, this was largely due to commuter traffic which would be excluded once a scheme was introduced. Moreover, KCC Highways had raised no objections to the development, arguing that the additional residents and their vehicles would lessen the opportunity for commuters to park in the street. He referred to fears about the development's

potential to affect the character of the street. However, there had been no application for a change of use for the dwelling. These fears appeared to be unfounded and were not therefore a material planning consideration in this case. In relation to the impact of the bin/bicycle storage on the character of the street, this had been addressed by a condition which would require the retention of the beech hedge. The Principal Planner referred to the proposed changes to the external appearance of the dwelling and the minimal impact these would have. She understood that Members' concerns centred around the impact that the development might have on the social character of the street.

Councillor Gardner argued that a house reserved for family occupation would not need a bin/bicycle store and as many parking spaces given that there was likely to be a higher ratio of children to adults living at the property. Councillor Eddy referred to the three dimensions of sustainable development outlined in paragraph 7 of the NPPF, namely the economic, social and environmental impact of development. Altering this dwelling would have an impact on the social and environmental sustainability of the road and the greater area of Dover which lacked large family residences of an historic nature that were likely to appeal to business people of a certain standing. Converting the dwelling would be contrary to the Core Strategy which had identified a need for large family homes. Furthermore, the bin/bicycle storage would affect the style of the road and was therefore a further environmental consideration. The Chairman disagreed, stating that stronger reasons for refusal would be needed if the LPA were to successfully defend an appeal.

Councillor Wallace commented that, although not part of a conservation area, Priory Hill was one of the few attractive streets left in Dover, with a number of historic houses of uniform appearance. Its proximity to a conservation area and Dover Town Hall was significant. Whilst properties in the street were currently well maintained, he feared that this would change if the proposed flats were tenanted. Warnings about the impact of flat conversions in Folkestone Road and Effingham Crescent had gone unheeded several years before, to the detriment of those areas. He understood that developers had offered money to the occupants of other houses in the street which indicated that other conversions would follow if permission were granted. Given that there was an existing problem of drug use round the corner from the application site, and that parking was under so much pressure, he urged Members to refuse the application. The Chairman acknowledged that, whilst local knowledge was an important consideration, the Committee had to work within the planning legislation and be even-handed to both the applicant and residents.

The Principal Planner reminded Members why approval of the application was recommended. In terms of car parking, Policy DM13 of the Core Strategy indicated that the existing dwelling would generate the need for three off-street spaces. The proposed scheme would generate a need for four spaces. KCC Highways had raised no objections and had advised that the additional space could easily be absorbed since demand for parking in the street varied during the day. The accommodation offered by the proposed scheme would be comparable to that offered by the existing dwelling. The bin storage arrangements were now considered adequate following changes made by the applicant, and the retention of the beech hedge would be conditioned. The issue of the flats being for sale or rent was not a material planning consideration as this could not be controlled. As some policies of the Local Development Plan were now considered out of date, the Committee was required to take a 'tilted balance' approach to the application in accordance with paragraph 14 of the NPPF which presumed that planning permission should be granted unless the impact of doing so would significantly and demonstrably outweigh any benefits. The harmful impacts of one additional car

parking space and the bin/bicycle storage (should the beech hedge be removed) were not considered to outweigh the benefit that much-needed small units of accommodation in a sustainable location would provide.

Councillor Bond acknowledged the points raised about the social impact of the development. However, whilst he sympathised with residents about parking, he did not believe there were sufficient reasons to refuse the application.

It was moved by Councillor B Gardner and duly seconded that Application No DOV/17/01360 be REFUSED on the grounds that: (i) It would exacerbate existing car parking problems; (ii) The proposed bin/bicycle storage would change the character and appearance of the street; (iii) The loss of a family home in a street of family homes would be detrimental to the character of the street; and (iv) The three dimensions of sustainable development (i.e. economic, social and environmental) referred to in Paragraph 7 of the National Planning Policy Framework would not be achieved.

On there being an equality of votes, the Chairman used his casting vote and the motion was LOST.

It was moved by Councillor P D Jull and duly seconded that Application No DOV/17/01360 be APPROVED as per the Officer's recommendation.

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

RESOLVED: (a) That Application No DOV/17/01360 be APPROVED subject to the following conditions:

- (i) Standard time limit;
 - (ii) In accordance with approved plans;
 - (iii) Full particulars and details of a scheme for sound insulation between bedroom 2 of the ground-floor flat and the kitchen/living-room of the first-floor flat;
 - (iv) Prior to the first occupation of any flat hereby granted, the bin and bicycle stores shall be provided;
 - (v) The beech hedge along the front boundary shall be retained.
- (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.

164 APPLICATION NOS DOV/16/01365 AND DOV/16/01366 - LONG LANE FARM, LONG LANE, SHEPHERDSWELL

The Committee viewed drawings, plans and photographs of the application site. The Principal Planner advised that the item related to two applications for full planning permission and listed building consent for the redevelopment of a farmstead at Long Lane Farm, Shepherdswell. The planning application sought permission for the demolition of several 20th-century agricultural buildings to allow

for the erection of a pair of semi-detached dwellings, the extension and conversion of a former milking parlour to one dwelling and the conversion of a barn to one dwelling, alongside the erection of associated buildings and the creation of hardstanding and gardens. The listed building application was for the conversion of a curtilage-listed barn and milking parlour, the latter of which would be extended.

The Committee was reminded that it was statutorily required to determine applications in accordance with the Local Development Plan. Whilst the Council had a 5-year housing land supply, it was acknowledged that Policies CP2 and CP3 of the Plan were out of date and therefore should be afforded reduced weight. However, the recent Planning Inquiry had confirmed that Policies DM1, DM15 and DM16 were up to date and therefore carried significant weight.

The proposal sought to convert the barn to one dwelling which would include the external and internal reconfiguration of the building and the erection of steps to the rear. The milking parlour would be extended so that it would be roughly doubled in size, to provide one dwelling. A pair of semi-detached dwellings would be erected to the west of the milking parlour. The central courtyard would be extended towards Long Lane and beyond the existing courtyard to provide an open car parking area. Private gardens would also be provided to the rear of each dwelling.

Policy DM1 directed that development should not be permitted outside settlement confines unless, amongst other things, it functionally required a rural location or was ancillary to existing development or uses. Whilst Policy DM4 supported the conversion of buildings in rural areas in some circumstances, it was not considered that these applied in this case. As such, the erection of new dwellings and the conversion of existing buildings in this rural location were contrary to the Local Development Plan. Furthermore, due to its isolated location, distance from facilities and services and reliance on unsustainable modes of transport, the principle of the development was not supported by the NPPF.

In relation to the barn, it was considered that the proposed steps to the rear would be poorly related to the agricultural character of the building. In addition, the proposed use of black stained weatherboarding was considered inauthentic for this location. Whilst a basic survey had been submitted assessing whether the building could be converted, this provided insufficient detail regarding the condition of walls and timbers and the historic fabric that would be retained or lost. Furthermore, it was considered that the proposed sub-division of the barn would take away the spacious open character of the building which was integral to its significance as a listed building.

Due to the open character of the landscape, the site was visible in far-reaching views. The buildings currently formed an archetypal agricultural farmstead which was characteristic of the area. The loss of several utilitarian structures of no architectural merit would only have a minor visual impact. However, the development would introduce domestic buildings and features into the farmstead which, together with car parking areas, garages, stores and large rear gardens, would fundamentally change the character of the site from agricultural to domestic, causing harm to the landscape.

Councillor Ovenden, supported by Councillor Gardner, proposed that a site visit should be held. Councillor Gardner referred to a report and an additional representation having been received. The information in the report and representation differed to what was in the Officer's report, and he therefore wished to visit the site to clarify what was there, what impact the proposed changes would

have on curtilage-listed buildings and how the courtyard would be enhanced. Referring to paragraph 3.63 of the report, the Principal Planner clarified that development under permitted development rights did not apply to listed buildings. In addition, the definition of conversion of buildings did not include their demolition and replacement.

RESOLVED: That, notwithstanding the Officer's recommendation, Application Nos DOV/16/01365 and DOV/16/01366 be DEFERRED to allow Officers to assess the additional information submitted, and for a site visit to be held on Tuesday 20 March 2018 to enable Members to: (i) Assess the impact on the character of the area; (ii) Consider the benefits of removing the unused buildings; and (iii) Assess the impact of the proposals, particularly the new dwellings, on the courtyard and listed farmhouse, and Councillors B Gardner, P D Jull, M J Ovenden, G Rapley and P M Wallace (reserve: Councillor F J W Scales) be appointed to visit the site.

165 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

166 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken since the last meeting.

168 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor B W Butcher, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involved the likely disclosure of exempt information as defined in paragraph 5 of Part I of Schedule 12A of the Act.

169 APPLICATION NO DOV/16/01247 - LAND AT WHITE POST FARM, SANDWICH ROAD, ASH

The Principal Planner referred Members to the report which concerned the refusal of outline planning permission for a site at Sandwich Road, Ash and a subsequent appeal. The Committee's decision was now sought as to how the Council should defend the appeal in the light of advice recently received from the Council's legal representative.

Councillor Butcher stood by the decision which the Committee had made in good faith. Whilst he was disappointed that the Council was in this position, he acknowledged that a pragmatic approach was now needed in the light of the legal advice received. The Chairman agreed that the Committee had made a sound decision based on the information available at the time. However, things had moved on and, taking into account the 'tilted balance' approach now required, the Committee would probably come to a different conclusion now. In response to concerns raised by Councillors Bond and Gardner who disagreed with the proposed course of action, he reiterated that the advice had come from Counsel. It would be irresponsible to ignore that advice knowing that the costs of defending the refusal at appeal would be substantial. Members had a duty to spend taxpayers' money wisely.

The Planning Solicitor clarified that Officers had reviewed the case themselves and it had not come about as a result of pressure from the developer. The costs involved were the Council's costs of attending the inquiry and defending the decision, not those of the appellant. He advised that the costs associated with lodging or defending an appeal were borne by both parties. However, where costs had been awarded against one party or another, these were always where the Planning Inspector considered that there had been unreasonable behaviour by one side. Councillor Gardner requested that, in future, the Council should seek costs from a developer where it was considered that they had acted unreasonably.

RESOLVED: That Option 2, as set out in the report, be approved, and the Planning Inspectorate be advised that the Council will proceed with the appeal on that basis.

The meeting ended at 10.26 am.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 22 MARCH 2018

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) 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/17/01230** **Erection of a detached dwelling, formation of vehicle access and parking – Land rear of 117 Manor Road and adjoining 437 Folkestone Road, Dover (Agenda Item 8 of 22 February 2018)**

2. **DOV/16/01365 &** **Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) (Planning Permission)**
DOV/16/01366 **Conversion and extension of barn and milking parlour to residential use (Listed Building Consent) – Long Lane Farm, Long Lane, Shepherdswell (Agenda Item 12 of 22 February 2018)**

3. **DOV/16/01476** **Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden (Agenda Item 9 of 25 January 2018)**

These items are dealt with elsewhere on the agenda

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, Support Team Supervisor, 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 Support Team Supervisor (Tel: 01304 872468).

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

Unless otherwise stated, the background papers will be 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 Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

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 features of special architectural or historical interest 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:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

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.

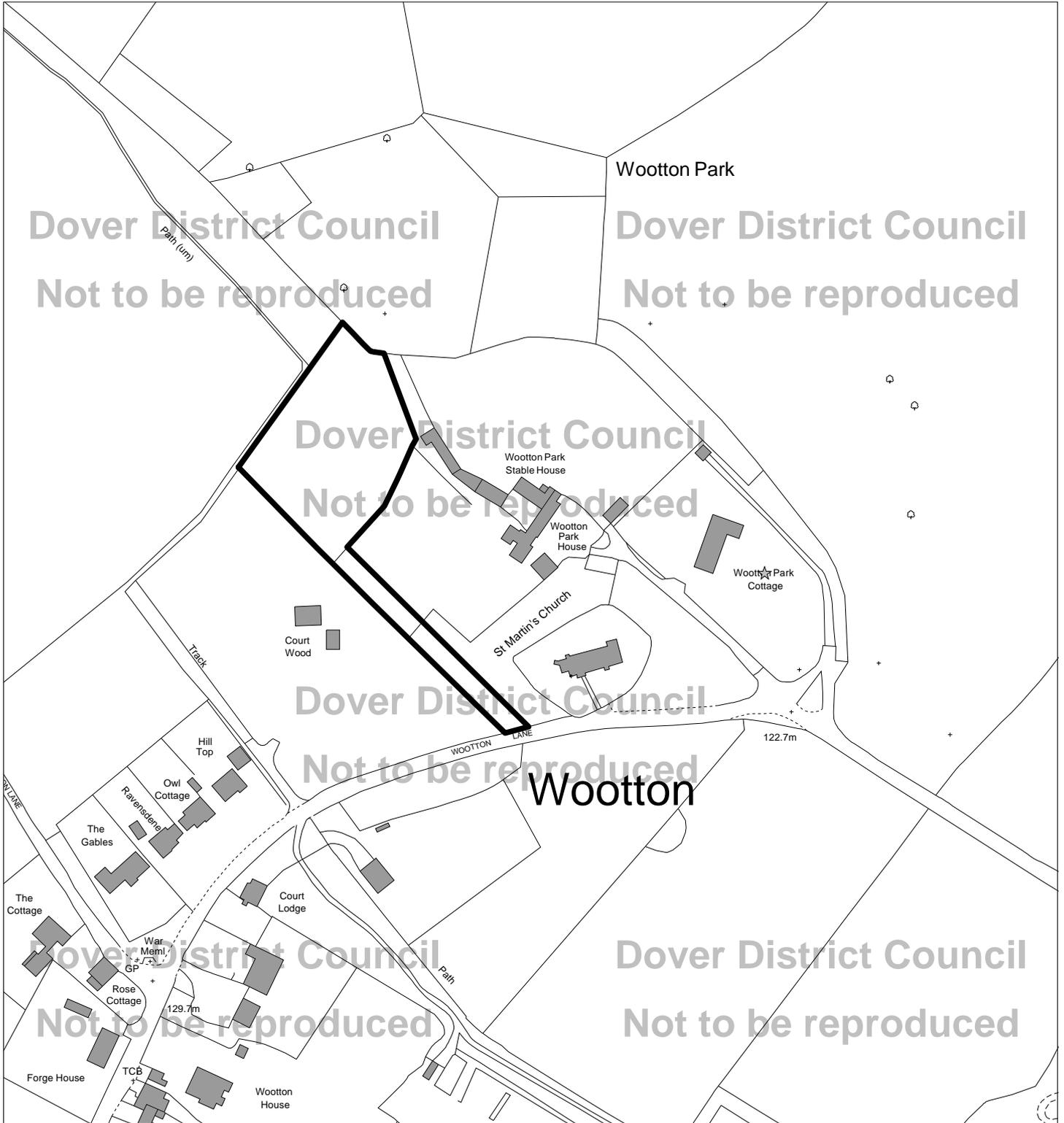
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

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Not to scale

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

Application: Land at Wootton Park House

Wootton Lane

Wootton

CT4 6RT

TR22404659



- a) **DOV/17/01527 – Erection of a detached dwelling, triple garage with store and formation of access – Land adjacent to Wootton Park House, Wootton Lane, Wootton**

Reason for report: The number of representations received contrary to the officer's recommendation.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Designated Heritage Assets

- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall have special regard to the desirability of preserving the (listed) building or its setting, or any features of special architectural or historic interest it possesses.
- Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Core Strategy (CS) Policies

- CP1 – No further development is suitable within the Hamlets unless the proposal functionally requires a rural location
- DM1 – Prevents development on land outside urban boundaries and rural settlement confines unless if functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 – seeks to protect the countryside for its own sake.
- DM16 – Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and to conserve and enhance the natural environment.

- Section 6 of the NPPF seeks to deliver a wide choice of high quality homes. Paragraph 47 places the emphasis on the local planning authorities to use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing.
- Section 7 of the NPPF requires good design and the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 8 of NPPF promotes healthy communities and seeks to facilitate social interaction and create healthy, inclusive communities.
- Paragraph 14 of NPPF sets out a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, 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, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted (for example, those policies that relate to an AONB)

The Council has recently identified the need to undertake a Local Plan Review on the basis that some of its evidence base and needs assessment criteria pre-dates the NPPF. As such, the requirements of Paragraph 14 are triggered.

- Paragraph 29 of NPPF promotes sustainable transport solutions. Recognition is given 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.
- Paragraph 55 of NPPF advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the exceptional quality or innovative nature of the design of the dwelling.
- Paragraph 115 of NPPF gives great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONBs) and places the highest status of protection in relation to landscape and scenic beauty.
- Paragraph 134 of NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Five-Year Housing Supply

- The most recent Authority Monitoring Report (December 2017) demonstrates that the Council has a 5-year supply of housing.

Kent Downs AONB Management Plan

- The Kent Downs AONB Management Plan 2014-2019 is a material relevant consideration in the determination of the application. Sustainable development Policy SD1 emphasises that the need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.
- Policy SD2 states that the local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.

d) **Relevant Planning History**

DOV/12/00163 – Refused, for alterations to an existing annex building to include a dormer roof extension.

DOV/12/0526 – Permitted, for alterations to an existing annex building to include a dormer roof extension.

There is planning history relevant to this and the adjoining sites where applications for new dwellings have been refused, but this is not recent.

e) **Consultee and Third Party Responses**

Parish Council: “The building is set back considerably from the public highway and would appear not to appear out of context with the surrounding buildings. The dwelling is proposed to be accommodation for family members of the existing occupants of Wootton Park House. On the assumption that the vehicular access will be appropriate aesthetically and functional, we are supportive of the application.”

Kent AONB Unit: “Subject to the retention of the trees around the perimeter of the site, the site is relatively well contained within the landscape and the impact of a new dwelling on the wider landscape in this location would be relatively contained. Should the new dwelling be acceptable to the Council it is imperative that the trees around the perimeter of the site are retained both during construction and subsequently, and that the loss of trees to facilitate the proposed driveway is minimised. We would also wish to ensure that the impact of the new access is mitigated with the access width kept to a minimum and suburban style entrance and gates onto the Lane avoided.”

The Kent AONB Unit has been asked to clarify their comments and a further response is anticipated which will be reported at the committee meeting.

Kent County Highways: Clarification was originally sought as to the history and function of the proposed access to the site, and whether it is a long-standing access or new. As the information submitted suggests that the existing access is longstanding and has not been abandoned or permanently stopped up – it effectively has planning permission. On this basis the application would be a non-protocol matter but I confirm I have no highway objections to the proposals.

Kent PROW: No comments. The path running around the perimeter of the field immediately north of the application site is shown as a dashed line and is an un-named path which has not been legally recorded as a Public Right of Way. The landowner may have accepted the public walking this route around the edge of the field and we have never received a report to challenge otherwise. However, unless a diversion is officially applied for then the legal line of the PROW (ER100) is as shown further from the application site, running in a diagonal line across the field, further from the northern boundary of the site.

Tree & Horticulture Officer: "The salient element of the proposed dwelling at the above site in relation to impacts upon trees is the construction of the driveway linking the dwelling to the house. Plans show the proposed driveway passing through an area where numerous trees are present. The driveway is proposed as a no-dig construction with the aim of allowing the retention of the majority of trees on site, although there are seven trees which are in direct conflict with the proposed route would need to be removed. Further impacts upon trees conflicting with the route of the driveway would result from necessary crown lifting to 5 metres above ground level to allow for suitable clearance for vehicular and emergency vehicle access. Those trees in direct conflict are Category B and C and with the exception of one tree are all early mature specimens. The loss of these trees is considered acceptable subject to replacement planting which should focus on the more open area of land immediately adjacent to the highway..." A number of conditions are suggested to mitigate the impact of the construction phases and development.

Heritage: There would be no harm to the setting of the listed building and no harm to the character and appearance of the conservation area.

Environmental Protection: No objections subject to a condition being imposed with regard to addressing the potential for contamination on the land.

Southern Water: No objections have been made, but a condition is requested for details of foul and surface water disposal to be approved before development commences.

There have been 13 letters in support of the application, received as a result of the consultation of the application, which raise the following matters:

- The proposal enables a family to live near each other and in this case enables support for the family
- A young family would reside in the community and there would be a boost to the local community
- There would be no adverse impact upon the environment or infrastructure

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

Site

- 1.1 The application site forms part of the garden and curtilage of Wootton Park House. It is a roughly square parcel of open land located to the rear (north west) of Wootton Park House and its annexe and outbuildings. It has a number of trees adjacent to its northern and western boundaries (outside the site). The application site extends towards Wootton Lane, among other trees, where there is a relatively new gate and post and wire fencing.
- 1.2 Wootton Park House and Wootton Park Stable House occupy an extended country residence that once formed part of the outbuildings of Wootton Court. Wootton Court was originally the manor house which would have originally been constructed around the same time as the Parish Church (which is located on the adjacent land). The manor house was replaced in Georgian and Victorian times, but was finally demolished in the 1950s. Some of the outbuildings of the manor house were retained along with remnants of earlier manor houses. These buildings have been sub-divided into the two dwellings and their annexes.
- 1.3 Wootton Park House is an L-shaped two storey building, with an attractive Victorian façade, which has been sympathetically extended. The front of the building faces south east towards the main vehicular entrance to the land, from Wootton Lane. Along the return of the north east elevation there is a two-storey extension that accommodates Wootton Park Stable House. To the rear of the main frontage there are a series of single storey outbuildings that are divided between the two dwellings. The outbuildings further from the main building are occupied by the applicant. The grant of planning permission in 2012, allowed an extension of this outbuilding to form an annex to be potentially used as dependent accommodation for the applicant's daughter. A large section of garden land will be retained as ancillary space for Wootton Park House.
- 1.4 St Martin's Church Building is located to the south west of Wootton Park House and to the east of that part of the application site that is proposed to accommodate the access and driveway. The Church of St Martin is a Grade II* listed building and is an early 13th Century Parish Church with 14th Century alterations. It was restored in the 1880s. The building is constructed of mainly flint and rubble, with brick repairs. It has a plain tiled roof. Around the boundary of the church yard are mainly 1m high flint, brick and rubble walls. Within the church yard are a number of trees and gravestones. To the west of the church yard is a small landscaped area (mainly made up of Laurel) that falls within the curtilage of the applicant's property, but falls outside the proposed application site. The proposed access to the new dwelling is to the west of this small landscaped area.
- 1.5 Under a separate listing, there are 3 headstones located south of the Church building that are Grade II listed.
- 1.6 The application site falls within the Wootton Conservation Area. This covers the historic centre of the hamlet, it includes the former manor and its gardens and includes a number of listed buildings to the west and south west of the site. The hamlet is located on a ridge line within the Kent Downs AONB. Most of the character of the area is made up

of detached buildings set within their own individual plots, which do not adhere to a general pattern of development or layout. The houses are located within a sylvan setting - development that is integrated with the landscape, within the open countryside. The boundary of the conservation area runs along the northern boundary of the site, it includes the application site, Church building and immediate surroundings and extends in a westerly and south westerly direction to include older properties that formed part of the original hamlet settlement.

- 1.7 The application site also falls within the Kent Downs AONB. The AONB designation covers a much wider area than just this hamlet on the ridgeline. The surrounding landscape has undulating and rolling countryside, made up of wooded areas and open fields.
- 1.8 There are a number of public footpaths and bridleways across and around Wootton, providing access to the wider countryside. To the north of the application site is an un-named grassed path that has been fenced and separated from the remainder of the field and appears to have been set aside by the landowner for public use. The application site is easily seen from this path. This path runs around the perimeter of the field adjoining the application site. The legal PROW diagonally crosses the landowner's field further from the northern boundary of the application site. However, this PROW has been fenced off, so that there is no access to it.
- 1.9 The hamlet does not have public facilities or amenities. It does not have a school and it does not have shops. There is no bus route through the Hamlet. The nearest bus stop is in Denton.

Proposal

- 1.10 The application proposal seeks a large detached, 5 bedroom house with a detached garage building to accommodate 3 enclosed car parking spaces, an open fronted car parking space and a store area. An access and driveway from Wootton Lane are also proposed to serve the house.
- 1.11 The proposed house will be constructed over three floors (a basement area for part of the house, a ground and first floor). Above ground, the building will appear as a part single and part two storey development.
- 1.12 The proposed house has a modern design, with the use of red brick and coloured white render with some 'mock-tudor' timber decoration, under a plain tiled roof. The roof design varies with gabled ends, roof dormer projections, and a half-conical glazed roof design for one of the single storey components.
- 1.13 The proposed garage building has a more traditional design and appearance. It has the appearance of a large cart barn, constructed with a timber frame, half hipped and catslide roofs, low eaves, and partly open fronted. It is located to the north west of the main house, closer to the boundaries of the site.
- 1.14 The proposed access seeks to re-use what is considered by the

applicant as an old access that served the former stables, and side and rear of the garden. This will lead to the formation of a long driveway to the new garage building, which will have a sinuous design, as it needs to take into account the location of trees on the site. Although no specific details have been submitted, it is understood that the proposed driveway will be hardsurfaced with a form of aggregate over a cellular rafting structure. This structure is a type of 3D matting. The driveway will have a 'hard' or stable surface for the vehicles, but the cellular raft around the edges and beneath it is designed to minimise excavation and soil compression so that the hardsurfacing can be located under tree canopies and within their root protection areas. These cellular blocks have small perforations that allow water and oxygen into the ground.

- 1.15 The proposal is supported by a tree survey. A number of trees are identified on the survey, some of which will be lost or will be in close proximity to the proposed driveway. The location of the proposed house and garage are slightly further than their nearest trees. It is not anticipated that the construction of the house and garage would result in the direct loss of trees.
- 1.16 The proposal was the subject of pre-application advice, which set out that the new house would be contrary to development plan and NPPF policy and guidance. A written justification for the proposal has been submitted by the applicant. The proposed house is for the applicant's daughter and her family, which will be an affordable housing unit for the family which has ties with the community and it will enable better care to be provided for the family in the future, and for the maintenance of the applicant's property.

2. Main Issues

- 2.1 The main issues to be considered with this proposal are:
- The principle of the development
 - The impact upon designated heritage assets, the AONB and the character and appearance of the area
 - Other matters and weighing the proposal in the balance

Principle of Development

- 2.2 The application site is part of a hamlet that does not have settlement boundaries that are recognised in the Development Plan. As such, in terms of planning policy, the site falls within the countryside where no further development is normally allowed, unless it functionally relates to the rural area. As such the principle of development in this location is contrary to Policies CP1, DM1 and DM11 of the Core Strategy.
- 2.3 At hamlets and other countryside locations (beyond confines) the Core Strategy is unambiguous that housing development should be very strictly controlled. To depart from this approach, contrary to Policy DM1 would, as stated at paragraph 1.7 of the Core Strategy, require "unusual and compelling justification for permission to be given". It is also appropriate to highlight that allowing new housing without such

justification would in itself cause harm. Such an approach would also be in conflict with the NPPF which (at paragraph 17) identifies as a core planning principle, the operation of a genuinely plan-led system within which decisions on planning applications can be made with a high degree of predictability and efficiency.

- 2.4 The application site is not served by public transport and the hamlet does not have services or amenities for the day to day needs of the community. The nearest village is some distance away and is not considered to be within a walkable distance. As such, the proposed occupiers would be heavily reliant on the use of a private motor vehicle to access essential services and facilities within the larger settlements in the district and nearby districts. On this basis, the proposal would conflict with policy DM11 of the Core Strategy.
- 2.5 Policies DM1 and DM11 are broadly consistent with the objectives of the NPPF, which seek to direct development to the most sustainable locations to make the fullest possible use of walking, cycling and public transport.
- 2.6 Section 55 of the NPPF seeks to avoid isolated housing development in the open countryside but provides exceptions where new dwellings would be allowed in the countryside. In this case, it would be where special circumstances exist such as the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area
- 2.7 Although the building is well designed and articulated, and seeks to use materials used on other buildings within the immediate area, it is considered that its design is not exceptional or innovative and, through the loss of an open, garden area and some trees within the curtilage of the main property, neither does the dwelling enhance its immediate setting. It is considered that the proposed dwelling does not provide special circumstances to justify an exception to the presumption against new dwellings in the countryside, outside the built confines. In addition, Paragraph 55 of the Framework sets out that to promote sustainable development in the rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is not considered that this isolated house would maintain the vitality of the rural community.
- 2.8 With reference to the supply of housing, the Council has commenced a review of the Core Strategy and the Land Allocations Local Plan through the preparation of a single Local Plan. This is because the Core Strategy was prepared in the context of the now revoked Regional Spatial Strategy and prior to the publication of the NPPF in

2012. As such, policies CP2 and CP3 of the Core Strategy – which are policies for the supply of housing are out of date. As such, Paragraph 14 of the NPPF is triggered – not because of a lack of a five-year supply of housing, but rather because some housing and employment evidence which underpins the Core Strategy is out of date. The “tilted balance” approach set out in Paragraph 14 of the NPPF needs to be applied.

- 2.9 With reference to Policies DM1 and DM11, which focus on the principle of development in this location, these are not policies for the supply of housing. As such, full development plan weight can be given to these policies, in consideration of the “tilted balance” approach.
- 2.10 In conclusion, the principle of development in this location is contrary to Policy DM1 and Policy DM11 of the Core Strategy. In addition, the development is not justified in the context of the special circumstances required in Paragraph 55 of the NPPF for new isolated houses in the countryside.

Impact upon Designated Heritage Assets, AONB and Character and Appearance

St Martin's Parish Church

- 2.11 St Martin's Parish Church fronts onto Wootton Lane and contains a number of trees within its curtilage. There is a further group of trees within the applicant's land and a garden area that separates the church building with the location of the proposed development on the application site. This tree screening and degree of separation are sufficient to consider the church to be physically and visually remote from the proposed house and garage. With regard to the driveway and access arrangements, there is a further tree-d area between the boundary wall of the Church and the location of the access and driveway. With suitable and additional landscaping and control over the design and appearance of any future gates and front boundary treatment adjacent to the highway, it is considered that the access and driveway would not have a harmful impact upon the setting of the church building. The three separately listed headstones are in front of the Church building and would not be seen within the context of the application site. In conclusion, the proposed development would ensure the setting of the listed Church and the headstones are preserved.

Conservation Area

- 2.12 The Conservation Area designation covers the historic settlement located on the ridgeline of the hill, with the open countryside and undulating hills as its hinterland. The conservation area has an open and sylvan character and appearance, with buildings interspersed that are individually designed, sporadically located on their plots and are not built to any uniform design or layout. There is no recognisable pattern of development or set spatial standards between buildings. The spaces between buildings are as important as the buildings themselves, in terms of helping to create the character and appearance of the conservation area.

- 2.13 The proposed development would be located on an open part of the garden area of the existing development, away from the general built envelope of the main building on the site and its annexes/outbuildings. It would be retained within the existing boundaries of the site and not have a harmful impact upon the character and appearance of the conservation area.
- 2.14 The Heritage Officer has not identified harm to the character and appearance of the conservation area.
- 2.15 It is considered that the proposed development would not harm the character and appearance of the conservation area and that the assessment of the degree of harm to the significance of the designated heritage asset against the public benefits of the proposal under Paragraph 134 of the NPPF is not required.

AONB

- 2.16 The AONB designation is considered to have national importance in terms of its landscape and scenic beauty. It has the highest form of protection. The Kent Downs AONB extends mostly across the district to the south of the A2 Road and extends further west and south into adjoining districts. Its designation covers the hamlet of Wootton and its hinterland. The hamlet is located on the ridge of a hill, with the topography dropping significantly to the north, west, south and east beyond it. The application site is visible from Wootton Lane and from the public footpath ER100. This footpath extends in a south west to north east direction, but also has a change in topography – in that the land falls in a northerly and easterly direction.
- 2.17 Although the Kent AONB Unit raises no objections, subject to the imposition of planning conditions, it is considered that the proposed development would be visible from public vantage points (including glimpses from Shelvin Lane further north) and would adversely affect the localised open character and landscape setting of the AONB, and the open views across the site, by reason of the scale and location of development and the increased intensity of the domestic activity and paraphernalia around the proposed development and along the access.
- 2.18 Further encroachment by the proposed development beyond the built envelope of existing development on the land into and towards the more open countryside to the north of the site, would affect the prevailing open character of the local area and its landscaped setting – which includes the topography of the landscape and how views from different levels of the land would be affected by the development.
- 2.19 Whilst the trees along the boundaries would provide some visual containment to the site and reduce the visual impact of the development, these trees would not screen the proposed development. The proposed development would appear as an obvious incursion in the landscape.

Character and Appearance

- 2.20 This section of Wootton Lane has a tranquil, rural character and appearance, with a strong sylvan context, open frontages and fields adjoining the lane.
- 2.21 The proposed driveway and the opening up of an historic access to the site also gives rise to concern over the impact of the proposal on the rural street scene. It is considered that the design of the driveway is long and contrived in that it has to change its alignment to accommodate the location of trees. The change in the frequency of the use of the historic access, the need for visibility sightlines (no changes are proposed at the moment to the existing gate and fencing), the use of aggregate material (over the cellular rafting structure) – along the length of the driveway would combine to give rise to urbanising the street scene, against the context of an attractive sylvan setting and rural character and appearance
- 2.22 The visual impact arising from the opening-up of the access, with the formation of the access and driveway would not be hidden or screened by new landscaping or vegetation. This visual impact would harm the rural character and appearance of this section of Wootton Lane.
- 2.23 For the reasons set out, the proposed development would introduce urbanising and alien features and development into the countryside – such that the existing rural character and appearance of the street scene would be harmed.
- 2.24 Policy DM15 of the Core Strategy seeks to protect the countryside and Policy DM16 seeks to protect landscape character. The protection and conservation of the countryside and the AONB are compliant with the objectives of the NPPF.
- 2.25 The proposed development would conflict with the aims and objectives of the policies for the protection of the countryside and the AONB and as such it is contrary to Policies DM15 and DM16 of the development plan, and Paragraph 115 of the NPPF.

Other Matters and Weighing the Planning Balance

- 2.26 Paragraph 14 of the NPPF sets out the ‘tilted balance’ approach to determining development when, in this case, relevant policies are out of date. In this case, although some policies for the supply of housing in the Core Strategy are out of date, Policies DM1, DM15 and DM16 are not policies for the supply of housing and therefore should be afforded full weight. Footnote 9 of Paragraph 14 of the NPPF gives examples of specific policies in the NPPF that would apply to indicate that, when assessing the balance between adverse impacts and benefits, development should be restricted – such as policies relating to AONBs.
- 2.27 The ‘tilted balance’ approach is not triggered by the 5-year supply issue, as the Council can demonstrate that it has 5.65 years of housing supply for the next five years.

- 2.28 Consideration needs also to be given to the fact that an extension was granted to extend the existing annex to accommodate a dependent daughter. This avenue has not been explored for the applicant's other daughter – where an extension to the existing house could be considered to provide a further annex to meet the accommodation needs of the daughter. This suggestion was put to the applicant's daughter, who did not consider this to be appropriate.
- 2.29 The proposal is for a substantially large house – with 5 bedrooms and a large garage block. No information has been submitted to justify that the daughter and her family need a house of this scale and accommodation.
- 2.30 A planning condition to allow only the daughter to live in the proposed house would be contrary to guidance – as the planning permission runs with the land.
- 2.31 It is necessary to consider the 3 dimensions to sustainable development, as set out in Paragraph 7 of the NPPF. In terms of the likely social benefits, the proposal would deliver one new house into the area – and would, on its face, enable a family with a close connection to Wootton to live in the community.
- 2.32 The economic benefits would comprise temporary construction jobs on site, and the potential for increased patronage of the public house in Denton, nearby.
- 2.33 Set against these very modest benefits however, there would be significant environmental harm to the localised landscape within the AONB, the street scene and rural character and appearance of the area, as set out above. In addition, without justification, the proposal would lead to and increase mostly car-based travel within the countryside, outside of any defined settlement boundary.
- 2.34 Policies DM15 and DM16 accord with the core principle of the NPPF to recognise the intrinsic character and beauty of countryside (paragraph 17, bullet point 5), and there is no need at present to allow development within the countryside outside the confines of the settlement boundaries and breach Policy DM1.
- 2.35 Given the primacy of the Development Plan, the harm to the character and appearance of the area and the protected landscape, conflict with the above Policies and the NPPF, and with a 5-year housing land supply, the harm identified would significantly and demonstrably outweigh the material benefits of the scheme.
- 2.36 Having taken into account the EIA Regulations 2017, and given the nature, scale and location of the proposal, the impacts of the development would not be significant in terms of the receiving environment and existing land uses. Environmental impacts in relation to the nearest designated sensitive areas are unlikely to be significant. Consequently, while there may be some impact on the surrounding area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact. EIA is therefore not required.

Conclusion

- 2.37 The application proposal is for a detached 5-bedroom house and garage building. The Development Plan is the starting point in the determination of the application. It is considered that the proposal would not be a sufficiently sustainable form of development, it would fail to protect the AONB, harm the rural character and appearance of the area and encourage carborne travel.
- 2.38 For the reasons set out above, it is considered that the adverse impacts are significant and outweigh the benefits of the proposal.
- 2.39 It is considered that the proposal conflicts with Policies DM1, DM11, DM15 and DM16 of the Core Strategy and the policies and objectives of the NPPF.

g)

Recommendation

I PLANNING PERMISSION BE REFUSED on the following grounds:

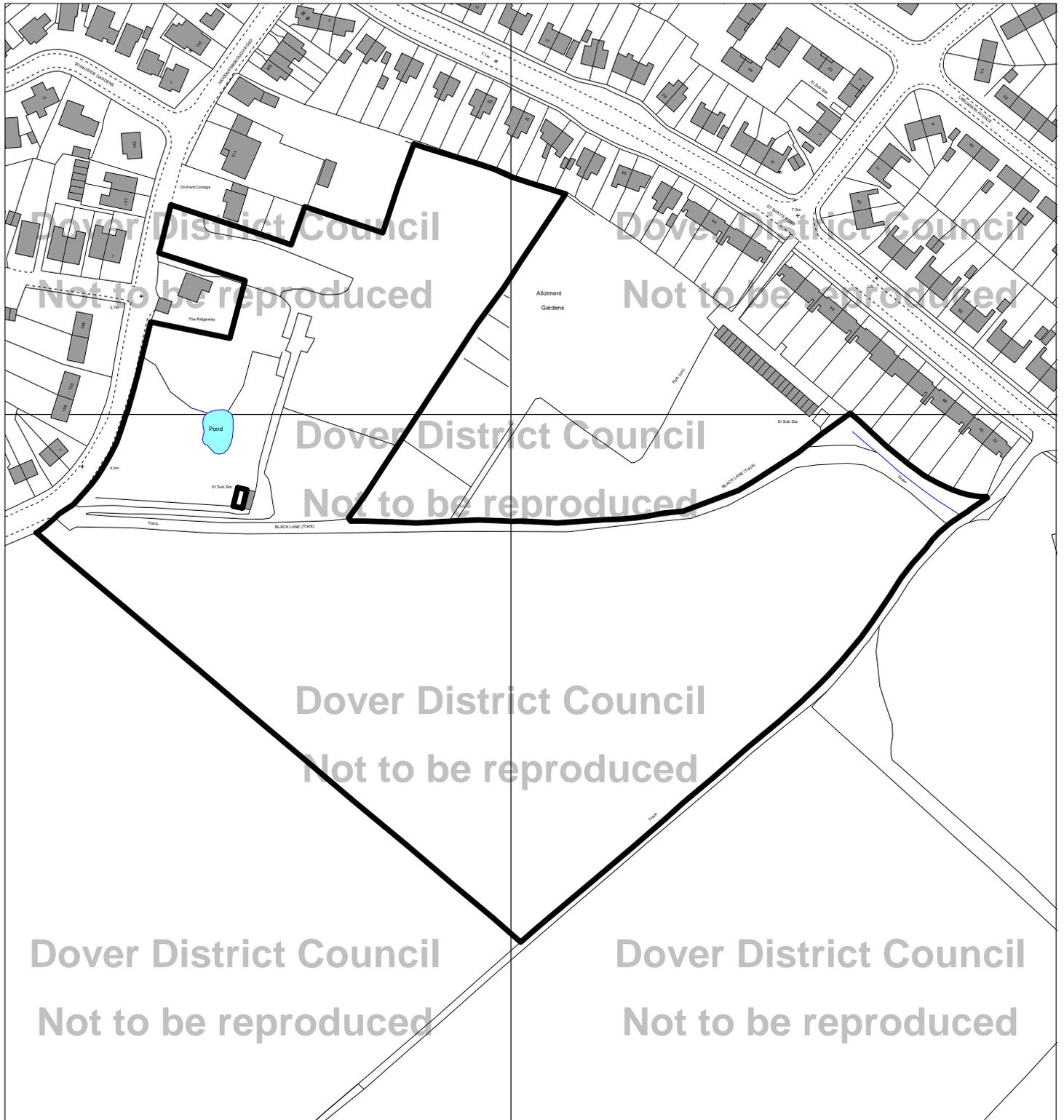
(i)The proposed development would be located outside the confines of any settlement boundary, within the countryside and, without suitable justification, the proposal constitutes an unsustainable form of development, harmful to the rural character and appearance of the area, contrary to Policies DM1 and DM11 of the Dover District Core Strategy.(ii) The proposed development by reason of its scale, extent of development, location and prominence, would comprise an alien and intrusive form of development that encroaches into the countryside and the rural landscape and which would harm the rural character and appearance of the area, contrary to Policies DM15 and DM16 of the Dover District Core Strategy and Paragraph 115 of the National Planning Policy Framework.

(iii) The proposed driveway by reason of its design, use of materials and prominence would harm the visual amenities of the street scene and the rural character and appearance of the area, contrary to Paragraphs 17, 56, 59 and 61 of the National Planning Policy Framework.

II Powers be delegated to the Head of Regeneration and Development to settle the final wording of the reasons for refusal in line with the resolution of the Planning Committee.

Case Officer

Vic Hester



Not to scale

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Application: DOV/17/00876

Land east of Woodnesborough Road

Sandwich

CT13 0BA

TR32505748



- a) **DOV/17/00876 – Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children’s play (LEAP) – Land East of Woodnesborough Road, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 500 (around 5%) is identified for the Sandwich.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area’s characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures

or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

- LA16 – Land to the west of St Bart’s Road, Sandwich is allocated for residential development with an estimated capacity of 120 dwellings, subject to meeting the following criteria:
 - i. development proposals are sensitive to the adjacent rural landscape and reflect the spatial and rural characteristics of adjacent landforms and development;
 - ii. there is a comprehensive approach to development of the whole site;
 - iii. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;
 - iv. the Byway (ES10) , which crosses the site, should be retained and enhanced as part of any development except where access to the eastern part of the site is required to cross it. The bridleway (ES8) is retained and enhanced.
 - v. development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing water supply infrastructure for maintenance and upsizing purposes;
 - vi. intermittent landscaping, providing glimpses of development behind, is provided along the south western and south eastern boundaries in order to provide a suitable transition to the countryside;
 - vii. existing boundary hedgerows and vegetation are retained;
 - viii. the design and layout of the proposed development addresses the relationship of Black Lane and the allotments; and
 - ix. vehicular access to the site is from Woodnesborough Road with an emergency access from St Bart’s Road.
- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that proposals that accord with the development should be approved without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: ensure that planning is genuinely plan-led; proactively drive and support sustainable economic development to deliver the homes,

business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; support the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reducing pollution; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.

- 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.
- 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, 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. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires the that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

It is not considered that there is any planning history relevant to the determination of the current application.

e) **Consultee and Third Party Responses**

Natural England – Initial response received 31st August 2017

Further information is required to determine impacts on the RAMSAR, SAC, SPA and SSSI areas. In order to determine whether the development would have a significant effect on these protected sites, an ecological assessment considering direct and indirect impacts to land which birds associated with the sites may use for feeding or

roosting, is required. Also, depending on the outcome of this assessment, a mitigation strategy to address the impacts of the development will be required. There should be a financial contribution towards the SPA mitigation strategy.

Subsequent response received 15th February 2018

Having reviewed the additional information it is advised that provided the measures outlined in the Habitats Regulations Assessment are implemented then Natural England is satisfied that the proposal is not likely to have a significant effect on any nationally or internationally designated nature conservation sites.

KCC Highways and Transportation – *Initial response received 18th September 2017*

Object. The assumed distribution of trips is not acceptable. The traffic count was not carried out at a representative time, so a further count is required. Due to these factors, a revised junction assessment is therefore required. There may be a need to provide alterations to improve the flow of traffic along the road and on the approaches to junctions, and improve pedestrian routes. Public transport/cycle incentives should be included in the proposed travel plan. Further details regarding the site access are required (visibility, extending 30mph speed limits etc.). Details for measures to restrict the use of the byway should be provided. Amendments and additional information is required in respect of the proposed internal road layout.

Subsequent response received 21st February 2018

I refer to the amended drawings numbers 17088-01-105, 106A, 107, 108A, and 109; 216498/11F; P1281.01Q and 05M; Technical Note and Safety Audits submitted for the above and confirm that my previous objections have now been resolved.

The site is allocated for 120 dwellings in the Dover District Land Allocations Local Plan, adopted January 2015, under Policy LA16. The principle of residential development of this scale on the site has therefore been accepted in principle. The policy specifically refers to vehicular access being from Woodnesborough Road with an emergency access from St Barts Road, both of which are satisfactorily achieved in the proposals.

The proposed development is likely to generate approximately 65 two-way vehicle trips in the network peak hours, split along Woodnesborough Road to the west, Woodnesborough Road towards the town centre and St Barts Road/Dover Road to the east. The greatest number of additional vehicle movements (around half) will be along St Barts Road and improvements are proposed to maintain the flow of traffic, improve the spacing and length of passing places and assist pedestrians. These improvements are shown on the submitted plans and consist of the following:

- i) Provision of two uncontrolled pedestrian crossing points with dropped kerbs and tactile paving, between Burch Avenue/Hazelwood Meadow and across the Burch Avenue junction. These will require associated double yellow lines to protect visibility for pedestrians when crossing, but these are in areas where on-street parking does not appear to generally take place at present;
- ii) Extending the existing double yellow lines on the south side of the road at the Woodnesborough Road junction, for an additional 5 metres. This appears to entail the loss of one existing on-street parking space;
- iii) Single yellow line to encompass the existing shared garage access adjacent to no. 48 and for a distance of 6 metres west of this access;

- iv) Single yellow line encompassing the driveway accesses to nos. 60 and 62;
- v) Single yellow line extending from the existing school zig-zag markings outside Sandwich Junior School, to match the extent of single yellow line on the opposite side of the road;
- vi) Single yellow line from the eastern edge of the driveway access to no. 125 for a distance of 10 metres westwards,

The single yellow line restrictions are proposed to match the existing, i.e. prohibiting parking between 8.30 am and 5.30 pm Monday-Friday, so will still allow on-street parking in the evenings, overnight and at weekends.

The proposed site access in Woodnesborough Road includes the provision of two traffic islands, one either side of the access, to assist in maintaining lower vehicle speeds and provide crossing points for pedestrians to access the existing footway network and bus stops. Associated double yellow lines are required on both sides of Woodnesborough Road between Poulders Road and nos. 9/10 Poulders Gardens, to protect visibility for pedestrians when crossing and for drivers using the site access. Whilst this will prevent on-street parking in this section of Woodnesborough Road, all properties bar one have off-street parking available and additional on-street parking is available elsewhere. The proposals also include extension of the existing 30 mph speed limit by approximately 120 metres to the west together with enhanced gateway features to reinforce the change in speed limit.

The existing byway ES10 running through the site is to have vehicular rights removed but still allow use by pedestrians and cyclists, and will therefore be improved to provide a suitable width, surface and signage for such use, together with suitable bollards/barriers as necessary. This effectively provides a pedestrian and cycle connection between the site and St Barts Road to the north, which can also serve as an emergency access.

The proposed internal site layout is acceptable, with all roads currently intended to be offered to the highway authority for adoption. In accordance with Policy DM13 of the Local Plan a minimum of 211 car parking spaces are required, and the proposals include 239 spaces plus 83 garages which have not been counted in the minimum requirements (in accordance with the policy). Adequate car parking is therefore provided.

Construction of the development will need to be appropriately managed and therefore a Construction Management Plan will be required. This can be dealt with by condition.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds. The following should be secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site;
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel;
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities;
 - (e) Temporary traffic management / signage,
 - (f) Access arrangements.
- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of the apartment cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities for each house prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the highway improvements in Woodnesborough Road as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the highway improvements in St Barts Road as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the alterations to byway ES10 as shown on the submitted plans or amended as agreed with the Local Planning Authority and Highway Authority, prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling: footways and/or footpaths, with the exception of the wearing course; c arriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above surface level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

INFORMATIVE: 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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 and Transportation to progress this aspect of the works prior to commencement on site.

Highways England – *Initial response received 23rd August 2017*

No objection. The trips generated would not result in a severe increase in queues and delays on the strategic road network.

Subsequent response received 15th February 2018

No objection. The proposed development will not have an adverse impact on the safe and efficient operation of the Strategic Road Network (A2) in this location.

Stagecoach – Stagecoach will be making substantial alterations to bus routes in the area from 3rd September. Therefore references to bus services in the Transport Assessment will need to be updated.

KCC Economic Development – *Initial response received on 18th August 2017*

The development will need to contribute towards infrastructure improvements to meet the needs generated by the development. These contributions comprise: £352,344 towards the Phase 1 expansion of Sandwich Infants School; £250,138.80 towards the Phase 1 expansion at Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment for the new learners at classes within Sandwich; £14,614.80 towards specialised large print books to meet the needs of borrowers at Sandwich Library; and £9,315.60 towards the Age Concern Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

Subsequent response received 8th February 2018

KCC have just completed the review of Secondary School build costs. Construction costs have risen and need to be reflected in the contributions sought to ensure the purpose of the contribution is fulfilled. KCC do appreciate the current market uncertainties; however, in accordance with NPPF and the CIL Regulations, the contributions sought are to mitigate the impacts generated by development. The revised contributions comprise: £352,344.00 towards Phase 1 expansion of Sandwich Infants School; £436,194.00 towards the Phase 1 expansion of Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment at classes in Sandwich; £14,614.80 towards Sandwich Library large print books to meet local need; and £9,315.60 towards Age Concern Care Centre in Sandwich. The development should also provide one wheelchair accessible home and high speed fibre optic broadband.

KCC Lead Local Flood Authority – *Initial response received 23rd August 2017*

The LLFA are generally satisfied with the FRA and Drainage Strategy. The attenuation proposed, together with Southern Water's requirement for a restricted rate of discharge will ensure that the off-site flood risk will not be exacerbated by the additional post-development impermeable area. Should permission be granted, it is recommended that conditions are attached requiring the submission and approval of a detailed surface water drainage scheme, and limiting occupation until the approved scheme is implemented.

Subsequent response received 9th February 2018

The previously recommended conditions will still be required.

KCC Archaeology – The development could affect presently unknown archaeological remains and recommends further archaeological mitigation measures (a programme of archaeological work) should be secured by condition.

NHS CCG – There is a need to increase the capacities of local GP's surgeries. Three local surgeries working in partnership have identified a need for a secure note storage facility in Sandwich to increase capacities. The development would create approximately 281 patients. A proportionate contribution towards the cost of the

project has been calculated to be £360 per patient and, consequently, £101,160.00 is requested.

DDC Environmental Health – *Initial response received 17th August 2017*

There is no history of contamination and therefore no need for any contaminated land conditions. An Air Quality assessment is required. It is recommended that one electric vehicle changing point be provided per ten dwellings. There are no local noise sources likely to impact on residential amenity.

Subsequent response received 6th February 2018

Contamination is not a constraint to development on this site. An Air Quality Assessment is required.

Subsequent response received 19th February 2018

The Air Quality Assessment considers both the construction and operational phases and the conclusions of the report are agreed. The impact of the development on local air quality is not considered significant and furthermore new residents would not be affected by elevated levels of air pollution. The report identifies that mitigation to deal with fugitive dust emissions from the construction phase can be dealt with by suitable conditions. A construction management plan, including suitable dust control measures, should be secured. The development should provide electric changing points for electric vehicles.

DDC Strategic Housing – 36 affordable dwellings equates to the 30% policy requirement. Currently all 36 are to be provided for social rent; however, the Council would prefer 11 dwellings to be for shared ownership to achieve a balanced and sustainable community. Further discussion is necessary.

Kent Wildlife Trust – The preliminary ecological appraisal is satisfactory, but recommends additional surveys which have not yet (17th August 2017) been submitted. A breeding bird survey would also be useful. Boundary vegetation should be retained and managed wherever possible. A condition regarding lighting is recommended. A financial contribution towards the SPA mitigation strategy should be made. Subject to these comments, no objection is raised.

DDC Principal Ecologist –

1. The recommendations for protection of terrestrial mammals as given in paragraphs 8.62 and 8.72 – 8.76 of the Ecological Impact Assessment (EclA) should be carried forward as conditions;
2. The lighting of the site must be restricted to avoid potential damage to adjacent bat habitat and the principles in paragraphs 8.67 – 8.70 of the EclA should be agreed, preferably through S.106;
3. The ecological enhancements as given in paragraphs 9.2 – 9.10 of the EclA should also be conditioned;
4. The Great Crested Newt report is satisfactory. It is impossible to confirm the absence of the species, but the combination of desk study and survey is sufficiently robust for the species not to be a concern;
5. In respect of reptile translocation, a S.106 agreement is necessary in which the identity of any off-site translocation receptor site is recorded, together with the methodology used for preparation of such a receptor site and its subsequent maintenance to benefit reptiles (slow worms and common lizards) for a period of no less than 5 years, the site owner being party to such an agreement;

additionally, the methodology for reptile capture and translocation should be included within such an agreement.

6. Habitat Regulations Assessment: a section of the report should record the DDC Habitat Regulations Assessment, as required in by the Conservation of Habitats and Species Regulations 2017 (previously Regulation 61 of the 2010 Regs). That record should be that the applicant has supplied information to assist the LPA, as competent authority, in screening whether an appropriate assessment, in the meaning of the Regulations, is required. The information supplied (Report to provide information in relation to the Thanet Coast Ramsar site, SPA and Sandwich Bay SAC) is considered to be comprehensive and Natural England has been consulted on its findings. The conclusion, in agreement with Natural England, is that subject to the applicant contributing proportionately to the Dover District Council Thanet Coast SPA Mitigation Strategy 2012, that the proposal will not have any adverse effects on the conservation objectives of the Thanet Coast and Sandwich Bay Ramsar Site and SPA or the Sandwich Bay SAC.

Environment Agency – *Initial response received 14th August 2017*

No comments

Subsequent response received 26th January 2018

No further comments

Southern Water – *Initial response received 29th August 2017*

A public water main crosses the site and its exact position should be determined before the development is finalised. Existing infrastructure should be protected during construction. The results of an initial desk top study indicate that Southern Water cannot accommodate the needs of the development without the development providing additional local infrastructure. Should the Local Planning Authority be minded to approve the application, it is recommended that a condition should be attached requiring the submission and approval of a drainage strategy for surface and foul water disposal, together with an implementation timetable. Areas which may become contaminated should be drained to petrol/oil interceptors. There should be no habitable rooms within 15m of the pumping station. Southern Water can provide a water supply to the site.

Subsequent response received 13th February 2018

Exact positions of the main should be ascertained to protect existing infrastructure. Habitable rooms should be no closer than 15m from the boundary of the pumping station. All other comments made in Southern Water's response of 29th August 2017 remain extant.

Kent Police – The application has considered crime prevention and has attempted to apply the seven attributes of crime prevention through environmental design in their Design and Access Statement, although there has been no communication from the applicant. A condition or informative is recommended to require or encourage discussion with the LPA and Kent Police.

DDC Tree and Horticulture Officer – The submission of an arboricultural method statement to be approved prior to any works commencing must be secured through condition should the application be granted. The statement should address the need for information relating to the following:

- Details of the no-dig method of construction identified as being necessary for trees T11 and T27 and also in relation to the construction of footpath
- Details of the proposed protective fencing and a plan to show its exact location. All protection measures to be submitted as requested must conform to the recommendations as set out in BS 5837:2012 – Trees in relation to design, demolition and construction.
- Removal of existing structures and hard surfacing
- Ground protection measures
- Those works to be carried out with the Construction Exclusion Zone

Adherence with drawing 4531-LLB-AA-XX-DR-Ab-0001 must be secured through condition to ensure retention of all trees marked as such.

Scope for additional planting of trees has been identified at the location of trees T36 and T37, G14, all of which are proposed for removal. In addition to this, there also seems to be scope for planting either side of the main vehicular access point into the site to link with existing boundary trees. The planting of two specimen trees either side of the road would create a strong identity to this key part of the site.

In addition to the above, it is recommended that conditions L03 – Retention of Trees, L04 Hedgerow Protection and L06 Excavation near trees are imposed upon planning consent if granted.

Sandwich Town Council – *Initial response received 29th August 2017*

The Council would approve of the application if improved access and egress from the site is provided

Ash Parish Council – *Initial response received 4th September 2017*

There should be improved arrangements for access and egress. Concern is raised regarding the impacts of additional vehicle movements.

Subsequent response received 14th February 2018

The amendments have not altered the reasons for objection. There should be improved access and egress arrangements from the site. There will be increased vehicle movements on roads which are already at capacity.

Eastry Parish Council – *Initial response received 19th September 2017*

The Council is very concerned that the development will add extra traffic on local roads which are already at capacity. Better access arrangements should be made to the site. A direct road leading to the A256 would solve this problem.

Subsequent response received 8th February 2018

The changes do not help with the concern already raised. Better access arrangements should be made. A direct road leading to the A256 would solve the problems

Woodnesborough Parish Council – *Initial response received 28th September 2017*

Object on traffic and local infrastructure grounds. Traffic volumes and speeds on the Sandwich Road towards Woodnesborough are already a real concern. The parish councils Speed Indicator Device has measured 1100 vehicles a day from Sandwich

with a 85% speed at 37.6mph within the 30mph section. Concern is also raised regarding school places and places at the doctor's surgeries in the area.

Subsequent response received 1st February 2018

Object. The road access has not been changed. The development should only be allowed if a new road is installed from the site to the A256 Sandwich bypass.

Worth Parish Council – *Initial response received 7th September 2017*

Concern is raised regarding the increased traffic in neighbouring villages.

Subsequent response received 9th February 2018

Object due to traffic concerns.

Public Representations –

28 letters of objection have been received, raising the following objections:

- Increased traffic congestion
- Additional pressure on local roads
- Vehicles currently speed along Woodnesborough Road
- The provision of double yellow lines would remove on-street car parking which is already restricted
- The provision of double yellow lines would remove natural traffic calming measures (parked cars), increasing vehicle speeds
- Harm to highway and pedestrian safety
- The development should provide a new slip road onto the A256
- There should not be a new slip road onto the A256
- The footpath through the site should be maintained
- The development would not add to local infrastructure
- The affordable housing should not be located in one area
- The housing will be too expensive
- The play area is not needed
- There is insufficient capacity in the sewerage network
- Loss of an area which is used for informal recreation
- Loss of green space
- Loss of trees
- The development would cause an unacceptable environmental impact
- Boundary vegetation should be retained
- Surveys for protected species should be undertaken
- The ecology of the site should be protected
- The dwellings would not be in keeping with the character of the area
- The provision of flats is inappropriate for this area
- The development is too dense
- The area provides natural beauty, which would be lost
- Loss of privacy and security to numbers 50-72 (inclusive) St Barts Road and Orchard Cottage
- Overlooking to gardens and a school playing field
- Increased noise and disturbance
- Increased pollution
- Access to, and the security of, the allotments should be provided
- Regard should be had for the in-combination effects with other developments in the area

- Inadequate consultation has taken place

1 letter of support has been received, with the following comments:

- There is a clear need for new housing
- The development will provide affordable housing
- The development would help to create a balanced population

1 Neutral letter has been receiving, making the following comments:

- There is a need for additional housing
- It is acknowledged that the site is allocated
- Increased traffic and congestion
- Regard should be had for ecology
- There is a need for neighbours to be protected during construction
- Regard should be had for the capacity of local facilities and services
- The development may set a precedent for additional development in the future

- f)
1. **The Site and the Proposal**
 - 1.1 The site lies adjacent to the existing built up area of Sandwich, with Woodnesborough road to the east and St Bart's Road to the north. To the east of the site are the playing fields of Sandwich Junior School and to the south are open agricultural fields. The site, which is roughly U-shaped, also bounds three sides of an area of allotments. Running through the site is a Byway (ES10) which is open to all traffic, whilst a bridleway (ES8) forms the south eastern boundary of the site.
 - 1.2 The application site comprises two distinct parcels of land. The first, to the north of the ES10 and to the east of Woodnesborough Road comprises an area of grass and mixed trees and sits between the rear of properties fronting Woodnesborough Road and the allotments. The second parcel comprises a triangular agricultural field to the south of the ES10, the south western boundary of which is delineated by a hedgerow.
 - 1.3 The site is allocated by Policy LA16 of the Land Allocations Local Plan for residential development, having an estimated capacity of 120 dwellings. The policy sets 9 criteria which must be met by any application for the site.
 - 1.4 The application seeks permission for 120 dwellings which will be a mix of 1 to 5 bedroom dwellings. Of these 120 dwellings, 36 dwellings will be affordable units. The development would be accessed from Woodnesborough Road, with an emergency access from St Bart's Road, with works being proposed to these roads. Towards the Woodnesborough Road frontage and to the north of the ES10 an area of open space is proposed, under which would be storm cell attenuation for surface water. To the same frontage, but to the south of the ES10, a sewerage pumping station and an equipped play space are proposed.
 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 neighbouring properties

- The impact on the highway network
- Ecology
- Infrastructure and Contributions

3. **Assessment**

Principle of Development

- 3.1 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission 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 where specific policies in the NPPF indicate that development should be restricted. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 3.2 Whether and how paragraph 14 of the NPPF is enacted in the District was an issue at a recent public inquiry regarding a site at Ash (land to the North of Sandwich Road, application DOV/16/00800). The Inspector agreed with the Council's position that it can demonstrate a five-year supply and so the Paragraph 14 requirement was not triggered for this reason. However, the conclusions of the Strategic Housing Market Assessment 2017 show that Core Strategy policies CP2 and CP3 which relate to the supply of housing are out-of-date.
- 3.3 The site is allocated for development by Policy LA16 of the Land Allocations Local Plan. This policy estimates that the site can accommodate a capacity of 120 dwellings, subject to a series of nine criteria being met. These criteria relate to detailed matters such as the developments impact on the character and appearance of the area, ecology and access. As these are detailed matters, it is appropriate that they are covered within the body of the report under the relevant headings. However, the strands will be brought together at the end of the report where a conclusion will be reached. This policy supports the provision of housing on the site and is considered to accord with the NPPF. It is therefore considered that this policy is not out-of-date and attracts full weight. Consequently, in accordance with legislation and having regard for paragraph 14 of the NPPF, the application should be approved unless material considerations indicate otherwise.
- 3.4 It is also necessary to consider the appropriate weight which should be given to development plan policies. The weight attributed will be dependent upon the degree to which they are consistent with the NPPF. The Inspector for the appeal at Ash agreed with the Council's case that Policies DM1, DM15 and DM16 are not policies for the supply of housing and that they accord with key objectives in the NPPF and should not, therefore, be given reduced weight.

Housing Mix

- 3.5 The proposal would provide 120 dwellings comprising forty-six three-bed, thirty-five four-bed and three five-bed open market dwellings, together with two one-bed, 23 two-bed and eleven three-bed affordable dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.

Number of Bedrooms	% Proposed	% Recommended
One (0)	0%	15%
Two (x0)	0%	35%
Three (x46)	52%	40%
Four + (x38)	48%	10%

- 3.6 As can be seen from the above table, the market housing would be substantially skewed towards larger three and four+ bedroom properties, at odds with the demand in the District. Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the Authority Monitoring Report for 2015-2016 advises that over the monitoring period, one bedroom dwellings have been under-provided and the number of two and three bedrooms dwellings provided broadly accords with the required need. However, the number of four bedroom dwellings significantly exceeds required need. The proposed bias towards larger dwellings, approximately 48%, would increase this disparity and would not provide the size of dwellings which are required to meet the needs of the District. This failure must be weighed in the planning balance.

Character, Appearance and Heritage

- 3.7 Woodnesborough Road has a loose character to its eastern side, with properties of varying scales and designs which are well separated from each other and set back from the road. Notwithstanding this variation along the road, the properties of Poulders Gardens do have a cohesive and regular design. The existing properties typically have pitched roofs which run parallel to the road, with gables fronting onto the road whilst dwellings are set back from the highway with a regular street fronting layout.
- 3.8 The southern section of the scheme, to the south of Black Lane (ES10), comprises largely perimeter block development. It is considered that this layout would produce a high quality character to the scheme which would be permeable, legible and provide interesting views as you move through the site. Whilst this layout is more organic compare to the linear pattern of development along Woodnesbrough Road, it is considered that it responds to the perimeter block layout of Poulders Gardens whilst the looser pattern of development would provide a softer edge to the settlement in views across the agricultural land beyond the site. The perimeter blocks within the site also substantially reduce the number and length of blank elevations and stretches of boundary treatments, instead providing active and attractive frontages throughout the development.
- 3.9 The development within the northern section (north of ES10) is arranged around a main curvilinear access which links to short cul-de-sacs. This layout maintains a predominantly street fronting yet organic character, although the perimeter block layout is lost. Whilst it is not considered that this layout is as successful as the layout to the south of the ES10, in particular due to the presence of buildings behind the main frontage, it is considered that, in public

views, this layout would positively address the open space and would be legible.

- 3.10 Of particular importance is how the site responds to the ES10 and the countryside (and bridleway ES8) and the allotments. Accordingly, the layout would provide development which fronts onto these aspects behind deep landscaped buffers. Whilst the proposed dwellings to the west of the allotments would not front onto the allotments, the boundary between the two is formed by tall, established vegetation, such that the limited number of buildings which would be close to the allotments would not appear dominant.
- 3.11 The density of the development and the scale of buildings within the scheme are considered to respond to the prevailing characteristics of the existing area. The density of the scheme is slightly higher than that of the development on Woodnesborough Road, by virtue of having smaller rear gardens, but is of a significantly lower density than other development in the vicinity of the site, for example the development on Fordwich Place. It is considered that this density strikes an appropriate balance between encouraging the efficient use of land and ensuring a high quality environment. The scale of the dwellings within the development is predominantly two storeys, according with the prevalent height of buildings around the site. Five pairs of dwellings and one flat block would rise to two and a half storeys; however, these buildings would not have significantly higher ridges and are located towards the centre of the site where they will be less prominent in views.
- 3.12 The detailed design of the buildings is relatively traditional. There are twelve house types within the scheme which would provide some variation across the site. However, these designs share a common design language which will provide a unity to the appearance of the development as a whole. Common features include pitched roofs with projecting gables with a lower ridge height, brick window cills and headers, chimneys and small roofs over entrance doors. Where dwellings propose accommodation within their roofs, light is provided by small dormers and roof lights which would sit comfortably on the roof slopes. The flats would also have similar architectural features, such that they would complement the design of the dwellings. Further variation will be provided through the use of mixed materials across the site, albeit from a defined palette. These materials include red brick, white or black weatherboarding, hanging tiles, cream render and a mixture of either red or grey roof tiles.
- 3.13 The proposal seeks to remove a number of trees within the interior of the site, to the north of the ES10. Details of these trees have been provided within application, confirming that a number of native trees of predominantly poor quality are to be removed, largely around the area of the proposed vehicular access from Woodnesborough Road and the access road which serves the parcel of land to the north of the ES10. This parcel also includes a number of groups of conifer/spruce trees, which are of lesser value.
- 3.14 In order to retain a semi-rural character, and in accordance with policy LA16, hedgerows are to be retained and enhanced, with breaks in the hedges only made where necessary to allow access into and through the site. The Councils Tree and Horticulture Officer has raised no concerns with the proposals, subject to replacement trees being provided and retained trees and hedges being protected. Accordingly, subject to conditions being attached to any grant of permission requiring that existing trees and hedges to be retained are protected and enhanced and requiring details for a high quality landscaping scheme to soften the visual impact of the development and

mitigate the loss of some trees, it is considered that the landscaping of the development would be acceptable.

- 3.15 The detailed designs of the building is considered to be quite conventional and perhaps lacks local distinctiveness or originality; however, it is not considered that this amounts to a scheme which is of poor quality such that it warrants refusal. It is considered that whilst in views from the south and west the development would be visible above hedges across the open fields, the development has been sensitively designed to substantially reduce its prominence. Landscaped buffers and the retention, enhancement and provision of structural planting would further mitigate this harm. The layout of the scheme is considered to be well conceived, whilst it would provide a uniform character across the site. Consequently, it is considered that the development would not cause unacceptable harm to the character and appearance of the area and would accord with the requirements of Policy LA16.

Impact on Residential Amenity

- 3.16 The majority of the development faces onto open fields, allotments or proposed open space and, as such, would not cause any significant impacts on the residential amenities of neighbouring properties. However, the properties towards the northern boundaries of the site are closer to neighbouring properties and require more careful consideration.
- 3.17 The block of flats numbered 113 to 120 would be located around 12m from the south western boundaries of numbers 62 to 72 St Bart's Road, which themselves have rear gardens of around 25m in length. Given the separation distances between the proposed flats and the properties on St Bart's Road (and their gardens), it is not considered that any significant loss of light, sense of enclosure or overlooking would be caused to those properties, or their gardens.
- 3.18 Plots 27 to 31 would also be located to the south of properties on St Bart's Road. These proposed dwellings would be positioned around 13m from the rear boundaries of No.'s 16 to 28 St Bart's Road, which themselves have rear gardens of around 15m or more. Again, given the separation distances, it is not considered that any significant loss of light, sense of enclosure or overlooking would be caused.
- 3.19 The side elevation of plot 35 would be located to the east of Orchard Cottage, which addresses Woodnesborough Road. This side elevation (which would not contain any windows) would be separated (and offset) from the rear elevation of Orchard Cottage by around 24m, causing no loss of light, sense of enclosure or overlooking.
- 3.20 Finally, plots 32 to 35 back onto the gardens of No.'s 108 and 110 Woodnesborough Road. However, given the significant distance to these properties and the substantial size of their gardens, no significant harm to residential amenity would result.
- 3.21 Whilst the development itself would not cause any significant noise and disturbance once built out, regard must also be had for the noise and disturbance which would be caused during construction. No concerns have been raised by Environmental Health regarding the potential for the development to cause harm in this way and it is noted that only very limited parts of the application site would be in close proximity to residential

properties. However, the sole access to the site would be within close proximity of neighbours and would likely be in use for a considerable period of time given the size of the development and the likely build out period. As such, it is considered that it would be reasonable to require that a construction management plan be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.

- 3.22 The proposed dwellings themselves would all be of a reasonable size, providing their occupants with natural light and ventilation. Each would be provided with a private garden or, in the case of the flats, shared external space. The density of the development allows dwellings to be set away from each other by reasonable distances, with 'back-to-back' distances of typically between 20m and 25m. Where these distances are reduced, for example between plots 4 and 5 and 9 and 10, dwellings are set at an angle to each other and have rear gardens of at least 10m in length. As such, it is not considered that any of the proposed dwellings would be significantly enclosed, overlooked or overshadowed. Adequate refuse provision has been proposed. The living conditions of future occupants are therefore considered to be acceptable.

Impact on the Local Highway Network

- 3.23 The site was allocated in the Land Allocations Local Plan, under Policy LA16, for residential development with an estimated capacity of 120 dwellings. Bullet point ix. of Policy LA16 requires that vehicular access to the site be from Woodnesborough Road with an emergency access from St Bart's Road. In accordance with the policy, the application proposes its sole vehicular access onto Woodnesborough Road, together with a secondary emergency access onto St Bart's Road. This secondary access would restrict non-emergency vehicles through the provision of lockable bollards.
- 3.24 Strong concerns have been raised by third parties, Sandwich Town Council and neighbouring parish councils regarding the safety of Woodnesborough Road and convenience of road users in the locality. Evidence has been provided which shows that vehicles have left the road close to the proposed access to the site, whilst many respondents have referred to vehicles travelling at excessive speeds along the road. Given the information which has been provided and the consistency of the comments, regard must be had for how the road is operating at present and whether the development would exacerbate these existing issues.
- 3.25 The proposed development has been modelled using standard methodology, concluding that it is likely to generate approximately 65 two-way vehicle trips in the network peak hours. Journeys would split along Woodnesborough Road to the west, Woodnesborough Road towards the town centre and St Barts Road/Dover Road to the east. Around half of these movements would be directed towards St Bart's Road, with many vehicles then travelling away from Sandwich.
- 3.26 At present, Woodnesborough Road operates at a 40mph speed limit which reduces to 30mph maximum speed approximately 40 metres south west of the proposed site access. The application proposes to extend the 30mph speed limit by approximately 120m further west along Woodnesborough Road. Within Woodnesborough Road, it is proposed to construct two islands, to the south

west and north of the proposed access respectively. These, together with dropped curbs either side of the site in these locations, would provide safer places to cross the road, offering refuges within the road, to improve access to the existing footpath network and bus stops. These features, whilst maintaining sufficient road width to allow passage by articulated vehicles create a natural narrowing of the carriageway which will be likely to help manage vehicle speeds. Between the two islands, a turning lane would be provided to serve the site, ensuring that vehicles waiting to access the site will not hold up traffic. In order to augment the carriageway to provide these features, it is proposed to provide double yellow lines to either side of Woodnesborough Road between Poulders Road (although the lines extend slightly further on the eastern side of the carriageway) and approximately half way between the proposed access to the site and Poulders Gardens. The provision of double yellow lines will improve the free-flow of traffic along this section of the road, which can cause delays (particularly when buses try to navigate around cars); however, it will also remove the ability of vehicles to park on the highway, reducing the convenience of road users. It is noted that most properties fronting onto the proposed stretch of double yellow lines have off-street parking and, whilst inconvenience would still result from the changes, this would not amount to a severe cumulative impact on the highway. Moreover, as will be dealt with in more detail later in this section, the application proposes a level of car parking (and visitor spaces) significantly in excess of the levels required by the Councils Policy DM13. The double yellow lines are intended to operate during weekdays, such that car parking on Woodnesborough Road will be permitted at evenings and weekends.

- 3.27 On St Bart's Road, between Burch Avenue and Hazelwood Meadow it is proposed to provide two crossing points to provide greater visibility for crossing the road. Dropped curbs are also proposed along this stretch of road. The existing double yellow lines on the south side of the road at the Woodnesborough Road junction are proposed to be extended for an additional 5 metres, which would result in the loss of one space. This loss is not considered to be significant, whilst the increased length of the double yellow lines will provide additional space for vehicles around the junction, which can become congested at busy times. Short lengths of single yellow lines are also proposed adjacent to No.48, adjacent to No.60 and 62, adjacent to No.125 and either side of the existing zig-zag markings adjacent to the access to Sandwich Junior School. These restrictions will, as this road is relatively narrow, provide longer passing places to improve the flow of traffic, accounting for the increased use of the road due to the development. Additionally, these areas will improve visibility for vehicles and pedestrians, improving the safety of the road.
- 3.28 It is acknowledged that understandable concerns exist regarding the safety of the highway network in the vicinity of the site and its ability to accommodate the additional vehicle movements which would be generated by the development. However, having regard for the number of additional peak hour movements which would be generated by the development, together with the various improvements which would be carried out to the local network which would be likely to both improve the safety and the free flow of traffic, it is not considered that the development would be detrimental in this respect. The NPPF advises that permission should only be refused on highway grounds where the cumulative impacts of the development would be severe. It is not considered that this would be the case in this instance. It must also be reiterated that the site was assessed through the land allocations assessment and considered to be suitable to accommodate approximately 120 dwellings accessed from Woodnesborough Road.

- 3.29 The proposed internal site layout has been designed to adoptable standards, with good forward visible and visibility around corners. The access roads are of a reasonable width, sufficient to allow cars to pass each other and to allow larger vehicles such as refuse and emergency vehicles to manoeuvre around the site freely. It is intended that the vast majority of the access roads within the site (other than small drives serving up around 5 dwellings) are to be offered to the highway authority for adoption.
- 3.30 Policy DM13, having regard for Table 1.1, requires the development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. The location of the site is considered to best fit within the suburban edge/village/rural category described by Table 1.1 of the Core Strategy, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4+ bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces, although open car ports or car barns may be considered. The vast majority of dwellings would be provided with two open car parking spaces, although some have either one or two open spaces together with one space provide within a car barn or garage. This level of parking is reduced to one space per dwelling for some of the smaller affordable dwellings. Overall, 322 car parking spaces would be made available on the site, of which: 161 would be on driveways; 83 would be provided in garages or car barns; 20 spaces would be allocated to the flatted affordable housing; and 58 unallocated visitor spaces would be provided. The unallocated spaces are evenly distributed around the development such that they would be convenient for visitors to the site. Details have been provided of the dimensions of the parking spaces, which demonstrate that they have been appropriately designed and would be usable. The development would provide, in total, two one-bed flats, sixteen two-bed flats, seven two-bed dwellings, fifty-seven three-bed dwellings, thirty-five four-bed dwellings and three five-bed dwellings are proposed. Table 1.1 recommends that this mix of dwellings be provided with a total of 218.5 spaces be provided for the residents of the development, together with 24 visitor spaces. The development would provide more than this minimum provision, with 264 allocated spaces and 58 visitor spaces. Whilst the provision of some garages is not ideal and may not be used for car parking, it remains the case that the development would provide more than the requisite number of car parking spaces.
- 3.31 Details of communal cycle stores have been provided within the application documents. For individual dwellings, cycle storage is proposed within garages or, for properties which do not have garages, within lockable sheds in rear gardens.
- 3.32 Bullet point iv. of Policy LA16 requires that the byway (ES10) which crosses the site be retained and enhanced as part of any development, although it is acknowledged that the vehicular access to the site will need to cross the byway. The proposals retain the ES10 and provide a landscaped corridor along part of its route. It is also proposed to remove the rights of way for vehicular traffic along the route, which will ensure the way is provided to a suitable width, surface and signage for such use, together with suitable bollards/barriers as necessary. This effectively provides a pedestrian and cycle connection between the site and St Barts Road to the north, which can also serve as an emergency access, to improve safety for pedestrians and cyclists, although this will require a separate legal process to formally extinguish these rights. The byway will be altered to provide a 2.5m wide cycle

and foot way, with bollards installed to prohibit vehicular access. The bridleway which runs along the south eastern boundary of the site (ES8), which is tarmacked, will be retained. The development proposes a soft landscaped buffer along this route, to include trees, grass and sections of hedging.

- 3.33 Given the scale of the development, it will necessitate a significant number of vehicle movements during the construction phase, including those by larger vehicles. Whilst it is not considered that this is unfeasible (Woodnesborough Road is currently served by double decker buses), it is considered that it would be reasonable and proportionate to carefully consider how construction can be controlled to reduce temporary impacts on the highway. In accordance with the advice from KCC Highways, it is therefore recommended that, should permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage: routing of construction and delivery vehicles to and from site; parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; provision of wheel washing facilities; details of temporary traffic management and signage; and access arrangements.
- 3.34 In addition to the above, KCC Highways have recommended a suite of conditions to ensure that the access road, car parking, turning areas, cycle parking, works of rights of way and highway improvement works are carried out in accordance with the plans and to an acceptable standard. It is considered that, having regard for the requirements of Policy LA16 and the details submitted and subject to conditions and securing the off-site highway works, the development would be acceptable in highway terms.
- 3.35 Third parties have commented that the development should provide a new slip road onto the A256 Sandwich Bypass, although other respondents have raised concerns about such an idea. A new slip road does not form a part of this application and is consequently not for consideration. The highways impacts of the development have been assessed and are considered to be acceptable.

Ecology

- 3.36 The application has been supported by a suite of documents which consider the ecological impacts of the development. However, due to the location of the application site, Natural England raised concerns that the development could impact upon designated sites (Ramsar, SAC, SPA and SSSI) should the site provide habitat (feeding or roosting) for bird species associated with the designated sites. Kent Wildlife Trust, and third parties, also raised concerns that the preliminary ecological appraisal recommends that additional, species specific, surveys are undertaken, but that these were not submitted with the application. During the course of the application additional reports were submitted to address these concerns.
- 3.37 The Preliminary Ecological Appraisal confirms that there is a need for the development to contribute towards SAC mitigation. It also provides an overview of the habitats on the site, the known species present in the surrounding area and, based on these, whether there is any potential for the site to provide habitat for various species. The report concludes that: the site provides potential habitat for Great Crested Newts, reptiles and bats and that surveys for these species will need to be carried out; vegetation clearance should be undertaken outside of the typical bird nesting season; hedgerows should be retained and allowed to naturally increase in height and width; prior

to the commencement of the site works, a detailed Badger walkover survey will need to be carried out (although no survey is required at this stage, as the ecologist confirms that there were no signs of Badger at the time of the initial walkover); mammals should be protected during development, but do not require survey work; and that the development is unlikely to result in the loss of habitat for Invertebrates (including White-Clawed Crayfish) Water voles, Otter and Hazel dormouse. Ecological enhancements are also recommended.

- 3.38 Following on from the recommendations of the Preliminary Ecological Appraisal, separate Bat, Reptile and Great Crested Newt reports were submitted. The bat report confirmed that the grounds of the Ridgeway and the northern boundary of the arable field are likely to be of local importance for foraging, whilst the arable field and the hedgerow along the western boundary of the arable field are of negligible importance for foraging bats. Given the level of importance, the report recommends that mitigation for bats, as detailed in the Ecological Impact Assessment report, takes place. The Reptile Report confirmed a peak count of Slow Worm of 20 adults ('Good' population) and peak count of Common Lizard of 7 adults ('Good' population). No amphibians were recorded. The site is therefore of 'local' importance for reptiles. Detailed ecological avoidance measures, mitigation and compensation measures are detailed in the Ecological Impact Assessment report. The Great Crested Newt Report confirms that no Great Crested Newts were recorded during the survey and are therefore unlikely to be present on the application site and the site is unlikely to be of importance.
- 3.39 The RAMSAR, SAC and SPA Report, submitted in response to the concerns raised by Natural England, confirms that there are three bird species which require consideration: European golden plover (wintering); Turnstone (wintering); and Little tern (breeding). Given the habitat preferences, the results of a local study of golden plover, the spatial juxtaposition of the site relative to the coast and given that wintering flocks of golden plover roam widely, the site is unlikely to form a significant component of 'functional land.' Therefore, direct impacts are unlikely, and consequently a likely significant effect is highly unlikely. An indirect effect arising from people walking from the site into the wider landscape is also unlikely because of the distance between the development site and the wintering sites most used by golden plover. Given the above, potential effects arising on 'functional land' used by birds associated with the International Sites have been scoped out of the assessment. The report reconfirms that a payment towards the SPA mitigation strategy will be secured.
- 3.40 Finally, the Ecological Impact Assessment draws together the various strands of all of the other documents. The main findings of this assessment are that: the application site supports 'good' populations of slow worm and common lizard; The Ridgeway property provides c.1.5ha of habitat of moderate suitability for foraging bats and that common pipistrelle and soprano pipistrelle bats were recorded foraging within these habitats, and also along the northern boundary of the arable field; that the application site is of 'local' importance for reptiles and is likely to be of 'local' importance for foraging bats; and that the application site is located within c.1.5km of the Thanet Coast and Sandwich Bay Ramsar site and Special Protection Area and the Sandwich Bay Special Area of Conservation and, consequently, in the absence of mitigation, there is potential for adverse effects arising from 'in-combination' impacts with other development schemes. The report recommends ecological mitigation and compensation measures that will be implemented. Prior to the commencement of site clearance works, reptiles will need to be trapped and translocated to a suitable off-site receptor habitat. This off-site receptor will need to be managed

to benefit reptiles in the long-term. At least 60 reptile trapping visits will be required, within the period April to September (inclusive). The receptor site must be connected to a wider network of habitat used by reptiles, and have sufficient capacity to accommodate the translocated animals. This will need to be secured within a S106 Agreement, to ensure that the off-site habitat remains suitably managed in the long term. The development proposal does not allow for the provision of compensatory bat foraging habitat within site and so the retained site boundary hedgerows will be enhanced to provide foraging opportunities. Finally, the proposed development can mitigate for 'in-combination' effects, through contributions to Dover District Council's mitigation strategy for the international sites. As a precaution, the developer will also provide information to new homeowners on appropriate behaviour within the international sites. In addition, measures will be designed and implemented to minimise the risk of pollution during the construction and occupation stage of the proposed development.

- 3.41 It is considered that the methodology of the surveys and the form of the reports are acceptable. Subject to the proposed mitigation and enhancement being secured by condition and within the S106 Agreement, the development would cause no harm to habitats or protected or notable species. The provision of SPA mitigation accords with bullet point iii. of policy LA16.
- 3.42 In accordance with the Conservation of Habitats and Species Regulations 2017 (previously Regulation 61 of the 2010 Regulations) it is necessary for the Council, as a competent authority, to undertake a Habitat Regulations Assessment. The applicant has supplied information which has been used by the Council to undertake the assessment and this information has been reviewed by the Council's Principal Ecologist and Natural England. Consequently, the Council must make an appropriate assessment of the implications of the application (the 'plan or project') in view of that site's conservation objectives and whether the development "is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects)". In accordance with the Principal Ecologist's comments, the information supplied is considered to be comprehensive and Natural England has been consulted on its findings. The conclusion, in agreement with Natural England, is that subject to the applicant contributing proportionately to the Dover District Council Thanet Coast SPA Mitigation Strategy 2012, that the proposal will not have any adverse effects on the conservation objectives of the Thanet Coast and Sandwich Bay Ramsar Site and SPA or the Sandwich Bay SAC.

Archaeology

- 3.43 The application has been accompanied by a desk based archaeological assessment, which suggests that the site has a moderate archaeological potential for remains of Romano-British and medieval date, with a lower potential for other periods. It is therefore considered that there is a reasonable likelihood that the site contains features of archaeological significance and, as such, it is recommended that a condition be attached to any grant of permission requiring that a programme of archaeological work take place.

Contamination, Drainage and Utilities

- 3.44 The site lies outside of any ground water protection zone and there is no history of contamination on the site. As such, Environmental Health have advised that contamination is not a constraint to development.

- 3.45 The application has been supported by an Air Quality Assessment which considers both the construction and operational phases of the development. The assessment concludes that the impacts of the development on local air quality is not significant and new residents would not be affected by elevated levels of air pollution. The report identifies that mitigation to deal with fugitive dust emissions from the construction phase can be dealt with by a construction management plan. The development would not, therefore, cause any significant harm to air quality. Environmental Health have requested that the development provide electric charging points for electric vehicles. The NPPF does support the provision of renewable and low carbon technologies and, at paragraph 35, states that “developments should be located and designed where practical to”, amongst other things, “incorporate facilities for charging plug-in and other ultra-low emission vehicles”. However, there is no adopted planning policy for the provision of charging points for plug-ins, whilst it is considered that it would be impractical to provide such infrastructure for individual dwellings. Therefore, it would be unreasonable to require such provision in this instance.
- 3.46 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding.
- 3.47 The application has been supported by a flood risk assessment and drainage strategy. Following an investigation of ground conditions and having dismissed the potential to discharge to a watercourse due to the location of the site, it has been concluded that the development should discharge to the existing public sewer network under controlled conditions. Surface water will be dealt with through the provision of a large cellular storage area, which has been designed to hold and slowly release 2070 cubic metres of rainwater. This would provide sufficient storage for a 1 in 100 year storm event plus a 40% allowance for climate change, in accordance with guidance (together with a further buffer of 10% for ‘Urban Creep’). The storage area would then allow for a restricted discharge into the surface water drainage network. This controlled flow can be accommodated within the local network. The development also proposes two areas of permeable paving within the site, which will provide improved drainage. Overall, the attenuation proposed will result in discharge rates from the development being comparable to the pre-development greenfield rate run off rate. Subject to a condition being attached to any grant of permission which requires that a scheme for the provision of surface water drainage infrastructure, together with a timetable for its implementation, it is considered that the development would provide adequate surface water drainage, without increasing the risks of localised flooding. The LLFA concur that the attenuation proposed would ensure that off-site flood risk will not be exacerbated
- 3.48 The existing foul drainage infrastructure on Woodnesborough Road has insufficient hydraulic capacity to meet the needs of the development without additional infrastructure being provided (with regard also being had for the surface water proposals). The applicants were aware of this in March 2016, following early discussions with Southern Water. Subsequently, the applicants made a Section 98 Requisition Sewer application in June of 2016, to ascertain the likely downstream improvements which will be necessary and a preliminary scheme, subject to a detailed survey and detailed design, was provided. Within the site, the application proposes the installation of a new foul water pumping station which will accept all of the flows from the development.

Subject to a condition being attached to any grant of permission requiring a detailed scheme for the provision of foul drainage infrastructure, together with a timetable for its provision, it is considered that the development will be adequately served, without increasing the risks of localised flooding.

- 3.49 Notwithstanding the above, Southern Water have confirmed that a public water main crosses the site, which will need to be located and protected during the course of construction. This will need to be secured by condition to prevent flooding. Southern Water have also advised that the development should ensure that there are no habitable rooms within 15m of the pumping station. The plans show that the nearest dwelling is 16m from the pumping station. Finally, Southern Water have confirmed that they can provide a water supply to the site.

Contributions

- 3.50 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 3.51 The applicant has confirmed that affordable housing will be provided on site and has provided a plan indicating the locations of the plots. In total 36 affordable houses will be provided, which equates to a policy compliant 30% of the total provision. These dwellings would be provided in two groups, although two dwellings would be set slightly away from one of these groups. It is considered that this layout provides a suitable balance between co-located affordable houses to allow for their efficient management and maintenance, such that they will be attractive to affordable housing providers, whilst avoiding large concentrations of affordable units. The identified affordable houses would comprise 2 1-bed units, 23 2-bed units and 11 3-bed units. The applicant has also confirmed that one of these affordable houses will be wheelchair adaptable, in accordance with KCC's request. Subject to being secured by condition, it is considered that the requirements of Policy DM5 will be met.
- 3.52 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. In this instance, the application proposes an area to the Woodnesborough Road frontage which would provide an equipped play area of around 400sqm. In addition, there would be a large open area which could be used for informal play. Both of these areas are located such that they would be easily accessible for future occupants of the development. The applicant has confirmed that the play area would be provided with a suitable range of play equipment and the area would be maintained in perpetuity. It is considered that the provision of play equipment can be secured through a suitably worded condition, whilst the maintenance could be secured by a Section 106 Agreement. Subject to securing the provision and maintenance of this Open Space, it is considered that the requirements of Policy DM27 will be met.
- 3.53 It is noted that third parties have raised concerns that there is an area of Open Space with play equipment at Poulders Gardens, just a short walk from the site. However, no requests have been made to upgrade that facility, whilst the

development has proposed a scheme which would meet the needs of the development and will be maintained. As such, it is concluded that the scheme is acceptable in this respect.

- 3.54 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. The development would increase the number of school children within the area. A request for contributions was received in August; however, in February KCC wrote to revise their request for contributions. In the interim, KCC had reviewed the costs of delivering infrastructure, in particular secondary schools. The initial request for a secondary school contribution was based on build costs set in 2008 and requested £250,138.80. However, due to significant increases in build costs, this was revised to £436,194.00. Concern has been raised by the applicant that this has significantly increased the contributions required. Whilst this concern is understandable, as the increase will reduce the profitability of the scheme, it remains the case that the development must meet the costs of providing the infrastructure upon which it will rely in order to ensure that the impacts of the development are mitigated. As such, it is considered that the revised, higher, figure is reasonable. The contributions requested are: £352,344.00 towards Phase 1 expansion of Sandwich Infants School; £436,194.00 towards the Phase 1 expansion of Sir Roger Manwood's Secondary School; £3,076.68 towards portable equipment at classes in Sandwich; £14,614.80 towards Sandwich Library large print books to meet local need; and £9,315.60 towards Age Concern Care Centre in Sandwich.
- 3.55 Projects have been identified which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development. KCC have not requested contributions towards youth services in the area, although they have not confirmed whether this is due to there being sufficient capacity to meet the needs of the development or the lack of an identified project.
- 3.56 The Canterbury and Coastal CCG have submitted a request for contributions from the development. The request advises that a joint approach should be explored in order to increase capacity across the Sandwich and Ash practices, to allow for the creation of a store building for patient files which would be used collectively by three practices. This would remove the need to store large numbers of files within practices and release rooms which could then be used to increase capacity. Given the scale of the development, which has been assessed as producing an additional 281 patients, the CCG have advised that a proportionate contribution is £101,160.00 (or £360 per patient). However, no evidence has been provided as to how the figure of £360 per patient has been reached or that the proposed project is deliverable. In the absence of this information, it is not considered that the request is CIL compliant and cannot be sought.
- 3.57 With the exception of the NHS contribution, it is considered that the above contributions are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In each case there is an identified project for which no more than 5 contributions would be sought. The applicant has confirmed that they are willing to provide the accepted contributions.

Other Material Considerations

- 3.58 The principle of the development is considered to be acceptable, being an allocated site within the settlement confines of Sandwich. Notwithstanding the primacy of the development plan, as described in the 'Principle' section, regard must be had for whether there are any material considerations which indicate that permission should be refused. Together with the material considerations which have been considered within the body of the report, which did not identify any harm which would warrant refusal, it must be acknowledged that the NPPF is a material consideration of significant weight. The NPPF provides a presumption in favour of sustainable development. Sustainable development can be split into three roles: economic, social and environmental.
- 3.59 The development would provide a short term economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a significant increase in the local population, which would produce a corresponding increase in spending in the local economy. The site is allocated for housing and it has therefore been assessed by the Council to be in the right place to support growth.
- 3.60 In terms of the social role, the proposal would contribute towards the supply of housing supply and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would deviate from the mix which has been identified as being required by the district, which detracts to a limited degree from the benefits of the housing being provided. However, the provision of 30% affordable housing, or 36 dwellings, is considered to be of substantial weight. The development would necessarily alter the character of the site; however, it is considered that this impact has been kept to a minimum by virtue of the layout of the development, reduced density towards the west of the site and the use of landscaping. The development would be in an accessible location, close to local facilities and services.
- 3.61 In terms of the environmental role, the proposal would alter the character of the area, as set out above. It has been established that the site provides habitat for protected species; however, mitigation has been proposed to address this, whilst ecological enhancements have also been proposed. The location of site would reduce the need to travel.
- 3.62 Overall, it is considered that there are a number of significant benefits which must be attributed significant weight in favour of the development. Furthermore, the disbenefits of the development are limited and have been mitigated where possible. Overall, weighing up the various dimensions of sustainable development, it is concluded that the development is 'sustainable', as defined by the NPPF, providing support for the proposals.

Overall Conclusions

- 3.63 The principle of the development is considered to be acceptable, according with Policy LA16 of the Land Allocations Local Plan, with the development meeting the criteria of this policy. It is acknowledged that genuine concerns have been raised by third parties and Town and Parish Councils regarding the potential impacts on highway safety and traffic; however, additional information and amendments have been received which demonstrate that the proposed access onto Woodnesborough Road (which was the point of access proposed within the Land Allocations Local Plan) would be safe and would not cause unacceptable highway impacts. It is considered that the development is

acceptable in all other material respects and would provide significant benefits. It is therefore recommended that this application is granted.

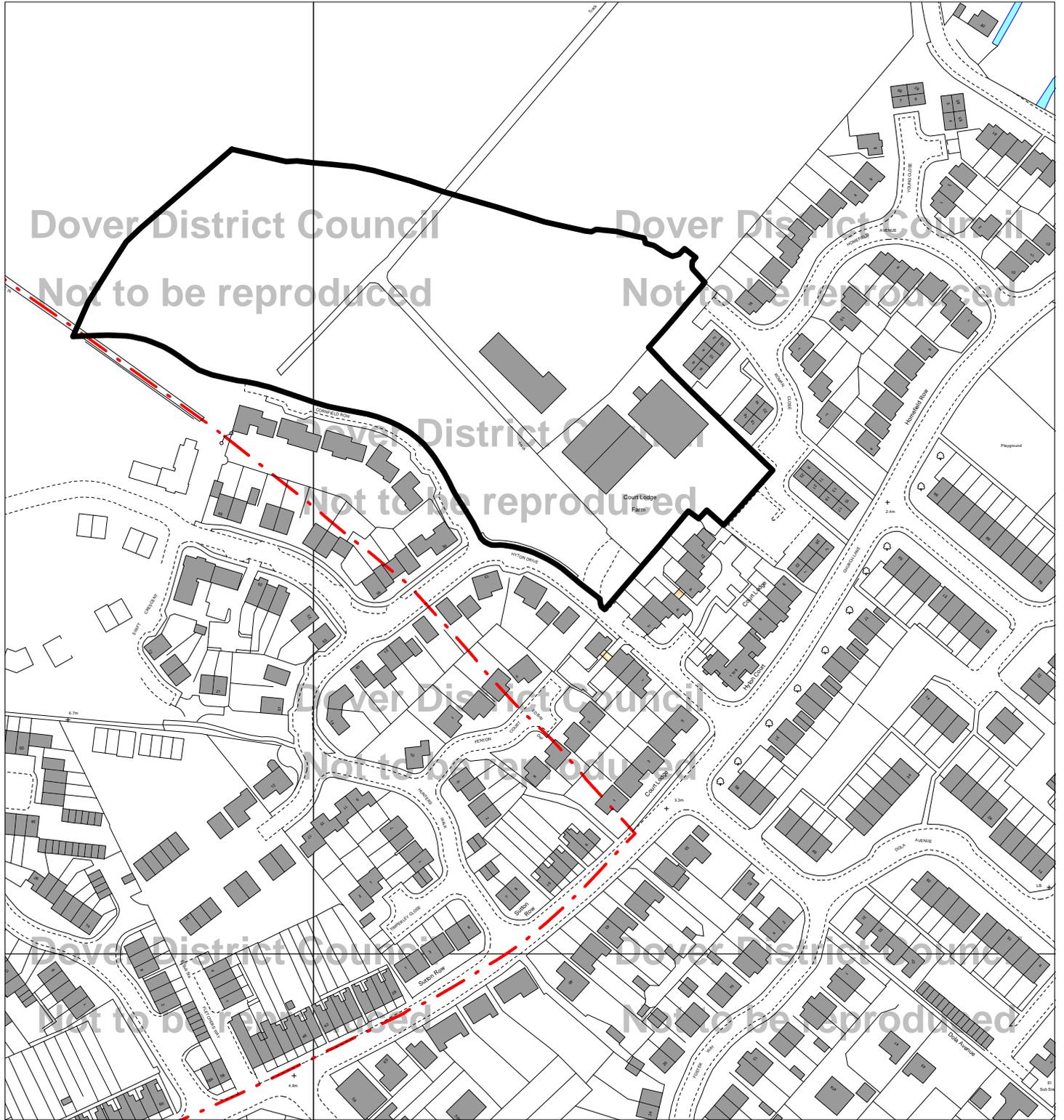
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Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, reptile translocation, ecological mitigation and the provision and maintenance of play space, and subject to conditions to include:
- (1) approved plans; (2) a scheme to secure affordable housing; (3) provision of off-site highway work; (4) construction management plan; (5) provision of measures to prevent the discharge of water onto the highway; (6) provision of vehicle parking and turning areas; (7) provision of cycle parking; (8) provision of alterations to the ES10; (9) completion of certain works to the access roads prior to the occupation of dwellings; (10) provision of visibility splays; (11) scheme for the provision of foul drainage, including a timetable; (12) scheme for the provision of surface water drainage, including a timetable; (13) archaeology; (14) ecological mitigation and enhancements; (15) identification of the exact position of the water main and details for its protection; (16) protection of existing trees and hedges to be retained; (17) details for excavations near trees; (18) detailed landscaping scheme, including details of replacement trees; (19) samples of materials; (20) provision of refuse and recycling facilities.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett



Not to scale

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Application: DOV/16/01476

**Land to the rear of Hyton Drive &
Roman Close
Church Lane
Sholden
CT14 9QG**

TR36545272



- a) **DOV/16/01476** – Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) - Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden

Reason for report – Number of contrary representations (30).

b) **Summary of Recommendation**

Grant permission.

c) **Planning Policy and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP3 – Distribution of housing allocations.

CP4 – Housing quality, mix, density and design.

CP6 – Infrastructure.

DM1 – Settlement boundaries.

DM5 – Affordable housing.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA13 – Land between Deal and Sholden.

The site is allocated for residential development with an estimated capacity of 230 dwellings. Planning permission will be permitted provided that:

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;
- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;
- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vi. footways are preserved, and where necessary enhanced and integrated into the development; and
- vii. measures provided to mitigate against impacts on the wider road network including sustainable transport measures.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

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

For decision-taking this means:

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

17. Core planning principles... planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
- 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...

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will

provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

OTHER CONSIDERATIONS

Flood zone 3a

d) **Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

For original comments – please see first report (November 2017) and second report (January 2018) (attached as Appendices 1 and 2 respectively).

Comments below are based on further submitted information, following deferrals at the Planning Committee meetings of 2 November 2017 and 25 January 2018.

Kent County Council – Highways – No objection.

The KCC highways officer has confirmed that the individual traffic movement projections provided by the applicant following the deferral at the 25 January 2018 meeting correspond with the previously submitted information, which detailed the percentage changes expected in traffic movements at the relevant agreed junctions.

KCC are satisfied with the evidence to hand and maintain no objection on highways grounds.

DDC Ecology – 13 February 2018

“1. A scoping survey was carried out on 19th August 2015, reported upon in November 2016. No evidence of bats was found, although it appears that the survey was incomplete. This latter point is considered later.

2. The survey report was submitted as part of an application received by DDC on 21 December 2016. Despite being 16 months later, it was acceptable as it had concluded the buildings were not used by bats.

3. The 2015 survey acknowledged parts of buildings that could not be entered. These were parts of buildings 1 and 2 of the Ecology Partnership Report, together with a small outbuilding attached to building 1.

4. Accepting the construction methodology of building 3 as described and that the survey of there was complete, it is not considered that this building should be further considered.

5. When considered from the description within the report, it would appear that a little over 50% of the other buildings **had not been surveyed**. It may be that the surveyor was sufficiently satisfied from the construction of the buildings that a negative result could be extrapolated.

6. Three local residents report bat sightings in relation to the buildings.

7. Therefore, for the avoidance of doubt, it is recommended that the buildings 1 and 2 are resurveyed in their entirety for evidence, or not, of use by bats. This survey should take the form of an internal and external examination for signs of bat use. Should evidence of such use be found, then a later bat activity survey would be required.”

DDC Ecology – 8 March 2018 – (following further survey)

“I have now been able to read the detail of the report in respect of bats. It does appear that all the buildings were inspected and that in no case was there evidence of use by bats.

Given that two surveys have now been undertaken with no evidence of use by bats, the only conclusion I am able to draw is that sightings of bats around the buildings were of foraging activity, rather than roosting. It would, in that case, be reasonable to seek enhancements by the provision of two bat boxes. This could be conditioned.”

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

Site

1.1. The application site is located to the rear (north west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development (permitted under DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

- 1.2. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. An existing hedgerow described as species poor extends for 45 metres across the centre of the site and beyond the site to the north east, as far as the Southwall Road Dyke. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.
- 1.3. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.
- 1.4. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely residential on both sides. Some open countryside still separates middle Deal from Sholden.
- 1.5. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.
- 1.6. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.
- 1.7. Approximate dimensions of the site are:
 - Width – between 80 and 120 metres.
 - Depth – 225 metres (from rear of Hyton Drive properties).

Proposal

- 1.8. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the re-provision of parking spaces for existing residents at Hyton Drive.
- 1.9. The affordable dwellings would be dispersed throughout the site.
- 1.10. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.
- 1.11. At the south eastern end of the perimeter road the carriageway stops approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.

1.12. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields. The section of hedgerow within the site would be removed.

1.13. The proposed housing mix is as follows:

1.14. Market dwellings

- 2 bed x 6 – Alnwick house type.
- 2 bed x 12 – Hanbury house type.
- 3 bed x 3 – Hatfield house type.
- 3 bed x 1 – Hatfield Corner house type.
- 3 bed x 2 – Clayton house type.
- 3 bed x 4 – Clayton Corner house type.
- 3 bed x 6 – Leicester house type.
- 4 bed x 2 – Lumley house type.
- 4 bed x 7 – Chedworth house type.
- 4 bed x 6 – Corfe house type.
- TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.

1.15. Affordable dwellings

- 2 bed x 7 – 2L house type.
- 3 bed x 6 – 3L house type.
- 4 bed x 2 – 4L house type.
- 2 bed x 6 – 2BF flat type.
- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.16. Ridge heights of the proposed buildings are:

- Alnwick house type (x6) – 7.8 metres.
- Hanbury house type (x12) – 8 metres.
- Hatfield house type (x3) – 8 metres.
- Hatfield Corner house type (x1) – 8 metres.
- Clayton house type (x2) – 7.4 metres.
- Clayton Corner house type (x4) – 7.4 metres.
- Leicester house type (x6) – 9.9 metres.
- Lumley house type (x2) – 9.4 metres.
- Chedworth house type (x7) – 8 metres.
- Corfe house type (x6) – 8 metres.
- 2L house type (x7) – 8.7 metres.
- 3L house type (x6) – 8.6 metres.
- 4L house type (x2) – 8.8 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (single and double) – 5.1 metres.

1.17. Parking provision comes in the form of allocated parking spaces. Some are located next to dwellings and some in front. Some spaces are covered by car barns. Visitor spaces are provided throughout the development. Footways are provided throughout the development area and tie up with the existing adjacent development off Hyton Drive to the south.

1.18. The applicant has indicated a range of soft landscaping throughout the development.

2. Assessment

- 2.1. At the Planning Committee meeting on 2 November 2017 members resolved to defer this application, for the following reasons:

That, notwithstanding the Officer's recommendation, application no. DOV/16/01476 be DEFERRED pending further information, namely the raw data from the applicant's transport assessment (In addition, should written confirmation of the connection of the balancing pond to Southwall Dyke be available, the Committee would also appreciate sight of this).

Highways

- 2.2. The applicant submitted further information relating to the site specific transport study undertaken to support the consideration of this application. In relation to the modelled impacts at junctions in the near and medium distance vicinity of the application site, the impacts predicted are as follows:

AM Peak Junction	Total junction inflows (vehs/hour)			Changes (%)		
	Base year	Forecast year base + committed	Forecast year base + committed + proposed			
	A	B	C	B-A	C-A	C-B
Church Lane/ Hyton Drive	190	291	328	101 (53.2%)	138 (72.6%)	37 (12.7%)
Orchard Avenue/ Church Lane	283	414	443	131 (46.3%)	160 (56.5%)	29 (7.0%)
Middle Deal Road/ Orchard Avenue/ Bowling Green Lane	723	888	917	165 (22.8%)	194 (26.8%)	29 (3.3%)
Middle Deal Road/ Southwall Road	309	351	359	42 (13.6%)	50 (16.2%)	8 (2.3%)
A258 London Road/ Bowling Green Lane	1269	1456	1471	187 (14.7%)	202 (15.9%)	15 (1.0%)
A258 London Road/ Middle Deal Road	1245	1423	1437	178 (14.3%)	192 (15.4%)	14 (1.0%)
A258 London Road/ Manor Road	1704	1960	1974	256 (15.0%)	270 (15.8%)	14 (0.7%)

A258 London Road/ St Leonards Road	1047	1196	1207	149 (14.2%)	160 (15.3%)	11 (0.9%)
Manor Road/ St Leonards Road	726	858	869	132 (18.2%)	143 (19.7%)	11 (1.3%)
A258 London Road/ Mongeham Road	1550	1800	1814	250 (16.1%)	264 (17.0%)	14 (0.8%)

PM Peak	Total junction inflows (vehs/hour)			Changes (%)		
Junction	Base year	Forecast year base + committed	Forecast year base + committed + proposed			
	A	B	C	B-A	C-A	C-B
Church Lane/ Hyton Drive	153	240	272	87 (56.9%)	119 (77.8%)	32 (13.3%)
Orchard Avenue/ Church Lane	243	353	377	110 (45.3%)	134 (55.1%)	24 (6.8%)
Middle Deal Road/ Orchard Avenue/ Bowling Green Lane	601	737	761	136 (22.6%)	160 (26.6%)	24 (3.3%)
Middle Deal Road/ Southwall Road	287	339	347	52 (18.1%)	60 (20.9%)	8 (2.4%)
A258 London Road/ Bowling Green Lane	1227	1405	1418	178 (14.5%)	191 (15.6%)	13 (0.9%)
A258 London Road/ Middle Deal Road	1267	1436	1447	169 (13.3%)	180 (14.2%)	11 (0.8%)
A258 London Road/ Manor Road	1728	1964	1975	236 (13.7%)	247 (14.3%)	11 (0.6%)
A258 London	1098	1245	1254	147 (13.4%)	156 (14.2%)	9 (0.7%)

Road/ St Leonards Road						
Manor Road/ St Leonards Road	715	830	839	115 (16.1%)	124 (17.3%)	9 (1.1%)
A258 London Road/ Mongeham Road	1531	1754	1765	223 (14.6%)	234 (15.3%)	11 (0.6%)

- 2.3. The KCC Highways officer has indicated that the figures provided correspond with previously presented information and that the KCC Highways comment relating to the traffic impact of the development proposal remains unaltered. KCC Highways considers the predicted traffic impacts of the proposal to be acceptable.

Drainage and Flooding

- 2.4. Following the meeting on 25 January 2018, the applicant received approval from the River Stour Internal Drainage Board to make the connection between the balancing pond and the Southwall Road Dyke. Consent was granted on 29 January 2018 and the applicant has confirmed that the connection has now been made.
- 2.5. At the meeting on 25 January, concern was raised in relation to flooding and the relative standards that are used to consider the resilience or otherwise of a development proposal. The applicant has subsequently referred to the initial comments supplied by Kent County Council on 22 June 2017 in its position as the lead local flood authority (LLFA):

“As LLFA, KCC will require that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%.”

- 2.6. On receipt of this information, KCC, as LLFA, has subsequently raised no objection to the development proposal.

Bats

- 2.7. Following the meeting on 25 January 2018, a number of comments were made in relation to the potential for the presence of bats in the old Court Lodge Farm buildings. The DDC Ecology officer subsequently requested that the submitted bat survey be updated to include parts of the buildings that had previously been inaccessible. The DDC Ecology officer also made comments in relation to a perceived view that the submitted information was out of date.
- 2.8. The further survey was undertaken and show that there is no evidence of roosting at the buildings, and that activity is more likely to be related to foraging. Nevertheless, the ecology officer recommends that two bat boxes are provided and that these be secured by planning condition.
- 2.9. Therefore, in terms of ecology, the proposal is considered to be acceptable.

Other

- 2.10. At the meeting on 25 January 2018 it was drawn to the members attention that the Environment Agency had requested that floor levels be raised to 5 metres above ordnance datum due to the site being within flood zone 3. The applicant provided further information which clarified how this would affect the proposal and as a result also proposed to relocate/swap the location of some house types within the development. The number of dwellings proposed, and the number of the different types of dwellings was not, however, proposed to be amended.
- 2.11. **Legal agreement.** The applicant has submitted a draft legal agreement to the council, proposed to secure the development obligations and the protection of the open space at the north western end of the development for that purpose in perpetuity. The document is currently being reviewed by the Planning Solicitor.

Conclusion

- 2.12. It is considered that the information submitted pursuant to the reason for deferral, and subsequent concerns relating to bat activity, adequately addresses those issues.
- 2.13. The further information relating to predicted traffic movements resulting from the site shows that using a nationally standard methodology, impacts on most modelled junctions are below 5% – the level of change which would normally be considered to be material. Where the changes are above 5%, junction capacity assessments have shown that the relevant junctions do have capacity to accommodate the change. Therefore, the KCC Highways officer has confirmed that the proposed development is considered to be acceptable.
- 2.14. Concerns relating to the potential presence of bat roosts at the site prompted the DDC Ecology officer to request a further survey to confirm this, or otherwise. No evidence of bats being present has been found, leading the ecology officer to conclude it is likely that the observance of bats is likely to be of them foraging. Nevertheless the provision of two bat boxes, secured by planning condition, has been requested – and agreed by the applicant.
- 2.15. The connection of the balancing pond to the Southwall Road Dyke, which is a key part of the site drainage proposals, has since the 25 January 2018 meeting been consented by the River Stour Internal Drainage Board. The applicant has confirmed that this connection has now been made.
- 2.16. In all other respects the consideration of the application remains as per the original report attached at Appendix 1, and the first deferred report attached at Appendix 2; and the recommendation, therefore, is to grant permission.

g) Recommendation

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of species) (5) provision of affordable housing (6) management plan open space (7) units 10-14, first floor rear, obscure glazing level 4, non-opening up to 1.7 metres (8) permitted development restrictions to prevent parking in front gardens (where provided) (9) contaminated land (10) archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions (11)

foul and surface water sewerage disposal (12) implementation of SUDS before occupation (13) verification of SUDS work (14) protection of public sewerage and water supply apparatus (15) penetrative foundation works to be agreed (16) ground floor finished levels 5m above ODN (17) sections and thresholds (18) ecology enhancement/mitigation measures, including hedgehog access (19) measures to prevent discharge of surface water onto highway (20) provision and retention of parking spaces (21) provision and retention of turning areas (22) bound surface 5 metres from edge of highway (23) provision of cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (24) travel plan (25) details and provision of pedestrian link to Southwall Road (26) completion of alterations to Hyton Drive and Corn Field Row before use of site commences (27) completion of works between a dwelling and adopted highway before occupation of dwelling (28) construction management plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop off and pick up times), parking and turning areas for site personnel, wheel washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site (29) Bat boxes.

- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer
Darren Bridgett

Appendix 1

- a) **DOV/16/01476 – Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) - Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden**

Reason for report – Number of contrary representations (29).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- CP1 – Settlement hierarchy.
- CP3 – Distribution of housing allocations.
- CP4 – Housing quality, mix, density and design.
- CP6 – Infrastructure.
- DM1 – Settlement boundaries.
- DM5 – Affordable housing.
- DM11 – Location of development and managing travel demand.
- DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

- LA13 – Land between Deal and Sholden.

The site is allocated for residential development with an estimated capacity of 230 dwellings. Planning permission will be permitted provided that:

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;
- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;
- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vi. footways are preserved, and where necessary enhanced and integrated into the development; and
- vii. measures provided to mitigate against impacts on the wider road network including sustainable transport measures.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

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

For decision-taking this means:

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

17. Core planning principles... planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
- 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...

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

OTHER CONSIDERATIONS

Flood zone 3a

d) **Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

DDC Regeneration and Delivery (Planning Policy) – No objection – The application site is within the boundary of land allocation LA13. Subject to highways and flooding/drainage issues being satisfactorily addressed, the proposal would likely be policy compliant.

DDC Principal Infrastructure Delivery Officer – No objection – The request for book stock for Deal Library exceeds the five obligation limit. The remaining infrastructure requests made of the development are CIL compliant and are therefore justified. The infrastructure officer comments that subject to a formal sports provision contribution, the open space requirements of the development have been satisfactorily met and that in relation to children’s play space, there is existing satisfactory provision within the walking distance guidelines, such that no further provision is necessary.

DDC Heritage – No comments.

DDC Environmental Health – No objection, subject to conditions – Contaminated land, construction management plan, dust management plan (prior to commencement of development).

DDC Strategic Housing – No objection, subject to provision of affordable housing.

KCC Highways – No objection, subject to conditions – I refer to the amended plans and additional information submitted for the above.

The proposals are likely to generate approximately 35 two-way vehicle movements in each of the am and pm network peak hours, the majority of which are likely to route via Church Lane and Orchard Avenue and then be split and distributed further through the local highway network. Whilst the impact is therefore greatest at the Hyton Drive/Church Lane and Church Lane/Orchard Avenue junctions, these have been assessed and the proposals are unlikely to have a severe impact. The subsequent distribution of vehicle movements through junctions on the various routes available in the local highway network is such that they will amount to less than the typical variation in daily flow and are therefore also unlikely to have a severe impact. Whilst some on-street parking takes place on some of these routes and in some sections this reduces the carriageway to single-way working, intervisible and regular passing places are available and the additional vehicle movements across the peak hours are therefore unlikely to have a severe impact on the flow of traffic.

The proposed site access points off Hyton Drive and Corn Field Row are acceptable and provide suitable visibility. Corn Field Row itself and the streets within the

development are to remain private and will not be adopted by the highway authority. The total amount of 129 car parking spaces provided within the site is in excess of the 122 required under Policy DM13 and unlikely to result in unacceptable parking on the highway. The four replacement parking spaces, required at the rear of 2 Hyton Drive under the planning permission for the adjacent site, are retained in the proposed layout.

The site will benefit from the improved bus, pedestrian and cycle links being provided for the adjacent permitted site. However, there is a footpath connection to Southwall Road to be provided under the planning permission for the adjacent site, and the current proposals include a link to that footpath. Bearing in mind Southwall Road forms part of the cycle route towards Betteshanger Country Park and the town centre, I would wish to see the approved footpath connection improved to provide a route for cyclists between the proposed development site and Southwall Road.

Construction traffic routing, timing, associated parking and wheel washing facilities can be dealt with through a Construction Management Plan secured by condition.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a refusal on highway grounds

Stagecoach – No comment received.

KCC Infrastructure – No objection, subject to following contributions –

Primary education – Deal Parochial Primary School Phase 1 – £217,722.00.
Secondary education – Sir Roger Manwood's Phase 3 Expansion – £154,566.90.
Community learning – Deal Adult Education Centre IT equipment – £2,307.50.
Libraries – Deal Library large print books – £3,361.11.
Social Care – Meadowside Social Care Hub, Deal – £5,338.20.

Informative – fibre optic broadband provision.

Environment Agency – No objection, subject to conditions – Conditions as follows: unexpected contamination, infiltration drainage systems, piling/foundation designs, ground floor levels at 5m AODN. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event.

KCC Local Lead Flood Authority (LLFA) – No objection, subject to conditions – We have reviewed the latest Drainage Design Statement provided by GTA Civils, dated 7th September 2017, and consider this addresses all of our previous queries in relation to the proposed surface water drainage system. Accordingly we are able to remove our previous objections to the development. The submitted information is sufficiently detailed to recommend approval of the Drainage Design Statement. The surface water drainage should therefore be implemented as per these details.

We would note that the proposals indicate foul sewers beneath permeable pavements. This arrangement is generally not acceptable to the sewerage undertaker, therefore the foul drainage design could be subject to change. This should be discussed with Southern Water prior to finalising the foul drainage design. We would recommend details for the implementation, maintenance and management of the drainage system are secured by condition prior to occupation of the development.

In this instance, we would also strongly recommend the inclusion of condition for a verification report to ensure that the drainage system, as constructed, meets with the objectives contained within the drainage design statement. Areas downstream of the site are known to have a high risk of flooding, therefore it is important that the development is carried out in full accordance with its approved details.

River Stour Internal Drainage Board (IDB) – The River Stour IDB lodged objections to the development based on unsatisfactory evidence in relation to surface water drainage. These objections were largely in support of the position taken by the KCC SUDS team. However, where the SUDS team has now removed its objection, the IDB did not respond to the most recent consultation.

KCC Archaeology – No objection, subject to condition – Archaeological fieldworks and safeguarding measures to preserve important archaeological remains in situ.

Rural adviser – Observation – I note that the proposal relates to a 2.26 ha site (including buildings to be demolished) adjoining a much larger newly permitted housing development, immediately to the west.

The current site has been surveyed (along with the adjoining permitted housing site to the west) as lying within an area of Grade 1 agricultural quality.

However that was clearly not a bar, in itself, to development in this part of the District, and indeed I note that the current site already falls within Policy LA13 of the Council's adopted Land Allocations Plan.

I do not believe there is any further relevant agricultural advice I can provide in this case.

KCC PRoW – Observation – Providing foot / cycle paths within green corridors or areas of open space to create a traffic free, safe environment to enjoy will encourage use of such routes for walking and cycling. Unfortunately the site layout has not included this type of provision for cycling and walking and has included footways next to the access roads, not in line with current design and planning guidance.

We would ask that the applicant includes a green corridor within the design layout, to accommodate walking / cycling movement across the site, to the open space area and linking to the Sholden Development site boundary path which facilitates access to the surrounding countryside. Such paths provide good opportunities to residents for recreation, active travel and exercise, making the proposed development a more desirable place to live.

DDC Ecology – No objection, subject to condition and securing SPA contribution – Condition to secure recommendations in ecology survey.

DDC Trees – No comment received.

Natural England – No objection, subject to contribution and drainage details – Contribution for Thanet Coast and Sandwich Bay SPA mitigation strategy, and drainage details to ensure no adverse effect on Ramsar site.

Kent Wildlife Trust – No objection, subject to implementation of recommendations – Permeability of gardens to outside areas, hedgehog access, consideration of existing hedgerow habitats, SPA mitigation contribution.

Historic England – Considered, no comment.

NHS/CCG – No objection, subject to contribution – Seeks contribution of £65,916 towards one or more local GP surgeries in Deal.

The Coal Authority – Observation – Informative relating to Coal Authority standing advice.

Southern Gas Networks – Observations regarding safety in proximity to gas network.

Southern Water – No objection, subject to conditions and informatives – Conditions: measures to protect public apparatus, means of foul and surface water sewerage disposal – Informatives: sewer capacity check, details of SUDS. Water supply to site is achievable.

EDF Energy – No comment received.

National Grid – No comment received.

Crime prevention officer – No comment received.

Dover Town Council – Objection – Object as site in the middle of Zone 3 high risk flood zone, additional 70 homes would put intense pressure on current drainage system; lack of provisions in place, shops, schools and surgeries. Lack of infrastructure, concerns over width of road and parking issues. Application is contrary to the Local Development Policy and Current Transport Statement re local traffic movement is dated March 2014 so not accurate record.

Sholden Parish Council – Objection – The application contravenes Policy LA13. The 70 homes on this site have been considered by DDC and rejected. There has been no change to the site or the surrounding infrastructure, we see no reason why these additional homes should go ahead now.

No upgrading of infrastructure has occurred despite the significant increase in development in the area of 500+ new homes. Highways data is not up to date and does not reflect the increase in traffic since the completion of Sholden Fields, the near completion of Timperley Place and other smaller developments in the area which have had a significant effect on the traffic in Sholden and Deal. A new traffic survey must be carried out that reflects the current situation.

Local roads are unsuitable for increases in traffic. Church Lane, Middle Deal Road, Orchard Avenue, Bowling Green Lane, Southwall Road are all affected. Access to the development site is via these small roads. A new road is needed before any further development is undertaken in Deal/Sholden/Walmer.

No new schools or GP surgeries have opened since the large-scale developments in the area have been populated. Residents travel to take children to school or visit their GP. This is unsustainable.

We note that the South Kent Coast Clinical Commissioning Group have requested s106 funds and have identified significant risks that will impact on medical care provision in Deal should further development go ahead.

Flooding regularly occurs in nearby Albert Road, located approximately 400m from the proposed development. The site is located on a flood plain. We note that KCC Flood & Water Management maintain their objection pending fuller information from the

developer, this clearly indicates problems with the site in terms of flooding and this has always been the case in this area.

Wildlife bats in the barns. Persimmon tore up hedgerows of nesting birds when clearing the land for the Timperley Place development against the planning conditions set down by DDC.

Public representations – 29 x objections, 1 x support, 1 x neutral.

Objections

- Flood risk, provide drainage before homes occupied.
- Sewer capacity.
- Ecology information incorrect, bats, loss of established hedge.
- Policy for 230 dwellings, not 300.
- No to access from Homefield Avenue.
- Needs road infrastructure, investment, traffic, road safety concerns.
- Relationship to existing buildings, height, density.
- Noise and pollution, construction traffic.
- No capacity in local amenities.
- Direct development elsewhere.

Support

- Provision of new dwellings, should be for first time buyers.

Neutral

- New road development required.

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

1.1. Site

1.2. The application site is located to the rear (north-west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development (DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

1.3. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.

1.4. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.

1.5. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely

residential on both sides. Some open countryside still separates middle Deal from Sholden.

1.6. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.

1.7. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.

1.8. Approximate dimensions of the site are:

- Width – between 80 and 120 metres.
- Depth – 225 metres (from rear of Hyton Drive properties).

1.9. Proposal

1.10. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the re-provision of parking spaces for existing residents at Hyton Drive. All affordable dwellings would be located in this section.

1.11. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.

1.12. At the south eastern end of the perimeter road the carriageway stops approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.

1.13. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields.

1.14. The proposed housing mix is as follows:

1.15. Market dwellings

- 2 bed x 6 – Alnwick house type.
- 2 bed x 12 – Hanbury house type.
- 3 bed x 3 – Hatfield house type.
- 3 bed x 1 – Hatfield Corner house type.
- 3 bed x 2 – Clayton house type.
- 3 bed x 4 – Clayton Corner house type.
- 3 bed x 6 – Leicester house type.
- 4 bed x 2 – Lumley house type.
- 4 bed x 7 – Chedworth house type.
- 4 bed x 6 – Corfe house type.
- TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.

1.16. Affordable dwellings

- 2 bed x 7 – 2L house type.

- 3 bed x 6 – 3L house type.
- 4 bed x 2 – 4L house type.
- 2 bed x 6 – 2BF flat type.
- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.17. Ridge heights of the proposed buildings are:

- Alnwick house type (x6) – 7.8 metres.
- Hanbury house type (x12) – 8 metres.
- Hatfield house type (x3) – 8 metres.
- Hatfield Corner house type (x1) – 8 metres.
- Clayton house type (x2) – 7.4 metres.
- Clayton Corner house type (x4) – 7.4 metres
- Leicester house type (x6) – 9.9 metres.
- Lumley house type (x2) – 9.4 metres.
- Chedworth house type (x7) – 8 metres.
- Corfe house type (x6) – 8 metres.
- 2L house type (x7) – 8.7 metres.
- 3L house type (x6) – 8.6 metres.
- 4L house type (x2) – 8.8 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (single and double) – 5.1 metres.

1.18. Parking provision comes in the form of allocated parking spaces. Some are located next to dwellings and some in front. Some spaces are covered by car barns. Visitor spaces are provided throughout the development. Footways are provided throughout the development area and tie up with the existing adjacent development off Hyton Drive to the south.

1.19. The applicant has indicated a range of soft landscaping throughout the development.

2. Main Issues

2.1. The main issues to consider are:

- Principle
- Design, visual and rural amenity
- Residential amenity
- Highways
- Flooding, drainage and sewerage
- Utilities
- Affordable housing and planning obligations
- Ecology
- Employment uses

3. Assessment

3.1. Principle

3.2. The proposed development is located within the Deal urban settlement boundary, as extended by housing allocation LA13 – Land between Deal and Sholden, adopted as part of the Land Allocations Local Plan (LALP) 2015.

3.3. Accordingly, the proposed residential development is in basic terms acceptable, subject to its details and to the extent to which these accord with the

requirements of policy LA13. The land allocated under LA13 extends beyond the application site to the south west – now Timperley Place and to a lesser extent to the north east – towards Southwall Road.

- 3.4. Notably, the land allocation policy makes reference to an “estimated” capacity of 230 dwellings on the overall site, which when considering the area of allocation, have already been developed under the permission granted for DOV/10/01012. However, the policy acknowledges that the planning application informed the site allocation and at that time this was itself informed by flooding constraints on site.
- 3.5. Subject to these constraints being adequately addressed, there is no part of the policy which would preclude development beyond the estimated capacity. In that sense, the proposed development is acceptable in principle, subject to its details and any material considerations.
- 3.6. Design, Visual and Rural Amenity
- 3.7. The proposed estate layout is fed from Hyton Drive and Corn Field Row (the existing Timperley Place perimeter road). The layout of the estate roads is considered to be acceptable, and typical of a cul-de-sac arrangement, with dwellings arranged mostly in a perimeter formation looking out from the development.
- 3.8. Towards the north of the site, accessed from the edge of development road, is a close with dwellings facing in towards each other. Dwellings in the close are larger in size with sufficient parking spaces provided, such that enough space is provided for residents to live comfortably.
- 3.9. A further close is formed from Hyton Drive, however, the access and dwellings here are arranged more conventionally parallel or at right angles with one another.
- 3.10. At the western end of the development, open space is proposed, which provides amenity space and that can be used by the occupants of this and the adjacent development.
- 3.11. The development is laid out to achieve an acceptable degree of permeability as far as pedestrian links are concerned, and is typical of an edge of development layout arrangement.
- 3.12. The design of the development in terms of the dwellings incorporates a number of house types, with varying ridge heights, and combined with varying materials, with the effect being that there is a degree of interest when moving through the estate. The tallest of the buildings are located toward the centre of the development, meaning that seen from outside of the site, any prominence that they might have is reduced. Overall and seen in the context of the 70 dwellings proposed, as well as the 230 dwellings under construction, the development creates its own reference and is considered to be acceptable. The layout, scale, form and arrangement of the development physically and visually links the new development to adjoining and neighbouring development areas.
- 3.13. The edge of development layout arrangement is low key and has spaces and gaps to it, which would present a sufficiently soft edge where it meets the undeveloped area to the north.
- 3.14. The majority of dwellings offer parking to the side with a car barn, with the

remainder offering frontage parking. This is a typical parking arrangement of suburban style developments. It is, however, considered necessary to restrict permitted development on hard surfaces to safeguard front gardens where they are proposed, enabling the local planning authority to control any proposed changes that might cumulatively alter this edge of settlement development.

3.15. Residential Amenity

- 3.16. **Overlooking.** Units 10 to 14, due to their location, have the potential to overlook numbers 18, 16 and 8 Roman Close, being sited at a distance of approximately 10 metres from the dividing boundary and between 15 and 18 metres from the existing dwellings themselves. The existing dwellings are back to backs, meaning that there are no rear gardens as such and the front gardens are semi-private. The side garden of number 16 has been extended onto at ground level, and the side garden at number 18 forms a contiguous part of the semi-private front garden. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 10 and 11 in particular.
- 3.17. The rear elevation of units 13 and 14 face toward the side and front garden of number 8 Roman Close. This space is semi-private and incorporates the entrance into numbers 8 and 6. Accordingly, it is not considered that any material worsening/harm would occur from the erection of units 13 and 14 in particular.
- 3.18. **Interlooking.** The side elevations of 18 and 16 have flank windows at first floor level, which are to the rear of proposed units 10 and 11. Mitigating the potential for interlooking is that these are secondary/bathroom windows. At ground floor level in number 18 is a kitchen window. It is not considered that the effect of erecting units 10 and 11 would be materially harmful, such that it would merit a reason for refusal.
- 3.19. The rear of unit 14 faces toward the flank elevation of 8 Roman Close. There are no flank windows in number 8. The rear windows to a previous extension of number 6 Roman Close can be seen, however, the relationship between the rear of unit 14 and 6 Roman Close is oblique and would not give rise to any clear interlooking.
- 3.20. Unit 15 is sited oblique to a front projecting extension at 6 Roman Close. While the proposed and existing dwellings are in close proximity to one another, they are not directly opposite and such it is considered that the relationship between the dwellings is acceptable.
- 3.21. Concern has been raised by residents on Cornfield Row about the proposed siting of two and a half storey dwellings at plots 50 and 51 which are perceived as impinging on privacy. Front to front distances are 19.5 metres and it should be noted that these units are set back slightly from the neighbouring units at 49 and 52. Any views would be across the existing highway in a typical arrangement and no views are achievable into rear gardens. This is considered to be an acceptable arrangement.
- 3.22. **Overbearing.** At the rear of Hyton Drive/Court Lodge, unit 4 is in relatively close proximity with existing dwelling number 12. However, due to its side on arrangement with no side windows and the otherwise open nature of this location, this part of the proposal is considered to be acceptable.
- 3.23. **Overshadowing.** No undue harm from overshadowing is likely to occur from the new development due to distances involved and the location of new dwellings

primarily to the north/north west of existing dwellings.

- 3.24. **Noise and disturbance.** No undue harm is likely to arise from the ongoing occupation of the new dwellings following the construction period.
- 3.25. **Air quality.** A particular aspect of concern raised by the environmental health officer related to dust emissions during not only the construction phase, but also during archaeological works. Accordingly, measures to prevent dust emissions during these stages of site investigation and development would be sought as part of any grant of permission.
- 3.26. The proposed development is considered to be acceptable in terms of residential amenity.
- 3.27. Highways
- 3.28. The highways officer has commented that the development itself would result in approximately 35 two way vehicle movements during the am and pm peak periods. This, however, is considered not to result in a severe impact on the highway network due to the likely spread of routes that the vehicles would take and the fact that this number of movements is within the existing daily variation of traffic flow.
- 3.29. The access points into the site are considered to be of an acceptable standard in visibility terms, while the internal site roads are recognised as not being proposed for adoption by the highway authority. Proposed parking is recognised as being in excess of the guideline (129 vs 122), however, the nature of parking guidance in suburban/edge of settlement locations is expressed as minimum rather than maximum, allowing for over provision, which in any event is relatively low at 5.7%. In any case, the highways officer concludes that this is unlikely to result in unacceptable parking on the highway.
- 3.30. In terms of the location of the development and the requirements of policy LA13, measures are required that mitigate against impacts on the wider road network, including sustainable transport measures. The applicant notes that a planning contribution has already been paid in connection with the permission granted under DOV/10/01012 to pump prime a bus service within Timperley Place for the purposes of mitigating any impact on the wider road network.
- 3.31. In general terms, the characteristics of the local road network are recognised and highway space is acknowledged as being at a premium, however, the transport study accompanying the application, and agreed by the KCC Highways officer, shows that regardless of the current status of mitigation measures i.e. the proposed bus service, movements generated by the proposal are within daily traffic flow variations. The impact of the proposed development itself is not considered to be severe and that is the test of any proposal. The scheme is therefore considered to be acceptable in highways terms.
- 3.32. Condition 39 of DOV/10/01012 required details of the peripheral footpath, including the link between the site and Southwall Road to be submitted before the development commenced. It is noted that these details have not yet been submitted. Condition 40 required the peripheral footpath and footpath link to be provided before the occupation of 110 dwellings. This matter has now been referred to the enforcement team to pursue. Notwithstanding this, KCC are requiring the upgrading of the footpath to a cycle link. This requirement can be conditioned to be provided (and will be pursued accordingly).

- 3.33. The Public Rights of Way (PRoW) officer has requested that the development includes a green corridor to accommodate walking and cycling movements across the site, similar to that shown within the indicative layout for DOV/10/01012. No green corridor arrangement is included in this application, however, provision for movements across the site is inherent in the proposed layout and there is sufficient open/green space around the periphery of the site. At the western end of the site an amenity green space area is provided, which links this proposal to the existing Timperley Place development. The requirement of the PRoW officer is considered to be adequately addressed by other means.
- 3.34. Similarly the PRoW officer sought a separation of space between motor traffic and pedestrians and cyclists. The scale and layout of the site, in combination with the assessment above, is considered to be such that these requirements are not strictly necessary.
- 3.35. Flooding, Drainage and Sewerage
- 3.36. **Flood zone.** The original scheme under DOV/10/01012 was originally for 300 units. This was reduced at the time to take account of the flood zone.
- 3.37. The application site is within flood zone 3a. This means that nominally, it is at the highest risk of flooding, accepting that the government flood maps are based on a generalised risk analysis, rather than site specific assessment.
- 3.38. This means that for development to be permitted, the site needs to be subject to a sequential test and an exceptions test, both of which must be passed.
- 3.39. The applicant has submitted a sequential test, which rather than undertaking an analysis of other available development sites, which has been the standard approach adopted to date, seeks to justify the acceptability of the development on the basis that the purpose of the sequential test is to direct development away from areas at risk of flooding to areas not at risk/at less risk of flooding.
- 3.40. The conclusion of the test is that as a result of sea defence works undertaken along Deal sea front as far as Sandown, the site, as detailed in the site specific flood risk analysis (FRA), is safe from flooding up to a 1 in 300 year standard. The conclusion follows that there is no safer location to direct development to.
- 3.41. The approach adopted in the sequential test is somewhat unorthodox, however, the reasoning is considered to be sound.
- 3.42. The Environment Agency has not objected to the development and has indicated that subject to conditions for finished floor levels and sleeping accommodation, the proposal would pass the exceptions test. Therefore, in terms of its flood risk, the proposed development is considered to be acceptable.
- 3.43. **Surface water drainage and DOV/10/01012.** Kent County Council as the local lead flood authority, originally placed a holding objection against the development, having concern about the proposed surface water drainage, in particular relating to run off being directed to the existing infiltration pond and the Southwall Dyke. The applicant has worked with the comments from KCC and the River Stour Internal Drainage Board and submitted a site drainage scheme which is now considered to be acceptable by KCC, subject to the use of conditions on any grant of permission.

- 3.44. In flooding and drainage terms, the proposed development is therefore considered to be acceptable.
- 3.45. **Sewerage.** Southern Water has submitted a plan which shows the approximate position of foul sewers crossing the site. They have not raised any objection to the scheme and have requested a condition seeking details of foul water sewerage disposal, to be agreed by the council, before development commences.
- 3.46. Accordingly, no objections are raised in relation to the potential sewerage arrangements for the development.
- 3.47. Utilities
- 3.48. No responses have been received which suggest that the development could not be served by any of the utilities providers. Southern Water, in its supply capacity, has noted that it can supply clean water to the site. Southern Gas has provided standard information relating to development in close proximity to its apparatus. Where responses have not been received e.g. National Grid/EDF, it is unlikely that they would be unable to serve the development.
- 3.49. Affordable Housing and Planning Obligations
- 3.50. **Affordable housing.** Policy DM5 of the Core Strategy seeks the provision of affordable housing at the rate of 30% for developments of 15 and above. For 70 dwellings, this equates to 21 – the amount which is proposed on site. The DDC strategic housing officer has not objected to the provision, noting that DDC usually seeks a tenure split of 70% social rented and 30% shared ownership. The officer notes that the final tenure split would be agreed with the DDC affordable housing officer. The provision of affordable housing would be secured by the use of planning condition on any grant of permission.
- 3.51. **Planning obligations.** The circumstances under which planning obligations, or contributions, can be sought, or indeed offered, are restricted by regulation 122 of the Community Infrastructure Levy (CIL) regulations 2010. The restrictions are that the obligation must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 3.52. Regulation 123 further stipulates that the obligation cannot be used towards an infrastructure project or type, where five or more obligations have already been entered into.
- 3.53. The following planning obligations have been requested:
- 3.54. **Primary education – £217,722** – Expansion of Deal Parochial Church of England School (phase 1). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.
- 3.55. **Secondary education – £154,566.90** – Expansion of Sir Roger Manwood's School (phase 3). The applicant has agreed to the request. This request is considered to be acceptable and is within the five obligation limit.
- 3.56. **Community learning – £2,307.50** – Deal Adult Education Centre. The applicant has agreed to the request. The request is acceptable and is within the five

obligation limit.

- 3.57. **Libraries – £3,361.11 – Deal Library (towards specialised large print books for specific borrowing needs).** The applicant has agreed to this request, however, seven obligations have already been entered into in respect of book stock for Deal Library. Accordingly, this contribution will not be sought.
- 3.58. **Social Care – £5,338.20 – Meadowside social care hub, Deal.** The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.59. **NHS – £65,916 – towards the expansion of Balmoral GP surgery in Deal.** The principle of contributing towards the capital costs of NHS related projects is well established and the applicant has agreed the contribution. The request is acceptable and within the five obligation limit.
- 3.60. **Thanet Coast and Sandwich Bay SPA mitigation contribution – £3591.11.** The applicant has agreed to contribute to the SPA mitigation scheme. This is a standard approach to mitigate the impact of new development on an internationally designated wildlife habitat. This contribution falls outside of the definition of infrastructure and accordingly is not subject to the five obligation limit.
- 3.61. **Sports facilities contribution – £28,300.** This request is made in accordance with policy DM27. The contribution would go towards the refurbishment of one playing pitch at Marke Wood Rec. in Walmer. The applicant has agreed to the request. The request is acceptable and is within the five obligation limit.
- 3.62. In round numbers, the total contribution requested is: **£481,102**. Of this **£477,741** is considered to be acceptable. The applicant has agreed to meet the infrastructure request, which in turn, satisfies the requirements of policy CP6.
- 3.63. Ecology
- 3.64. The DDC Ecology officer has commented that the proposed ecology mitigation and enhancement measures included within the accompanying ecology survey should be conditioned in any grant of permission.
- 3.65. The accompanying Habitat Regulations Assessment sought for the on site green space to be accepted as negating the need for the development to contribute to the Thanet Coast and Sandwich Bay SPA mitigation scheme. The mitigation payment is required from developments of 15 dwellings and above, regardless of the location and regardless of any on site open space provision. Accordingly, the mitigation payment of £3497.43 has been sought from the developer, who has agreed to pay.
- 3.66. The ecological implications of the proposal are therefore considered to have been adequately addressed.
- 3.67. Other Matters
- 3.68. **Compliance with policy LA13:**
- i. *The design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church.*
This is addressed above – the design of the development is considered sufficiently low key with adequate landscaping to meet this criterion.

- ii. *Views of St Nicholas's Church and the wider landscape are incorporated into any design and retained.*
The proposed development at a sufficient distance with intervening development that views of St Nicholas's Church are not affected by this proposal.
 - iii. *Community facilities are provided to benefit existing and new residents in the area.*
The development permitted under DOV/10/01012 has adequately addressed this requirement of the policy – in addition to this, the applicant has agreed contributions towards sports facilities and the NHS.
 - iv. *A mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives.*
The applicant has agreed to contribute towards the now established Thanet Coast and Sandwich Bay SPA mitigation strategy.
 - v. *The development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*
Southern Water has indicated the presence of an existing public sewer and has not objected to the proposal. There is also grant of deed of easement pertaining to any future access.
 - vi. *Footways are preserved, and where necessary enhanced and integrated into the development.*
This is addressed above, no public footpaths cross the site, but footways are provided that link through the site and into the existing development to the south.
 - vii. *Measures provided to mitigate against impacts on the wider road network including sustainable transport measures.*
The existing Timperley Place development permitted under DOV/10/01012 included a payment towards the provision of a local bus service. KCC Highways has also requested a condition seeking a travel plan for the development.
- 3.69. The criteria set out under policy LA13 are shown to have been adequately addressed, therefore meeting the requirements of the policy.
- 3.70. **Employment space.** Loss of employment space/farmyard. Some concern has been raised in relation to the use of the farmyard and the displacement/replacement of any commercial floorspace which would be lost as a result of the proposed development. Policy LA13 of the LALP does not seek any compensatory provision of this space, which itself was not protected through any form of designation within the local plan. Accordingly, there is not considered to be any need for re-provision of this space.
- 3.71. **Conclusion**
- 3.72. The proposed development is considered to be acceptable.
- 3.73. It is important to reemphasise the basis for decision making, which is set in statute at section 38(6) of the Planning and Compulsory Purchase Act 2004 and reiterated at paragraphs 11, 14 and 196 of the National Planning Policy Framework – that is to say, decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 3.74. The NPPF also directs local planning authorities to boost the supply of housing.
- 3.75. The application site is allocated within the Land Allocations Local Plan 2015, that is to say it has been assessed at an independent examination as being suitable for housing development. The applicant has worked to address the key issues

facing any further development at this location, these primarily being those related to flooding, the capacity of the highways network to accommodate further development, and the capacity of other local infrastructure. Therefore, it is considered that any material considerations that may have precluded granting permission have been satisfactorily addressed.

3.76. The design of the development is considered to be acceptable and its relationship with the open countryside adjacent will soften with time, particularly as the landscaping scheme begins to take effect.

3.77. In overall terms, the proposal is of a good standard, that will fit well with existing development, and it meets all infrastructure requests that have been made of it.

g) **Recommendation**

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of species) (5) provision of affordable housing (6) management plan open space (7) units 10-14, first floor rear, obscure glazing level 4, non-opening up to 1.7 metres (8) permitted development restrictions to prevent parking in front gardens (where provided) (9) contaminated land (10) archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions (11) foul and surface water sewerage disposal (12) implementation of SUDS before occupation (13) verification of SUDS work (14) protection of public sewerage and water supply apparatus (15) penetrative foundation works to be agreed (16) ground floor finished levels 5m above ODN (17) sections and thresholds (18) ecology enhancement/mitigation measures, including hedgehog access (19) measures to prevent discharge of surface water onto highway (20) provision and retention of parking spaces (21) provision and retention of turning areas (22) bound surface 5 metres from edge of highway (23) provision of cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (24) travel plan (25) details and provision of pedestrian link to Southwall Road (26) completion of alterations to Hyton Drive and Corn Field Row before use of site commences (27) completion of works between a dwelling and adopted highway before occupation of dwelling (28) construction management plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop off and pick up times), parking and turning areas for site personnel, wheel washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site.
- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

Appendix 2

- a) **DOV/16/01476 – Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) - Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden, Deal**

Reason for report – Number of contrary representations (30).

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Dover District Core Strategy (2010)

- CP1 – Settlement hierarchy.
- CP3 – Distribution of housing allocations.
- CP4 – Housing quality, mix, density and design.
- CP6 – Infrastructure.
- DM1 – Settlement boundaries.
- DM5 – Affordable housing.
- DM11 – Location of development and managing travel demand.
- DM13 – Parking provision.

Saved Dover District Local Plan (2002) Policies

None.

Dover District Land Allocations Local Plan (2015)

LA13 – Land between Deal and Sholden.

The site is allocated for residential development with an estimated capacity of 230 dwellings. Planning permission will be permitted provided that:

- i. the design of the site creates a soft edge between the proposed development and the surrounding countryside and St Nicholas's Church;
- ii. views of St Nicholas's Church and the wider landscape are incorporated into any design and retained;
- iii. community facilities are provided to benefit existing and new residents in the area;
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives;

- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes;
- vi. footways are preserved, and where necessary enhanced and integrated into the development; and
- vii. measures provided to mitigate against impacts on the wider road network including sustainable transport measures.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...

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

For decision-taking this means:

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

17. Core planning principles... planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...

- 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...

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

196. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Other Considerations

Flood zone 3a

d) **Relevant Planning History**

(ADJACENT) DOV/10/01012 – Outline planning application (with all matters reserved except access) for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – GRANTED.

(ADJACENT) DOV/13/00945 – Reserved matters application for residential development of 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way (landscaping, appearance, layout and scale) – GRANTED.

e) **Consultee and Third Party Responses**

For original comments – please see first report (attached as Appendix 1).

Comments below are based on further submitted information, following deferral at the Planning Committee meeting of 2 November 2017.

Kent County Council – Local Lead Flood Authority (LLFA) – No objection.

“[Nothing] further to add on this particular site and would refer you to our last formal consultation response.”

River Stour Internal Drainage Board (IDB) – No objection.

“The summary drainage statement from Persimmon Homes... confirms my understanding of the situation... Provided that the on-site drainage system is designed in agreement with KCC’s SuDS Team, in particular that there is sufficient on-site storage to limit runoff to the proposed maximum of 6.6l/s, and that the whole system will be appropriately maintained for the lifetime of the development I can confirm that the IDB has no further objection.

For information... the applicant has now submitted an application to the IDB for consent to connect the SuDS to Southwall Road Dyke, which will be processed over the coming weeks.”

Environment Agency – No objection.

“We have no further comments to make to our KT/2017/122335/01 [previous] response.”

Southern Water – No objection.

Notes that relevant infrastructure is to be provided to service the development and that an application under Section 104 (adoption) under the Water Industry Act needs to be submitted to and approved by Southern Water. All other comments previously made remain unchanged and valid.

Kent County Council – Highways – No objection.

“The information supplied by the applicant corresponds to the information... available at the previous meeting. ... The width of the proposed internal access roads was a concern to Members at the meeting and I can advise that the proposed width of roads, at 4.8 metres, is in accordance with Kent Design for the number of dwellings served... Corn Field Row (the existing, newly built road off which one of the new culs-de sac is served) is also being widened to 4.8 metres to accommodate the additional dwellings.”

KCC are satisfied with the evidence to hand and maintain no objection on highways grounds.

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

Site

1.1. The application site is located to the rear (north west) of Church Lane in middle Deal. It is adjacent to the north east of the existing Timperley Place development

(permitted under DOV/10/01012), which at this location is accessed through the rear (north western) end of Hyton Drive.

- 1.2. The site has a crescent-like shape which wraps around the northern and north eastern edge of Timperley Place, and extends north into existing arable fields, including toward an infiltration pond created for the existing Timperley Place development. An existing hedgerow described as species poor extends for 45 metres across the centre of the site and beyond the site to the north east, as far as the Southwall Road Dyke. At the eastern edge of the site are the rear of dwellings on Roman Close, and in its southern section is the remains of Court Lodge Farm farmyard which is currently used in connection with the Timperley Place development. The farmyard is bounded on its north eastern and south eastern sides by mature evergreen trees and vegetation, which screens it from adjacent existing dwellings.
- 1.3. North east of the site is Southwall Road, which leads to the local refuse site and various commercial uses.
- 1.4. The local area has accommodated a number of developments in recent years, including Timperley Place and Garden Close. The character of the area has changed with these developments, from a place that in the 1990 aerial photograph showed sporadic development on the north western side of Church Lane interspersed with open tracts of countryside, creating a clear distinction between Deal and Sholden, to the present day where Church Lane is entirely residential on both sides. Some open countryside still separates middle Deal from Sholden.
- 1.5. The site is allocated under policy LA13 of the Dover Land Allocations Local Plan (2015) for residential development.
- 1.6. The site is located within flood zone 3a. It was originally included in as part of application DOV/10/01012, but was excluded from the developable area at that time due to flooding concerns.
- 1.7. Approximate dimensions of the site are:
 - Width – between 80 and 120 metres.
 - Depth – 225 metres (from rear of Hyton Drive properties).

Proposal

- 1.8. The proposed development is for 70 dwellings, of which 21 would be affordable. These would be laid out as an extension to the existing Timperley Place development and would be accessed primarily from Hyton Drive and Corn Field Row. The farmyard, itself accessed directly from Hyton Drive, would be developed as a discrete block including a three storey apartment building and the re-provision of parking spaces for existing residents at Hyton Drive.
- 1.9. The affordable dwellings would be dispersed throughout the site.
- 1.10. Moving into Corn Field Row, the proposed dwellings would provide an opposite side to existing development along with the formation of a central link through to the new perimeter road. Dwellings would be laid out mostly in perimeter formation, looking out from the site, except for a close of five dwellings concealed in a wider part of the site, itself accessed off of the perimeter road.
- 1.11. At the south eastern end of the perimeter road the carriageway stops

approximately five metres from an existing end stop on Homefield Avenue. The site does not connect with Homefield Avenue and no link is proposed between these sections of road.

1.12. At the western end of the development is an area of informal open space, adjacent to the remaining arable fields. The section of hedgerow within the site would be removed.

1.13. The proposed housing mix is as follows:

1.14. Market dwellings

- 2 bed x 6 – Alnwick house type.
- 2 bed x 12 – Hanbury house type.
- 3 bed x 3 – Hatfield house type.
- 3 bed x 1 – Hatfield Corner house type.
- 3 bed x 2 – Clayton house type.
- 3 bed x 4 – Clayton Corner house type.
- 3 bed x 6 – Leicester house type.
- 4 bed x 2 – Lumley house type.
- 4 bed x 7 – Chedworth house type.
- 4 bed x 6 – Corfe house type.
- TOTAL – 2 bed x 18, 3 bed x 16, 4 bed x 15.

1.15. Affordable dwellings

- 2 bed x 7 – 2L house type.
- 3 bed x 6 – 3L house type.
- 4 bed x 2 – 4L house type.
- 2 bed x 6 – 2BF flat type.
- TOTAL – 2 bed x 13, 3 bed x 6, 4 bed x 2.

1.16. Ridge heights of the proposed buildings are:

- Alnwick house type (x6) – 7.8 metres.
- Hanbury house type (x12) – 8 metres.
- Hatfield house type (x3) – 8 metres.
- Hatfield Corner house type (x1) – 8 metres.
- Clayton house type (x2) – 7.4 metres.
- Clayton Corner house type (x4) – 7.4 metres
- Leicester house type (x6) – 9.9 metres.
- Lumley house type (x2) – 9.4 metres.
- Chedworth house type (x7) – 8 metres.
- Corfe house type (x6) – 8 metres.
- 2L house type (x7) – 8.7 metres.
- 3L house type (x6) – 8.6 metres.
- 4L house type (x2) – 8.8 metres.
- Apartment building (including 6 flats) – 10.5 metres.
- Car barns (single and double) – 5.1 metres.

1.17. Parking provision comes in the form of allocated parking spaces. Some are located next to dwellings and some in front. Some spaces are covered by car barns. Visitor spaces are provided throughout the development. Footways are provided throughout the development area and tie up with the existing adjacent development off Hyton Drive to the south.

1.18. The applicant has indicated a range of soft landscaping throughout the

development.

2. **Assessment**

- 2.1. At the Planning Committee meeting on 2 November 2017 members resolved to defer this application, for the following reasons:

That, notwithstanding the Officer's recommendation, application number DOV/16/01476 be DEFERRED for the following reasons: (i) To receive further information from Kent County Council Local Leading Flood Authority and/or Southern Water regarding the increase in flood risk to other areas such as Albert Road, Church Lane and Matthews Close if the development were permitted; (ii) To receive a presentation from Kent County Council Highways clarifying traffic flow surveys; and (iii) Should the findings of the North Deal Study be available, that these also be reported to the Committee.

Flooding

- 2.2. At the meeting members expressed concern in relation to the nature of flooding at the application site and in surrounding areas, with particular regard to existing conditions, if these would be worsened as a result of the proposed development going ahead, and whether the primary source of concern related more to tidal flooding or surface water flooding.
- 2.3. In terms of tidal flooding, the information presented at the meeting related to sea defence works and how these protect the site, among other parts of Deal, up to the standard of a 1 in 300 year flooding event.
- 2.4. In terms of surface water flooding, the applicant has since provided further information in relation to proposed drainage arrangements, which illustrates that were the development to be built, there would be an expected improvement in the potential of the site or surrounding areas to flood in any given rainfall event. This information has been relayed to the relevant consultees. As noted above, the consultees have either confirmed that they have no further comment to add, or in the case of the River Stour IDB
- 2.5. The proposed surface water drainage would be dealt with by a split arrangement whereby the western part of the site drains towards the existing balancing pond at a peak discharge rate of 2.3 litres per second in the 1 in 100 year rainfall event (plus 20% allowing for climate change).
- 2.6. Were this part of the site to remain undeveloped, it would continue to discharge surface water at the following rates:
- 1 in 10 year event – 17.7 litres per second.
 - 1 in 30 year event – 24.8 litres per second.
 - 1 in 100 year event – 34.9 litres per second.
- 2.7. The eastern part of the site is proposed to drain into the existing surface water sewer, using existing connections, at a rate of no more than 4.3 litres per second during any rainfall event including 1 in 100 years plus 40%.
- 2.8. Presently there is no form of restriction on the surface water drainage rate at this part of the site, which is calculated to drain at a rate of 171.7 litres per second in the 1 in 100 year rainfall event.

2.9. Accordingly, in terms of how surface water drainage from the site would be managed and how it would affect existing residents within the area, it has been demonstrated from the submitted information that the measures proposed in the development would improve the situation. None of the consultees have objected to the proposal and the River Stour IDB has confirmed that the applicant has submitted an application to link the balancing pond into the Southwall Road Dyke, which was discussed at the meeting in November.

Highways

2.10. The applicant has submitted further information relating to the traffic impact of the proposal. This information has been relayed to and agreed by KCC Highways.

2.11. The information submitted and agreed gives an indication, in percentage terms, of how the development would affect traffic movements at local junctions immediate to and further afield from the development site.

2.12. Increases in traffic would be seen primarily at the junction of Hyton Drive and Church Lane (where the site is accessed from) and along Orchard Avenue and Middle Deal Road. Beyond the key routes to and from the site, traffic increases are within daily variances, including at the Manor Road roundabout.

2.13.

Junction	% Increase in traffic resulting from application	
	AM peak	PM peak
Church Lane/ Hyton Drive	12.7%	13.3%
Orchard Avenue/ Church Lane	7%	6.8%
Middle Deal Road/ Orchard Avenue/ Bowling Green Lane	3.3%	3.3%
Middle Deal Road/ Southwall Road	2.3%	2.4%
A258 London Road/ Bowling Green Lane	1%	0.9%
A258 London Road/ Middle Deal Road	1%	0.8%
A258 London Road/ Manor Road	0.7%	0.6%

2.14. The assessment process employed to determine the above information took account of all major residential and non-residential development commitments in Deal, including specifically Sholden Fields, Minters Yard, and the existing Timperley Place development adjacent to the site, using TEMPRO (Trip End Model Presentation Program), which is the industry standard. This was also used to estimate background traffic growth. The model was agreed with KCC Highways.

North Deal Study

2.15. Members also requested that if available, the results of the North Deal traffic study be presented to them. This study, however, is still ongoing and no results are currently available.

- 2.16. In respect of highways matters KCC Highways maintains no objection to the scheme, subject to conditions.

Other

- 2.17. **Affordable housing.** At the meeting in November, concern was expressed regarding the concentrated layout of affordable housing that was proposed, with all units focused in the south eastern section of the site. The applicant has amended the proposal to create a more dispersed layout of affordable units, which is more integrated with the market units.
- 2.18. **Legal agreement.** The applicant has submitted a draft legal agreement to the council, proposed to secure the development obligations and the protection of the open space at the north western end of the development for that purpose in perpetuity. The document is currently being reviewed by the Planning Solicitor.
- 2.19. **Clarification of amendments to original report:**
- Consultee and third party responses – River Stour IDB – reference regarding response to most recent consultation is incorrect. The IDB did respond confirming that there was no further objection subject to agreement with the local lead flood authority.
 - Consultee and third party responses – Dover Town Council, should read **Deal** Town Council.
 - 3.65 - £3497.43, should read **£3591.11**.

Conclusion

3. It is considered that the information submitted pursuant to the reasons for deferral adequately addresses those reasons.
- 3.1 The further information relating to surface water drainage illustrates that by incorporating management measures in relation to how surface water is released into the balancing pond and Southwall Road Dyke, as well as the existing surface water sewer, drainage at the site, and in neighbouring local areas, would be improved over the current situation. This would represent a benefit to neighbouring residents who area currently subject to uncontrolled flows direct from the neighbouring fields.
- 3.2 In terms of traffic information, the applicant has followed the industry standard for modelling. The further information submitted is a conversion of the previously submitted figures into percentage differences for modelled junctions. This illustrates that in relation to traffic movements created by the development, the effect on junctions dissipates in a relatively short distance from the site, such that by the time that traffic meets the A258 London Road the effects are within daily variances that could otherwise be expected.
- 3.3 In all other respects the consideration of the application remains as per the original report attached at Appendix 1 and the recommendation, therefore, is to grant permission.

g) Recommendation

- I. Subject to the submission and agreement of a section 106 legal agreement to secure contributions, PERMISSION BE GRANTED, subject to conditions to include: (1) time (2) approved drawings (3) samples (4) landscaping (schedule of

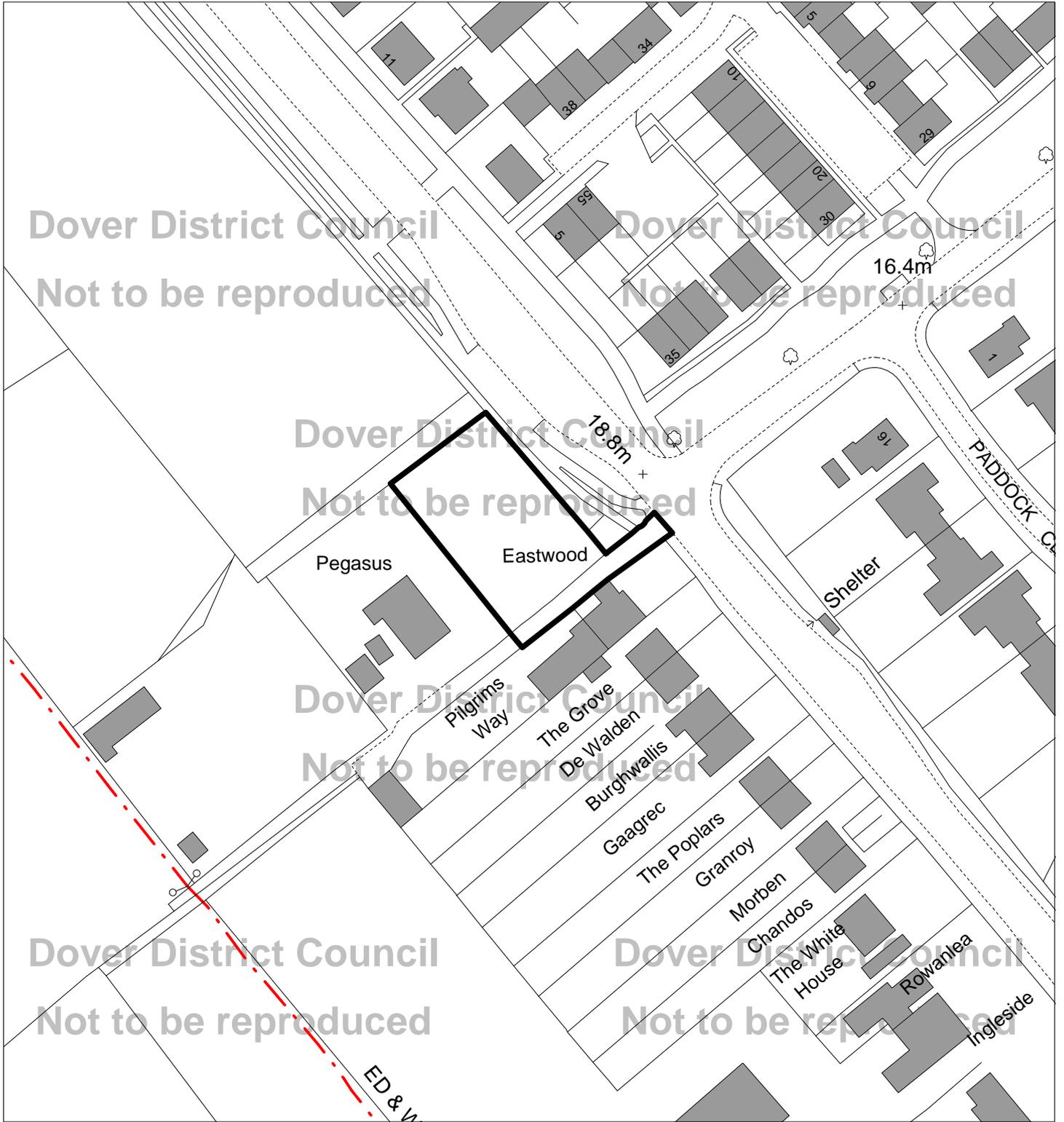
species) (5) provision of affordable housing (6) management plan open space (7) units 10-14, first floor rear, obscure glazing level 4, non-opening up to 1.7 metres (8) permitted development restrictions to prevent parking in front gardens (where provided) (9) contaminated land (10) archaeology field evaluation and safeguarding as necessary, including measures to prevent dust emissions (11) foul and surface water sewerage disposal (12) implementation of SUDS before occupation (13) verification of SUDS work (14) protection of public sewerage and water supply apparatus (15) penetrative foundation works to be agreed (16) ground floor finished levels 5m above ODN (17) sections and thresholds (18) ecology enhancement/mitigation measures, including hedgehog access (19) measures to prevent discharge of surface water onto highway (20) provision and retention of parking spaces (21) provision and retention of turning areas (22) bound surface 5 metres from edge of highway (23) provision of cycle parking (at rate of: 1 per bedroom – houses, 1 per dwelling – flats) (24) travel plan (25) details and provision of pedestrian link to Southwall Road (26) completion of alterations to Hyton Drive and Corn Field Row before use of site commences (27) completion of works between a dwelling and adopted highway before occupation of dwelling (28) construction management plan (including dust management plan) – routing of HGVs, timing of HGV and other deliveries (not permitted during school drop off and pick up times), parking and turning areas for site personnel, wheel washing, site access arrangements, temporary traffic arrangements as necessary, hours of working, machinery to be used, measures to prevent noise emissions, no burning on site.

- II. Powers to be delegated to the Head of Regeneration and Development to settle the section 106 legal agreement, any other agreements, and any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

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Application: DOV/17/01504

Land Adjacent to Pegasus

London Road

Sholden

CT14 0AD

TR35545247



- a) **DOV/17/01504 – Erection of two dwellings and creation of parking - Land adjacent to Pegasus, London Road, Sholden**

Number of contrary views (6)

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

DM1 – Settlement boundaries.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas...recognising the intrinsic character... of the countryside... ;

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

d) **Relevant Planning History**

DOV/17/00968 – Erection of three detached bungalows and formation of associated parking – REFUSED.

DOV/16/00887 – Erection of a detached dwelling, creation of vehicular access and parking – GRANTED.

e) **Consultee and Third Party Responses**

KCC Highways – No comment – outside of consultation protocol.

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

KCC Public Rights of Way (PROW) – No objection, subject to informative regarding protection of the PROW.

Southern Water – No objection, subject to informative regarding connection to the public sewer network.

Sholden Parish Council – Objects – Conflict with PROW at access; 5 year land supply – no need; disturbance traffic noise and lighting; rejected in LALP 2015.

Public comments – Objections x 6

Objections

- Access conflict with Pilgrims Way and Eastwood and the PROW, delivery vehicles and disturbance.
- Traffic increase, London Road is busier now than at any time before.
- Land area too small for two dwellings.
- Overshadowing.
- Houses look out of place with neighbours.
- Construction disturbance.

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

Site

1.1. The application site is to the north east of the property Pegasus, on the south eastern side of London Road, Sholden. The land once formed part of the garden of Pegasus. Hedges and trees which occupied the site and created an attractive, soft boundary with the countryside have been cut down. The site is now barren in appearance is enclosed by a 1.5 metre tall close board fence, with 0.3 metre tall trellis, on its north western, north eastern (road fronting) and south western (with Pegasus) boundaries. The site is outside, adjacent to the Deal urban boundary, at its north western end. The public footpath to the south of the site, is a clear demarcation of the end of the built confines. The demarcation runs across London Road into Sholden New Road opposite.

- 1.2. Visually and physically the site has a different character and appearance to the preceding street scene of London Road to the south east and the more recently developed land at Sholden Fields to the east.
- 1.3. The site is located to the north of a public right of way (EE389 leading south west to ED48), which is also used as an access road serving Pegasus, and other adjoining properties to the south east. This also serves as the site access. To the north of the development is the recently constructed housing development Sholden Fields. South east of the site are the two storey dwellings Eastwood and Pilgrims Way, which along with the other dwellings in this edge of confines location, are mature, largely two storey buildings set back from the street with established front gardens.
- 1.4. Site dimensions are:
 - Width – 34.7 metres.
 - Depth – 22.7 metres.
 - Access track from London Road – 11.5 metres.

Proposal

- 1.5. The proposed development comprises the erection of two detached dwellings and the creation of four parking spaces adjacent to public right of way EE389. The parking spaces would be accessed from EE389, which at present is used for vehicular access to Pilgrims Way and Pegasus, and closer to London Road, for Eastwood.
- 1.6. The dwellings would be erected from a combination of stone and brick with slate tile roofing. The dwellings would each feature a front facing gable and would be traditional in appearance. Pedestrian access would be taken directly from London Road.
- 1.7. The dwellings would comprise three bedrooms each. At first floor level in the rear elevations (south east) there would be a window serving a bathroom and a blank/bricked up window. The rear bedrooms would also be served by roof lights. In the dwelling at plot 1 (south east), its south west elevation would comprise two casement windows at first floor level and in the dwelling at plot 2 (north west) its north west elevation would comprise two sets of French doors with Juliette balconies.
- 1.8. The front gardens would be defined by low level planting and 1.2 metre tall hit and miss fencing between the front and rear gardens. The north west site boundary would be delineated by a 1.8 metre tall post and wire fence with native planting.
- 1.9. Approximate dimensions are:
 - Plot 1 width – 16.8 metre (front), 10.3 metres (rear).
 - Plot 2 width – 17 metres.
 - Dwelling depth – 8.8 metres.
 - Dwelling width – 6.6 metres.
 - Eaves height – 4.8 metres.
 - Ridge height – 8.6 metres.
 - Depth of parking spaces – 6 metres.

2. Main issues

- 2.1. The main issues to consider are:
- Principle and the presumption in favour of sustainable development
 - Design, street scene and countryside
 - Residential amenity
 - Highways and Public Rights of Way

3. Assessment

Principle and the Presumption in Favour of Sustainable Development

- 3.1. The site is located outside of but adjacent to the settlement boundary at Sholden, which forms the northern end of the Deal urban boundary. Normally, this would mean that the development is unacceptable in principle, due to being contrary to policy DM1.
- 3.2. A single dwelling was, however, granted permission under DOV/16/00887, at a time when the council could not demonstrate a five year supply of available housing land – therefore engaging the ‘tilted balance’ i.e. the presumption in favour of sustainable development under paragraph 14 of the NPPF. In short, this directs that permission should be granted “unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [the wider NPPF] taken as a whole”.
- 3.3. Therefore, under specific circumstances the principle of development, for one dwelling, was accepted on this site, whereas previously i.e. where the tilted balance was not engaged, this would likely not have been the case.
- 3.4. Due to the evidence base for housing targets – the Strategic Housing Market Assessment (SHMA) being updated, policies CP2 and CP3 within the Core Strategy are considered to be out of date and the ‘tilted balance’ is once again relevant for the consideration of this application. Its details are considered below. Nevertheless, it is important to understand the complexities of the situation and that although the tilted balance is engaged, full weight can still be afforded to policy DM1, which is itself not considered to be a policy for housing supply – as referenced in the NPPF at paragraph 49.

Design, Street Scene and Countryside

- 3.5. Having established that under a set circumstance an in-principle acceptance of development on this site for one dwelling was established, it is considered that in light of the consideration of previous applications, for two dwellings to now be considered acceptable, there needs to be both a combination of sensitivity in how any proposed dwellings are accommodated and how they relate to the existing urban form, but also strength in how they are designed and how they would provide a new end point to the ribbon development on the south west side of London Road.
- 3.6. The consideration of this point is balanced. The design of the dwellings is considered to be strong, with a traditional form and scale, and strong materials. The site itself, however, poses a more difficult question in that its previous clearance inevitably exposes any development proposal and increases its prominence, particularly to passers-by entering and exiting the built confines at the north-western end of Deal. The public right of way EE389 retains its function as a definitive edge to the urban development and regardless of its form, development beyond this point (on the application site) could appear unduly

'detached' from the existing built character, rather than reading as an integral, natural continuation of it.

- 3.7. The site is now barren with an unsympathetic fence forming the boundary to both the street and the countryside. It is important to note that as part of a residential curtilage, the erection of the fence and removal of trees could have been undertaken without the need for planning permission. So the development proposed does offer the opportunity, through the appropriate and relevant use of planning conditions, to create a soft yet definitive edge to the countryside through the use of a post and wire fence and native planting along the north-west site boundary, and to open up and create an active frontage on to the highway. These aspects would be beneficial to the street scene and rural amenity.
- 3.8. In terms of how the development of the site would affect the countryside, covered by policies DM15 and DM16, it is noted that the supporting text to DM15 considers residential curtilage not to be countryside. Whether this remains the case, given that the site is proposed for development, is a consideration, however, DM15 and DM16 both refer to development that can affect the countryside while not necessarily being a contiguous part of it. In this case, the proposed development would in part be seen in the context of the existing ribbon housing along London Road and the new estate on the opposite side of London Road, such that on balance, combined with the opportunity to provide a benefit to visual amenity, it is considered that the proposal would not result in undue harm.
- 3.9. Accordingly, the design of the proposal, including how it affects the street scene and the countryside, is considered in this particular circumstance, taking into account the history of the site, to be acceptable.

Residential Amenity

- 3.10. **Overlooking/interlooking** - Given that this site is formed of the subdivided garden of Pegasus there are considerations for the amenity of its occupiers. The rear elevation of the proposed dwellings is 9.8 metres and 17.3 metres from the new north eastern boundary at Pegasus and its north eastern elevation respectively, meaning that there is the potential for overlooking from any first floor windows.
- 3.11. This is considered to be addressed by the rear (south west) elevations at first floor level being comprised of a bathroom window and a bricked up/blank window (which would be conditioned to remain as such). Light is provided into the rear bedrooms by high level rooflights. Accordingly, any overlooking towards Pegasus is considered to be addressed.
- 3.12. South east of the dwelling at plot 1 is Eastwood and to the south is Pilgrims Way. The side (south east) elevation of the dwelling at plot 1 contains two casement windows and faces toward the side elevation of Eastwood at a distance of 11.8 metres. The facing elevation at Eastwood contains an obscure glazed first floor window and a further secondary first floor window. There are no ground floor windows although there is an opaque plastic conservatory roof. There is a roof light in the facing roof slope, but this is above the casement windows. Due to the arrangements of windows in this elevation no undue harm from overlooking or interlooking is considered to arise.
- 3.13. At Pilgrims Way a one and a half storey dwelling (12 metres from the side elevation at plot 1), there is a side facing entrance closest to the proposed

dwelling at plot 1, a side facing conservatory with opaque plastic roof and some side windows. The ground floor part of the dwelling is within a semi-private area with a pedestrian access, with the main amenity area located further to the south west and away from the site. There is a dormer window in the side facing roof slope (19 metres from the side elevation of the dwelling at plot 1), however, this is located at an oblique angle to the side casement windows, meaning that there is no direct interlooking. Accordingly, the relationship from the proposed side elevation casement window at plot is considered not to be one that would result in undue harm to the occupiers at Pilgrims Way.

- 3.14. **Overbearing/loss of outlook** - The applicant originally submitted drawings showing the dwellings in a semi-detached arrangement. These drawings were amended in part because of concern for the outlook of the occupier at Pegasus. The dwellings are now each detached which helps to retain some of the existing sense of space and outlook, and reduce any sense of overbearing. In any case, the distance between the north east elevation of Pegasus and the rear elevations of the new dwellings is considered to be acceptable and should not give rise to such concerns.
- 3.15. **Overshadowing** - The location of the proposed dwellings north of any neighbours combined with the distance between the proposed dwellings and the neighbours means that overshadowing is unlikely to occur.
- 3.16. **Disturbance** - Concerns have been raised about disturbance from the use of the proposed parking spaces adjacent to the public right of way and the access outside of Pilgrims Way. While these are located outside of the access to Pilgrims Way, it is considered that there is sufficient space built into the depth of the parking spaces such that manoeuvrability is possible without causing undue harm to neighbours. The public right of way is also used for vehicular access to Pilgrims Way and Pegasus, and it is not considered that four more cars using this would result in undue harm to residential amenity.
- 3.17. Accordingly, the proposed development is considered to be acceptable in terms of residential amenity and any effects that might result from it being granted.

Highways and Public Rights of Way

- 3.18. The proposed development makes use of an existing access onto London Road, and accordingly, falls outside of the KCC Highways consultation protocol. Informal discussion with the highways officer, however, indicates that in highways terms, the proposed development is considered to be acceptable.
- 3.19. Vehicles would need to back into spaces from the access track or back out of spaces on to the access track. In terms of safety, this is likely to be acceptable, as long as vehicles do not back on to London Road, which is unlikely. The depth of the parking area would also assist with manoeuvrability.
- 3.20. The intensification of use of the access, in a location directly opposite the junction of Sholden New Road, has been informally assessed by the highways officer. Due to there being an unlikelihood of many cross highway movements i.e. from the access into Sholden New Road and vice versa, because of onward route limitations, the proposal is considered to be acceptable. The highways officer has also commented that visibility is acceptable moving between the access and the A258.

- 3.21. Four parking spaces are proposed (two for each dwelling) which complies with the parking guidance under DM13 of the Core Strategy. Typically 0.2 visitor spaces are required per each dwelling, however, because there are only two dwellings, this would amount to 0.4. The insignificant requirement for visitor parking, combined with DM13 acknowledging that parking should be a design led exercise, means that the proposed level of parking is considered to be acceptable.
- 3.22. Under DOV/17/00968, the Public Rights of Way officer sought surfacing works to the public right of way, however, possibly related to the reduced number of parking spaces proposed (four, down from eight), the officer has not made the same requests and has provided informatives relating to maintaining access on the right of way and maintaining its surface quality. Accordingly, in relation to the PROW, the proposed development is considered to be acceptable.
- 3.23. The proposed development is therefore considered acceptable in terms of its highways and access arrangements and in terms of any effect on the PROW.

Conclusion

- 3.24. Paragraph 14 of the NPPF, the 'tilted balance', states that permission should be granted unless the adverse impacts of doing so outweigh the benefits when assessed against the NPPF as a whole. Planning performs three key roles in seeking to deliver sustainable development – the economic role, the social role and the environmental role.
- 3.25. **Economic** - The development proposed would benefit the local area in terms of short term contracts to build the dwellings and would then have a small benefit in terms of the eventual residents contributing to the local economy, should they be new residents that is.
- 3.26. **Social** - The proposed development would benefit the local area by offering the opportunity for new residents to move in and take part in the local community. This is recognised as a small scale benefit, however, this reflects the scale of the proposal.
- 3.27. **Environment** - Environmentally, the proposal does represent the loss of garden land, as was, in a location outside of the settlement boundary, although this harmful impact should be offset in part by the existence of a fall back permission for a single dwelling under DOV/16/00887. Two dwellings as opposed to one dwelling in this case is considered to represent an acceptable change, given that the form of the permitted development could not now be delivered, yet there does remain the opportunity to deliver benefits to the street scene. The proposal is not considered to be contrary to the policies DM15 and DM16 in the Core Strategy and on balance is considered acceptable in terms of its environmental impact.
- 3.28. Assessed above, it is considered that in the wider sense of sustainability, and on balance, the proposal is likely to be acceptable.
- 3.29. Assessed in the context of the NPPF, the proposal is considered to represent sustainable development at the edge of an established settlement, where the adverse impacts of the proposal do not outweigh its benefits, accordingly the strict interpretation of paragraph 14, accepting that housing target figures within the Core Strategy are out of date, is to grant permission.

3.30. The public comments make reference to a previously dismissed appeal; however, it was unclear from the records which appeal this is in reference to. In any case, considered against the current guidance, as assessed above, the proposed development is considered to be acceptable on balance and the recommendation is to grant permission.

3.31. All comments have been considered in making this recommendation.

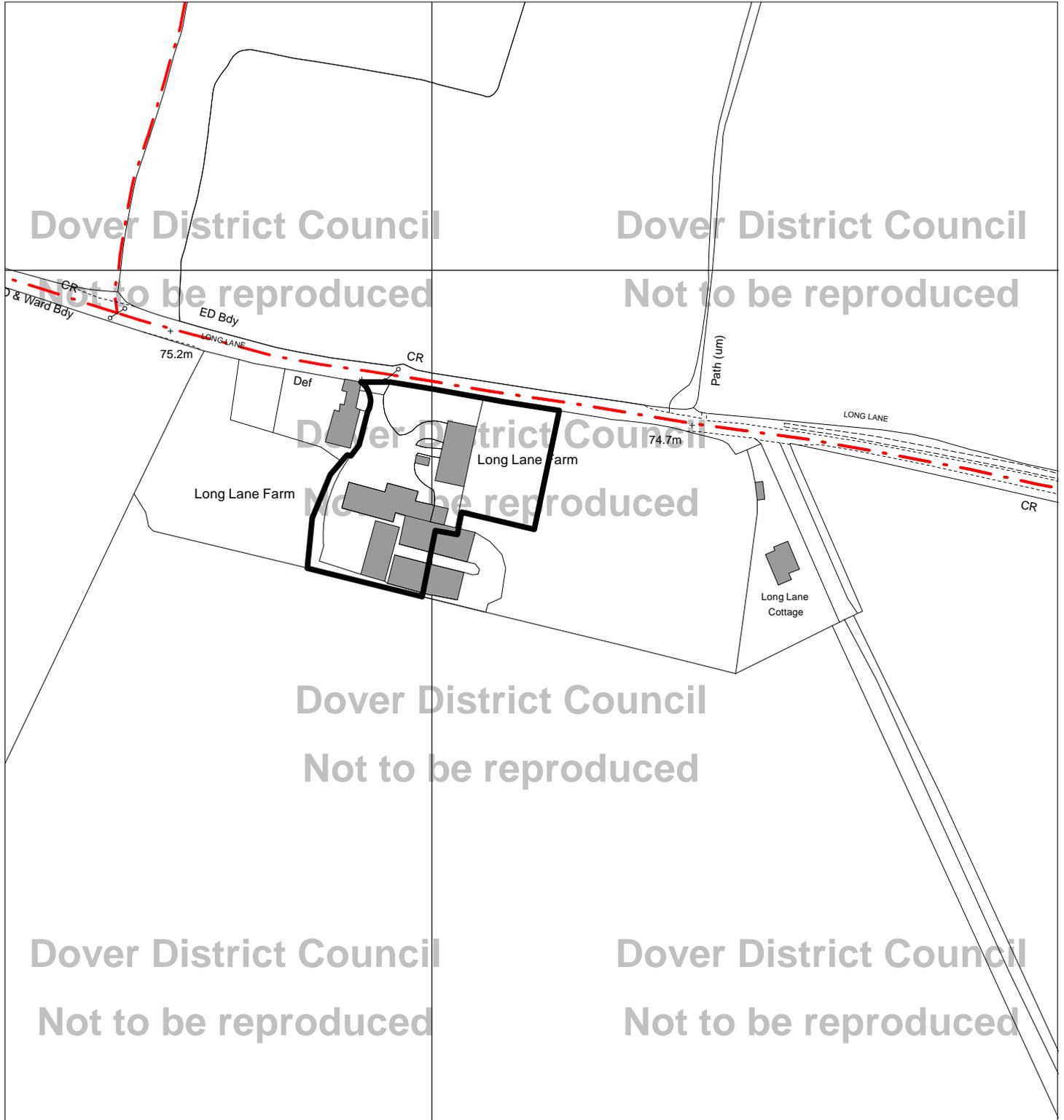
g) **Recommendation**

- I. Planning permission be GRANTED subject to conditions, to include: (1) Time (2) Drawings (3) Samples (4) Obscure glazing and bricked up window to be retained as such in perpetuity (5) Landscaping plan (6) Removal of existing fence north west and north east boundaries (7) Refuse bins (8) Cycle parking (9) Parking and turning area to be retained as such (10) No surface water on highway (11) SUDS (12) PD removal – Class A (extensions), Class B (roof extensions) (13) No garages in rear gardens or vehicular access to rear gardens (14) Archaeology (15) Construction Management Plan.
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

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Application: DOV/16/01365 & DOV/16/01366

Long Lane Farm

Lane Lane

Shepherdswell

CT15 7LX

TR26004892



- a) **DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) – Long Lane Farm, Long Lane, Shepherdswell (Planning Permission)**

DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use – Long Lane Farm, Long Lane, Shepherdswell (Listed Building Consent)

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be refused

Listed Building Consent be refused

- c) **Addendum to Committee Report of 22 February 2018**

Introduction

- 1.1 This application was presented to planning committee on 22nd February 2018 when it was recommended that planning permission (DOV/16/01365) be refused for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

It was also recommended that listed building consent (DOV/16/01366) be refused for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for

which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

- 1.2 At the meeting, members resolved to defer determination of the applications to allow Officers to assess the additional information submitted, and for a site visit to be held on Tuesday 20 March 2018 to enable Members to: (i) Assess the impact on the character of the area; (ii) Consider the benefits of removing the unused buildings; and (iii) Assess the impact of the proposals, particularly the new dwellings, on the courtyard and listed farmhouse. A copy of the February Committee Report, which addresses all the relevant material considerations, is attached at Appendix 1.
- 1.3 Notwithstanding the submission made shortly before the committee meeting, there have been no new or updated consultation responses or representations by third parties since the application was last presented to planning committee.
- 1.4 This addendum will provide an update regarding additional information submitted.

Response to additional information

- 1.5 The letter states that alternative commercial uses are attainable under permitted development rights. Details of these potential uses have not been set out, whilst there is no prior approval application for a permitted change of use before the Council. Several potential changes of use have been explored within the Committee Report (paragraph 2.62), which concludes that due to the listed nature of some buildings, the existing use of buildings and the construction of others, it does not appear that the buildings on the site could be converted under permitted development rights and, consequently, no weight can be attributed in this respect.
- 1.6 It is opined that the only option for the site is the sensitive conversion of the existing buildings. Officers would support the sensitive conversion of the existing, structurally sound, buildings on site; however, the Committee Report details why this scheme before committee is not sensitive. The erection of new dwellings in the countryside has not been justified.
- 1.7 The agent states that the buildings to be converted are “not listed in their own right”. However, it must be acknowledged that the buildings are statutorily protected in the same way as principal listed buildings.
- 1.8 The agent has referred to numerous works which have been carried out to the building and that works will be necessary to allow for the conversion. However, the application has not been supported by detailed information as to the structure of the buildings to be converted or the significance (or lack of significance) of the buildings and their components, for example through detailed structural drawings

or a schedule of work. As such, the application has not provided the evidence required to demonstrate the impacts of the proposal.

- 1.9 The letter states that the existing milking parlour requires an extension “as its current size is not sufficient for use as a dwelling”. Without the proposed extension, the building could be converted to provide around 90sqm of living space, comparable to a typical two bed or small three-bed new build dwelling. It is unclear why this would be insufficient to accommodate a dwelling in this instance.
- 1.10 The agent has advised that the development will entail prohibitive costs to remove the existing building and address contamination, including reference to extensive asbestos. No evidence has been provided for these costs. The contaminated land report submitted with the application advises that contamination is not a constraint to development taking place, but that need for, and extent of, remediation cannot be known until trial trenching takes place.
- 1.11 It is suggested that the applicant has not been given the opportunity to work with the Council. The applicant was provided with detailed pre-application advice in December 2015. This advice raised significant concerns with the development and also provided advice regarding the best approach to improve the applications prospects of success. The application was submitted and was made valid in February 2016. Since submission, further detailed advice was provided; however, whilst some amendments were made, these did not address the majority of the concerns raised. Whilst it is not the case that only two e-mails were sent to the agent during the course of the application, this is not a material planning consideration and so, will not be addressed in this addendum. Should members require additional information regarding the discussions which have taken place during the course of the application, the case officer would be happy to answer any questions raised during the meeting.
- 1.12 KCC’s Archaeological Officer did not “fully endorse” the application, as suggested. The officer was “supportive of the principle of finding a sustainable new use for the locally significant group of historic farm buildings”, but also drew attention to: the need for appropriate details and materials to reflect the farmstead’s historic character; the need for careful and sensitive landscaping and management; the need for a programme of historic building recording; and the need for archaeological works. Given the difference of interpretation of this archaeological advice, a full copy of the advice is provided at Appendix 2 of this report.

Conclusions

- 1.13 The additional information which has been submitted does not raise any new material considerations. The majority of the points raised were addressed in the Committee Report presented at last month’s meeting. No further evidence has been provided to demonstrate that there would be any other additional public benefits beyond those identified in the February Committee Report.
- 1.14 The proposed development would be in a location, and provided in a manner, contrary to the development plan. There is no fall-back provision that would allow for a comparable development, for example by utilising prior approval or permitted development provisions. The proposed conversion and alteration of the listed buildings would cause harm to their significance as heritage assets and harm to the character and appearance of the countryside. No evidence has been submitted with the application which demonstrates that the proposed use of the listed building is the optimum viable use or that a more suitable use could not be

achieved that would also be compliant with planning policy. Even if the use could be demonstrated to be the optimum viable use, no evidence has been provided to demonstrate (in line with the principles of enabling development) that the quantum of new-build housing on the site (contrary to policy) is necessary to make the wider development viable.

- 1.15 As set out within the previous report to planning committee, the development would be located within the countryside in an isolated location. Whilst the development would provide some benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan. Neither does it demonstrate an overriding justification for the unnecessary loss of historic fabric, having a detrimental impact on the listed building. The additional information does not, therefore, alter the recommendations of the February Committee Report.

d) **Recommendation**

- I In respect of the full planning application, DOV/16/01365 for the conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings), PERMISSION BE REFUSED for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

In respect of the application for listed building consent, DOV/16/01366 for the conversion and extension of barn and milking parlour to residential use, CONSENT BE REFUSED for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic character on the listed building causing detrimental harm to its historic and

architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Luke Blaskett and Alison Cummings

Planning Committee Report of 22 February 2018

- a) **DOV/16/01365 – Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of three existing buildings) – Long Lane Farm, Long Lane, Shepherdswell (Planning Permission)**

DOV/16/01366 – Conversion and extension of barn and milking parlour to residential use – Long Lane Farm, Long Lane, Shepherdswell (Listed Building Consent)

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be refused

Listed Building Consent be refused

- c) **Planning Policies and Guidance**

Legislation

Planning (Listed Buildings and Conservation Areas Act) 1990

- Section 16 - in considering whether to grant Listed Building Consent for works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special interest.
- Section 66 - requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP2 – Between 2006 and 2026 land will be identified for 14,000 houses, 7,750 of which will be allocated through strategic allocations and saves provisions for Aylesham and the balance, 6,250, will be allocated through the Site Allocations document.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is apportioned to the rural area.

- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 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.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.
- 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.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes that the country needs; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets; and focus significant development in locations which are or can be made sustainable.

- 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.
- 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, 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. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter twelve requires that regard be had for the desirability of new development contributing to or enhancing the significance of heritage assets. An assessment should be undertaken as to whether harm would be caused to designated and non-designated heritage assets. Where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where substantial harm would be caused, permission must be refused unless there are substantial public benefits which outweigh the harm, or four exceptional circumstances are met.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/87/01366 – Application for listed building consent to rebuild chimney at reduced height – Granted

DOV/92/00387 – Installation of incinerator into existing building for small animal cremation (domestic pets) – Granted

DOV/95/00315 – Replacement windows and doors (internal and external) – Granted

e) **Consultee and Third Party Responses**

In respect of the application for planning permission (DOV/16/01365), the following responses were received:

DDC Ecological Officer – Even if the site were within the AONB, following our agreed protocol with the AONB Unit we would not consult them on a proposal of this size.

DDC Environmental Health – A four part contamination condition should be attached to any grant of permission, together with two conditions relating to the method and timing of construction and demolition works.

DDC Heritage Team – Initial response received 14th March 2017

I have concerns with the content of the application in terms of the substance of the submission. The SE report is very limited in scope and provides insufficient information on the structures and works that are necessary to resolve defects. I note that the plinth to the barn is in a fair to poor condition; one corner (close to the road) being in a collapsed state. In addition I was concerned that one wall of the milking parlour appeared to be bowing, but the SE report makes mention only of cracks. I am also concerned that it mentions the removal of a main timber beam in the milking parlour and does not present options to retain and repair (if indeed necessary, as the timber has been subject to repair in the past).

The SE report is in my view insufficient to demonstrate the condition of the buildings and this impedes our assessment in terms of whether structural works are necessary or appropriate. In addition, none of the drawings have any annotation regarding structural works and yet it is clear that works will be necessary. This omission hinders the application of conditions should we be approving the application.

In respect of the D&A/heritage statement there is limited analysis of the two historic buildings and their significance, or sufficient information on the implications of the proposed works. For example, the analysis of the buildings has considered only the historic maps and has not covered the fabric of the building; the barn has clearly been altered and the statement should have explored how much of the original barn remained and how much is later works/additions of no/little significance. Drawings of timber-framed barns should normally include greater detail of the sub-structure (studs) to enable an assessment of the location of proposed openings.

I make the following comments on the details of the proposals:

Milking parlour: conversion and extension to form 3 bed unit

- The principle for extending is based on historic maps showing evidence of structures at right angles to the farmyard. What is clear from the maps and the building itself is that these structures are not integral to the milking parlour, are later and are likely to have been small animal yards (for example, for pigs). In my view this 'evidence' is weak.
- The proposed extension and conversion would result in the main body of the milking parlour being used largely as circulation space. The works would result in the loss of a significant amount of the timber floor structure to form a stairwell and full height void. It is unclear what this latter seeks to achieve as there is no

evidence that the milking parlour was open to the rafters; this aspect of the proposal is an unnecessary loss of fabric and would create an inauthentic character within the building at odds with its former function.

- The extension would result in the demolition of part of the milking parlour to create an open plan living space and would introduce a dormer window and large bi-fold doors. Rooflights light spaces to which natural light is already provided or not necessary and therefore constitute an interruption of the roofslope. The overall impact is highly domestic. Any proposals for conversion of former agricultural buildings should seek to retain this character.
- The SE report does not mention the proposals to remove the collars/braces in the roof. Are they necessary for the stability of the structure? In their removal are other works necessary to do their job? Such detail is required.
- In my opinion the building is capable of providing a modestly sized unit of 2 beds without extension. Best use of the existing space has not been achieved.

Barn: conversion to form 5 bed unit

- The barn has had floors inserted which according to the D&A/heritage statement are 'recent'. No consent was sought for these works. Their presence cannot be taken as precedent for the amount of first floor accommodation proposed.
- The current situation is that the floors/partitions create a tall thin space when entering the barn through the main cart door. This is not the traditional spatial quality of a barn of this nature; it should be wide and long. The proposal would partly restore the spatial quality by removing partitions and opening up two of the bays but a mezzanine would still intrude into the space. As these previous works are all unauthorised in my view we should be seeking greater amount of unimpeded full height space and retaining at least two bays full height to rafters.
- The lack of analysis and detail on the drawings hampers the assessment of the introduction of openings, but in general the existing openings have not been utilised as well as they could have been, and new fenestration either imparts an unauthentic character (the slot windows peppered over the building) or have an incorrect emphasis (horizontal/domestic rather than vertical). The large glazing in the cart entrances is set too far forward and within the frame rather than the usual practice of behind the frame; this creates a strong shadow line and impression of the former opening.
- The utilisation of existing openings has been piecemeal depending not on the structure but on the proposed use of the room within; for example, a large opening to the yard elevation is infilled as this serves a bedroom, whilst a new large opening is broken through the rear (highly visible across the landscape) to serve the kitchen. The overall impact of the openings is to create an overt domestic appearance.
- The extensive number of rooflights break through the clean (purple/Welsh, probably Penryhn) slate roof, and are unnecessary as they serve either rooms with windows, rooms which do not need natural light (ensuites) or areas with borrowed light. They do not form emergency egress as they are too high for access. As this site is viewed in a wide landscape setting the domestic appearance that rooflights impart would be harmful to the character of the barn.
- Horizontal boarding is an anomaly for the locality and should be removed from the proposal. Black staining is not acceptable; dark brown is more appropriate.
- There is no indication whether the existing slates will be reused or if the roof is proposed to be completely replaced. The plans simply state 'slate'.
- The domestication continues externally with the proposed set of steps. Whilst I appreciate these are necessary if the rear space is garden, I feel that they should be treated more appropriately to retain the agricultural character (example of steps can be seen to the rear of the barn at Sissinghurst- simple, functional and unimposing).

External works:

The scheme also seeks to provide garaging, bins, parking and boundary treatments. I am concerned that works within the yard space would disrupt the relationship with the principle listed building (farmhouse) and be harmful to the setting of the listed building by being highly domestic. This space should be retained as uncluttered and open as possible.

In respect of the proposed additional two buildings, in my view they would enclose the farmyard and form a natural addition to the site. The detailed design of unit 1 is poor and the fenestration to unit 2 could be better organised on the elevation, but I do not object in principle on heritage grounds to this aspect of the proposal.

Subsequent response received 16th June 2017

Further to the latest submission I make the following comments on the conversions:

Milking parlour: all my points have been ignored; the only change is the removal of two roof lights. The amendment is insufficient.

Barn: minor changes: Cart entrance glazing is set back as required. Slot openings removed. Roof lights removed and better use of existing openings. Unfortunately every other point has been ignored, and the conversion is still not acceptable in detail.

Despite my comments on the inadequacy of the plans, analysis of the existing buildings (in particular the barn) and the extremely poor structural report I have received nothing new. I am afraid that this, in addition to the very minor changes, is problematic and I would not be able to support the application as it stands. I will be considering refusal on the grounds that the works are detrimental to the curtilage listed buildings and, in respect of your planning application, on the setting of the principle listed farmhouse.

New development: You are aware that I have no concerns over the principle of the proposed new build only the detailed design, which in the new plans essentially remains as originally proposed which is disappointing. However, I note that the additional information received 1st June states that the new development is for enabling purposes. There is mention of a viability study which, unless I have missed something, is the feasibility report which actually only deals with the existing buildings in respect of the change of use to residential. The new development is not mentioned and neither are the words 'enabling development'.

I have seen no evidence that the new development is necessary to help secure the future of the curtilage listed buildings or even the farmhouse. I would point the agent to the HE guidance on enabling development. Enabling development is a last resort in order to preserve a listed building whose future is tenuous and I would suggest that this is not the case here. Further detailed information, including full costings, are required to demonstrate how the new development tips the balance in this case in respect of any conservation deficit, i.e. that it is the minimum necessary. We would then need to consult with HE as enabling development is a specialist area of conservation and I would wish to seek their advice. To save time and effort, I would suggest that the enabling development argument is not continued.

KCC Public Rights of Way – No comments

KCC Archaeology – Should the principle of the development be accepted particular care should be taken with regard to the need for appropriate detailing and materials for any new build and conversion works which reflect the farmstead's historic character; the need for careful and sensitive landscaping and management, which could be agreed

prior to the determination of the planning application, or alternatively secured by condition; the need for a programme of historic building recording so that a record is made of the buildings in their current agricultural form and prior to conversion; and the need to secure a programme of archaeological works. It is requested that, should permission be granted, two conditions be attached requiring a programme of historic building recording and a programme of archaeological work be submitted, agreed and undertaken.

Environment Agency – Initial response received 8th February

Object. We consider the level of risk posed by this proposal to be unacceptable. The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

Subsequent response received 20th March

Remove previous objection. Following submission of the Desk Study Report by Knapp Hicks & Partners Ltd, dated March 2017, we are able to remove our previous objection. Six conditions are recommended to be attached to any grant of permission relating to the assessment, investigation and remediation of contamination; the reporting and remediation of any previously unidentified contamination; a watching brief for demolition and foundation works; restrictions on piling; and drainage.

Shepherdsweil Parish Council – No objections to this proposal as this is a previously developed site.

Public Representations – Eight letters of support have been received, raising the following points:

- It is good to see a redundant building/site converted
- There is a need for housing in the rural area
- The plans will improve the area
- The houses will support Shepherdsweil services

In addition, one letter of objection has been received, raising the following concerns:

- The application presents an unacceptable risk of contamination
- Harm to highway safety (both during construction and in the long term)
- Shepherdsweil need a range of housing but especially affordable housing

In respect of the application for listed building consent (DOV/16/01366), the following response was received:

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

- f) **1. The Site and the Proposal**
- 1.1 The application site lies within the countryside, to the north of Shepherdsweil. There is a mixture of arable and pasture land around the site, together with small areas of woodland. The topography is a noticeable feature of the landscape, rising to the east, south and west and gradually falling to the north. A Public Right of Way (ER78) runs along Long Lane to the north of the site before crossing a field to the west of the site.

- 1.2 The site itself comprises a group of agricultural outbuildings associated with, and located to the east of, Long Lane Farm. The existing buildings comprise: a large timber framed barn; a former milking parlour (which has been used as a pet crematorium); a modern cow shed; a modern Dutch barn; and two modern sheep sheds.
- 1.3 This application proposes to convert the timber framed barn into one dwelling; extend and convert the former milking parlour into one dwelling; erect two new semi-detached dwellings; and demolish the more modern agricultural buildings. The development would also include the creation of a replacement hardstanding within the farmyard to provide vehicular access and parking, the erection of bike and bin stores and a detached double garage, and the creation of a garden area for each proposed dwelling which would be located to the rear of the buildings, beyond the courtyard plan of buildings on agricultural land.
- 1.4 The barn and milking parlour are considered curtilage listed grade II by virtue of their age (pre-1948), functional relationship with the principle listed building, the farmhouse, and by being within the same ownership as the principle listed building. Their status is acknowledged by the submission of a Listed Building Consent for the proposed works.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area and on designated heritage assets
- The impact on the highway network

Assessment

Principle

Background

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission 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 where specific policies in the NPPF indicate that development should be restricted. This is known as the 'tilted balance'. Paragraph 49 in the NPPF says that housing applications should be considered in the context of the presumption and that relevant policies for the supply of housing should not be considered up-to-date where the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 2.3 Whether and how the tilted balance should be applied to decision making in the District was an issue at a recent public inquiry regarding a site at Ash (land to the North of Sandwich Road, application DOV/16/00800). The Inspector agreed with

the Council's position that it can demonstrate a five-year supply and so the tilted balance was not triggered for this reason. However, the conclusions of the Strategic Housing Market Assessment 2017 show that Core Strategy policies CP2 and CP3 which relate to the supply of housing are out-of-date and that this does trigger the tilted balance.

- 2.4 It is also necessary to consider the appropriate weight which should be given to development plan policies. The weight attributed will be dependent upon the degree to which they are consistent with the NPPF. The Inspector for the appeal at Ash agreed with the Council's case that Policies DM1, DM15 and DM16 are not policies for the supply of housing and that they accord with key objectives in the NPPF and should not, therefore, be given reduced weight.

Conversion of Barn and former Milking Parlour to Dwellings

- 2.5 The conversion of two existing buildings on the site, a large barn and a former milking parlour (which has more recently been used as a pet crematorium) to two dwellings necessitates consideration of Policy DM4 of the Core Strategy. Under this policy, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings to residential uses only where they are located within the settlement confines. The site is a significant distance from the nearest settlement and is not within or adjacent to settlement confines. This element of the application is not, therefore compliant with Policy DM4 and is not supported by any other development plan policy.
- 2.6 The re-use of redundant or disused buildings in the rural area, subject to providing an enhancement of their setting, and providing an optimum viable use of a heritage asset are circumstances where the NPPF (paragraph 55) supports residential development in the countryside. Having regard for these material considerations, and for the reasons which will be set out later in this report, the development would not provide for an enhancement to the setting of the site and does not provide the optimum viable use for heritage assets. It is therefore concluded that the conversion of the barn and the former milking parlour are not supported by paragraph 55 of the NPPF. Whilst there is some variation between the wording of DM4 and the NPPF, it is considered that both provide a broadly consistent approach to development in the countryside, insofar as it is relevant to the determination of the current application. As such, it is considered that Policy DM4 carries significant weight in the determination of the application.

New Dwellings

- 2.7 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.8 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with the development plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which "would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given".

- 2.9 In considering whether there are any material considerations which indicate that permission should be granted, it is important to note that, as policies CP2 and CP3 are out-of-date, the ‘tilted balance’ to approve development unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies” in the NPPF (as described at paragraph 14 of the NPPF) is engaged. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

Loss of Agricultural Land

- 2.10 The site lies within an area which is classified as Grade 2 agricultural land and thus falls within the definition of ‘Best and Most Versatile Agricultural Land’ (BMV land). The majority of the site comprises land which is occupied by buildings or hardstandings; however, some areas of undeveloped grazing land are proposed to be used for gardens, whilst a small area would be used for an extended hardstanding. Paragraph 112 of the NPPF directs that the economic and other benefits of BMV land should be taken into account, whilst significant development of agricultural land should be directed to land of lesser value. Clearly, whilst some BMV land would be lost, it would not amount to significant development of such land. This loss is not determinative on its own and, given the small area of loss under consideration, it is not considered that this harm carries significant weight in respect of determination.

Landscape and Heritage Background

- 2.11 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. It is considered that both of these policies accord with the NPPF and, as such, carry full weight.
- 2.12 The barn and milking parlour are curtilage listed grade II. The site is also adjacent to Long Lane Farm, which is Grade II Listed. The list description reads as follows:
- “House. C17 or earlier. Painted brick and rendered with plain tiled roof. Three bay lobby entry plan. Two storeys, the left 2 bays rendered, the right projecting slightly and of brick. Hipped roof with stacks to centre right and at end left. Three irregular wooden casements on each floor, with boarded door to centre right and blank sunk panel over. Attached to right by short connecting wing is a hipped wing, probably originally a detached granary or outhouse. Catslide outshot to rear”.
- 2.13 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs at Chapter 12: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or

less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.14 The site sits within a natural bowl in the landscape, with the land rising to the east, south and west. Due to its location and the topography of the area, the site is particularly visible in the wider area. In particular, there is an arc around the north, west and south of the site, from Long Lane directly to the north of the site, along the PRow ER78 and Barfrestone Road and from the northern part of Eythorne Road, from where the site is most visible. The arc of sight terminates as views of the site are blocked by the buildings and vegetation to the northern extent of Shepherdswell.
- 2.15 The site sits within the Eythorne Arable Mosaic with Parkland landscape character area, as identified by the Dover District Landscape Character Assessment. This area, which covers a large swathe of land, is comprised of undulating topography, with valleys running north east to south west (the site is within one such valley). Settlements tend to be located on the higher ridges. There is a mix of agricultural practices, with both arable and pasture. The former tends to be on large areas of land, whilst pasture tends to be on smaller, more sheltered fields around settlements and farmsteads. Small, traditionally Kentish, village settlements characterise the area with narrow roads, village cricket pitches and public houses, although Shepherdswell is not listed as an example of such a settlement. A mix of vernacular style occurs within the small villages, with corrugated farm buildings, wooden houses and newer brick built developments. Shepherdswell is identified as one of two (the other being Eythorne) larger settlements which lie centrally in the area providing a mix of old and new buildings, relatively densely developed and enclosed in comparison to the smaller settlements. Views are relatively open within the character area and out towards other character areas, with the undulating landform giving rise to moderate views in places of open areas of arable land with little tree cover. Enclosure is notable around settlements with built fabric, narrow roads, hedgerows and mature trees. Intermittent views from settlements are relatively far reaching with a feeling of being on higher land.
- 2.16 It is considered that there are two main public viewpoints of the site. The first is a static view from in front of the entrance to the site. From here, clear, close views are possible of the site and all of the buildings around the courtyard. The second view is a dynamic view along the ER78, which slowly rises as you travel away from the site (from north to south). Along this route, the western and southern sides of the wider farmstead are visible. As you climb up the slope, views over the foreground buildings are possible, such that all of the buildings can be appreciated. In views from the junction of the PRow and Barfrestone Road, the listed farmhouse is visible in the gap between the barn and the large C20th buildings. In these views, the site is seen set within a rural landscape, with no other built development being prominent in views. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and, whilst no longer having an agricultural function, retains a strong relationship with its rural context.
- 2.17 The site is not particularly visible from the west, with no public viewpoints close by and views from Long Lane impeded by the dense the high hedging along the road to the west of the site.
- 2.18 The development proposal is as follows:

- Demolition of the later C20th agricultural buildings (a Dutch barn, sheep sheds and a cow shed).
- The former milking parlour would be extended to almost double its size and two semi-detached dwellings would be erected to the west of the former milking parlour and adjacent to the farmhouse.
- The barn would be converted through the introduction of new internal floors and partitions and new external openings, and a detached car port would be erected to its north.
- A detached bike and bin store would be erected adjacent to the northern boundary.
- Each property would have a rear garden, extending to the east and south of the buildings, whilst an extended and altered hardstanding would provide car parking and turning space within the courtyards and between the barn and the milking parlour.

Character, Appearance and Landscape

- 2.19 Having regard for policies DM15 and DM16, regard must be had for what impact the development would have on the character of the countryside and on the landscape. These are not housing policies (for the purposes of paragraph 49 of the NPPF) and are consistent with the objectives of the NPPF. Therefore these policies carry full weight.
- 2.20 The removal of the C20th agricultural buildings would remove a significant volume of built form. The buildings themselves are utilitarian features of no architectural merit, although their visual impact is substantially reduced by virtue of their weathered, subdued appearance and being features which are expected within the rural area (the Landscape Character Assessment specifically identifies that such buildings are features of the area). Whilst their impact is therefore limited, it is acknowledged that their loss would provide a minor enhancement.
- 2.21 The extension and conversion of the former milking parlour would reintroduce some built form, albeit of a scale substantially less than the buildings which would be lost. The extension would be constructed of brick, a material more in keeping with the farmstead. The scale and location of the extension would be such that it would not be prominent in views and would not impede views of the listed farmhouse. The introduction of a large glazed door would detract from the agricultural appearance of the building; however this change would not be highly visible in the landscape. The landscape impact of this extension is therefore considered to be neutral.
- 2.22 The introduction of a pair of semi-detached dwellings would also reintroduce built form (which again would not exceed the amount of buildings lost). Their location would be such that they would continue the U-shape courtyard plan which is not uncommon in the locality. The scale of the building would also be subservient to the main farmhouse and barn. The detailed design would include a domestic fenestration but, again, this would not be prominent in long views. The landscape impact of this building is therefore considered to be neutral.
- 2.23 The barn would not be extended, however the conversion would include elements which have a domestic design language, including the introduction of windows of a domestic character and an expansive set of steps. The landscape impact of this building is therefore considered to be minor adverse.

- 2.24 The proposed outbuildings (car port and bike/bin store) would be little seen in the wider landscape and have been sensitively designed. The landscape impact of this building is therefore considered to be neutral.
- 2.25 Each dwelling would have a garden which, in some cases would be extensive. These gardens are proposed to be bounded by post and rail fences, which are appropriate to the rural environment. However, the domestic use of the gardens (with a potential for tended lawns and domestic paraphernalia) would significantly alter the setting of the cluster of buildings. Whilst permitted development rights could be removed for new means of enclosure, outbuildings etc., this would not alleviate the concern regarding the change in the character of the land. The gardens would be particularly visible from the public viewpoints of the site, making the areas to the east and south of the site highly sensitive to such a change. The landscape impact of this building is therefore considered to be significant adverse.
- 2.26 Overall, it is considered that the development would alter the utilitarian and unremarkable agricultural character of the site, which is expected within a location such as this, to a more unexpected and alien suburban appearance (with domestic buildings and associated features), causing a moderate adverse impact on the character of the landscape.
- 2.27 Where development would adversely affect the character of the countryside, policy DM15 requires that permission be refused unless one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats (this last requirement will be assessed separately later in this report). The three exceptions are if the development is:
- i) in accordance with allocations made in the Development Plan Documents; or
 - ii) justified by the needs of agriculture; or
 - iii) justified by the need to sustain the rural economy or a rural community.

The application is not in accordance with the development plan; it is not justified by the needs of agriculture and the development is not justified by the need to sustain the rural economy or a rural community. Moreover, it is not considered that there is any reason why this residential development cannot be accommodated elsewhere. The application is therefore contrary to policy DM15.

- 2.28 Policy DM16 states that development which would harm the character of the landscape, will only be permitted if:
- i) it is in accordance with allocations made in Development Plan documents and incorporates any necessary avoidance and mitigation measures; or
 - ii) it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Having regard for the landscape character assessment, the moderate adverse impact on the character of the landscape and the lack of any appropriate and meaningful mitigation, it is considered that the development is contrary to policy DM16. In any case, it is not considered that, given the characteristics of the landscape, the use of vegetation to enclose the site or conceal buildings, would be inappropriate.

Heritage

- 2.29 In respect of the impact of the proposals on the heritage value of the site, it is considered that the proposals impart an overt domestic character on the barn and milking parlour, which is contrary to their significance as agricultural buildings. The Design and Access Statement and Heritage Statement submitted with the application is considered to be limited in terms of its analysis of the relative significance of the buildings and the implications of the works for conversion to residential. The Structural Report is very limited in its scope and insufficient to demonstrate the condition of the buildings or the extent of structural works that may be required.
- 2.30 Minor external amendments have been proposed which have reduced the number of new openings, removed roof lights and set the glazing back from the cart entrance. Whilst these amendments have been positive, the overall detailed design of the conversion remains unacceptable. The windows proposed to the eastern elevation, which would be particularly visible across the landscape, have an uncharacteristic and domestic appearance. In addition an expansive set of steps are also proposed to this elevation which would again be wholly uncharacteristic and harmful to the agricultural character of the building. The building is also proposed be clad in black stained horizontal timber boarding, which is anomalous in the area, both in terms of the material and its colour.
- 2.31 Internally, the barn has been partially floored over but this work appears to have been carried out without the benefit of Listed Building Consent. The proposed scheme seeks to retain this level of compartmentalisation, which creates a strongly vertical emphasis to the internal space. This is contrary to the internal character of a barn which would be usual for a barn of this period, which is one of a large open space with a strong horizontal planform.
- 2.32 The Design and Access Statement notes that the proposed extension of the milking parlour is based upon evidence from historic maps, however this is more likely to show non-integral, small scale animal yards. In addition there is no physical evidence to demonstrate the existence of these structures, potentially indicating an ephemeral nature. It has not been demonstrated that the milking parlour is incapable of being converted without the need for an extension. The extension would remove the part of the historic first floor structure and introduce a large staircase. This aspect of the proposal would create a large open space which is contrary to the historic character of the building and results in the loss of historic fabric. As such, the justification for the extension of the milking parlour is weak. The detailed design of the proposed milking parlour, as extended, would include the provision of a dormer window and large bi-fold doors producing an overtly domestic appearance. Whilst the scheme has been amended to remove roof lights, the conversion would remain highly domestic in appearance, resulting in the loss of its existing simple functional character.
- 2.33 The proposal also seeks to introduce two residential units. The layout of the development reinforces the courtyard plan form, with the modern buildings outside of the courtyard being demolished, the more historic buildings which form the loose courtyard being retained and the two new dwellings further enclosing the courtyard. The development would therefore respect the existing layout. The two dwellings proposed are considered to be subservient in scale and massing to the principle buildings around the courtyard, namely the farmhouse and the barn. It is also considered that these dwellings are sufficiently separated from the listed farmhouse such that its setting is not harmed. Whilst the detailed design of the dwellings, in particular their fenestrations, lacks traditional detail and is

disappointing, it is not considered that this results in such harm so as to warrant refusal.

- 2.34 The proposal would retain a central courtyard which would maintain a relatively informal character, being a large expanse of bound gravel. It is considered that, whilst occupying a significant area, this is the appropriate response as courtyard layout farmsteads typically contain such hardstanding's. Outside of the courtyard, each dwelling would be provided with a rear garden. As described above, it is considered that these gardens would detract from the rural setting of the farmstead, which is considered to make a contribution to the setting of the listed buildings, by imposing a domestic character.
- 2.35 An argument had been advanced by the applicant that the proposed new build dwellings represent 'enabling development' which facilitates the conversion of the listed buildings. The principle of enabling development is the approval of development that would normally be contrary to development plan policies to enable the preservation of a heritage asset. However, for this to be considered an enabling development scheme a number of criteria must be met, as set out in the Historic England guidance on the subject, including that the development proposed is the least amount necessary to ensure protection of the heritage asset. It also requires an applicant to demonstrate that the new development tips the balance to secure the preservation and future of listed buildings whose current prospects are tenuous. The application, as submitted, has not been supported by the robust evidence required to demonstrate that the proposal represents a case for enabling development.

Archaeology

- 2.36 Whilst concerns have been raised, KCC have recommended that, should permission be granted a programme of historic building recording take place in advance of any works such that their current and former condition and use can be better understood and recorded for future use. Such a survey should be secured by condition, should permission be granted.
- 2.37 KCC's archaeologist have also advised that any grant of permission should be accompanied by a condition requiring that a programme of archaeological work be undertaken, the details for which should be agreed in advance. The site contains the Grade II Listed farmhouse, which dates from the C17th or earlier. The farm stead is also recorded on the Kent HER (MKE87920) as "a loose courtyard plan farmstead with buildings to two sides of the yard". To the north east of the site, there is a record for a trackway. Given the known and suspected features in the area, the archaeological officer's recommendations are adopted. Should permission be granted, a condition requiring a programme of archaeological work should be attached.

Conclusions on Character and Appearance, Landscape and Heritage

- 3.38 Overall, it is considered that the development would cause harm to the character of the landscape and would harm the significance of listed buildings and their setting, contrary to Policies DM15 and DM16 of the Core Strategy and contrary to the principles of the NPPF.

Impact on Residential Amenity

- 2.39 The existing and proposed buildings are well separated from neighbouring properties, with the exception of Long Lane Farm. Directly facing Long Lane

Farm would be the converted barn, into which would be introduced new windows and other openings. However, the building is separated from Long Lane Farm by around 28m whilst no significant extensions or enlargements are proposed and, as such, no unacceptable loss of light, sense of enclosure or overlooking would be caused. Closest to Long Lane Farm, at a distance of around 12m, would be the pair of new dwellings. Whilst they would be closer to Long Lane Farm, they would be located at a right angle to the farmhouse and would face towards the existing open courtyard to the front of it. Given the separation distance from and relationship with Long Lane Farm, it is concluded that no unacceptable loss of light, sense of enclosure or overlooking would be caused. It is not considered that the living conditions of Long Lane Farm would be unacceptably harmed by any other aspect of the proposals

- 2.40 Each of the dwellings would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable.

Impact on the Local Highway Network

- 2.41 This section will not consider the sustainability of the sites location or whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.42 The proposal would use the existing access point which serves the farmstead. The access is located adjacent to an extension to the existing farmhouse to the west of the courtyard. Whilst visibility is somewhat restricted to the eastern side of the access by vegetation, to the western side (towards oncoming traffic on the near side of the road) visibility is improved by virtue of a strip of grass between the boundary wall of the site and the highway. Whilst visibility from the access does not accord with the requisite standards, it is not considered that the development would create a high number of vehicle movements. As such, the increased use of the access would not cause a severe cumulative impact on the highway, which is the relevant test as described by paragraph 32 of the NPPF.
- 2.43 Policy DM13 advises that the provision of car parking should be a design led process based upon the characteristics of the site, the nature of the proposed development and its design objectives, whilst provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy. The development proposes the provision of eight car parking spaces, six of which would be open spaces and the remaining two would be within a two-bay car port. In addition to this delineated car parking, the site would provide a large hardstanding, which would provide opportunities for informal parking. Within this rural location, Table 1.1 of the Core Strategy recommends that 1 and 2 bedroom dwellings provide 1.5 car parking spaces and 3 and 4 bedroom dwellings provide 2 car parking spaces. In addition, visitor parking of 0.2 spaces per dwelling should be provided. The development proposed comprises two two-bedroom dwellings, one three-bedroom dwelling and one four-bedroom dwelling. The development therefore accords with the parking provision recommended by Table 1.1. The development also proposes the provision of cycle parking. Subject to being secured by condition, it is considered that the parking provision would meet the needs generated by the development, in accordance with Policy DM13.

Ecology

- 2.44 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.45 The report confirms that: there is negligible potential for amphibians; some potential for reptiles on the strip of grass and scrub to the front of the site; old birds' nests were seen inside some buildings (although no barn owls); there is no potential for hazel dormice; and there were no setts or signs of badgers. However, the report confirms that three trees within the site are highly suitable for roosting bats, whilst a small pile of long-eared bat droppings were seen in the barn.
- 2.46 The report confirms that "slow worms may be present in part of the site. As the site is regularly mowed, it is not recommended to carry out further reptile surveys but a mitigation strategy is proposed to minimise potential impacts". This comprises habitat manipulation. In relation to birds, it is recommended that works affecting trees and early building works (including demolition) take place outside of the breeding bird season. Two night time bat surveys took place, during which no bats were observed entering or leaving the barn or trees and no fresh bat droppings were present. However, bats were heard commuting and foraging past the barn. On this basis the report recommends that no further surveys are required, although it is recommended that a sensitive scheme of lighting is secured to avoid detriment to bats.
- 2.47 In addition to the specific mitigation above, a series of ecological enhancements are recommended. These include the provision of bird and bat boxes/spaces, log piles for invertebrates and sensitive native planting. Subject to the mitigation and enhancements proposed being secured by condition, it is considered that the development would safeguard protected species and provide some enhancement, in accordance with the NPPF.
- 2.48 The site is under the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site and, as such, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

Contamination

- 2.49 The site is not within a flood risk area or within a Groundwater Protection Zone; however, the former uses of the site have the potential to have caused contamination. In particular, agricultural uses have the potential to have caused petrol and oil spills or chemicals (such as fertilisers or pesticides) to have leached into the ground, whilst the former use as a pet crematorium may have led to Dioxins, PAH's and heavy metals, amongst other things. Initial concern was raised that the application had failed to appropriately consider these risks. Subsequently, additional information was provided in the form of a Desk Study Report which identifies all of the former uses of the site, the features which may be vulnerable to contamination and the potential risks of contamination. The report recommends that further work in the form of trial trenches and sampling take place, although the report does not recommend that contamination is a constraint to development.
- 2.50 Following receipt of this report, the EA removed their objection. However, in common with the Councils own Environmental Health officers, a suite of conditions were recommended to be attached to any grant of permission to

ensure that further assessment and investigation takes place so that any contamination on-site is identified and, if found, remediation of the contamination takes place. It is also recommended that conditions be attached prohibiting piling or any other foundation design or investigation boreholes which use penetrative methods, unless approved by the local planning authority, and requiring a watching brief to be undertaken during demolition and foundation works. Any additional, previously unidentified, contamination should also be remediated if discovered during development. It is considered that these conditions are necessary to ensure that the risks of contamination are fully understood and dealt with in a manner which does not cause contamination or the release of existing contamination into the environment.

- 2.51 Regard should be had for whether weight should be attached in favour of the development by virtue of it facilitating decontamination. Whilst there is a reasonable likelihood that some contamination exists, the application does not confirm that contamination is present. It is not, therefore, considered that any substantial weight can be attributed to the development in this respect.

Drainage

- 2.52 The application confirms that foul drainage will be disposed of via a septic tank, whilst surface water will be disposed of via a sustainable drainage system. No detailed designs for this infrastructure have been provided at this stage; however, given the scale of the site and the geology of the land, there is no reason to doubt that suitable drainage is achievable. In order to ensure that both foul and surface water drainage can be achieved without increasing the risk of flooding or contaminated material being released, whilst also ensuring that any discharge does takes place such that it would not create a pathway for any existing contamination on site to leach into the ground, full details, together with an implementation timetable, of foul and surface water infrastructure should be secured by condition.

Other Material Considerations

- 2.53 The principle of the development is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission should be refused unless material considerations indicate otherwise. The NPPF is an important material consideration which must be carefully considered to determine whether it provides any justification to depart from the development plan.
- 2.54 Paragraph 55 of the NPPF states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is first necessary to consider whether this site is isolated and its proximity to relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas). In determining whether the site is isolated, regard must be had for the case of *Braintree DC v SSCLG & ORS* [2017] EWHC (Braintree), which considered to meaning of 'isolated'. The Judge considered that, as the word "isolated" is not defined in the NPPF, it should be given its ordinary objective meaning of "far away from other places, buildings or people; remote", albeit it the judgement goes on to recognise that the context of the word in the NPPF relates to whether a rural home "could contribute to social sustainability because of its proximity to other homes".

2.55 There is one dwelling adjacent to the site, Long Lane Farm itself. All of the other buildings on the site are either to be demolished or converted as part of this application. Long Lane Cottage is just over 100m away from the site, beyond an open field. The nearest defined settlement, Shepherdswell, is located 575m away by foot (along PRow ER78) or 670m away by road and is located to the south of the site on higher ground. This settlement contains the nearest “buildings or people”. Consequently, it is concluded that the site is isolated, having regard for the definition provided in Braintree, being remote from other development.

2.56 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:

- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.

The first criterion is not relevant to the determination of the current application. The second and third criteria, whilst not relevant to the new build dwellings, are relevant to the conversion of the barn and former milking parlour. Whilst these criteria have the potential to support development in this location, it has not been demonstrated that the scheme represents the optimum viable use for the buildings and would not enhance the immediate setting of the farmyard. It is not, therefore, considered that these criteria provide support for this element of the proposal.

2.57 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion. The design of the buildings does not amount to demonstrating the highest standard of architecture, as described in more detail earlier in this report. No case has been made that the development would incorporate truly innovative materials or sustainable technology. As such, the sum of the development falls significantly below the threshold of ‘truly outstanding or innovative’ envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting

permission for new isolated homes in the countryside. Whilst the four exceptional circumstances identified by paragraph 55 have not been met, the wording of paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive.

- 2.58 The routes to Shepherdswell lack lighting or foot paths and are up hill, significantly reducing the convenience of such routes. The nearest bus stop is located around 730m away, but provides only a once weekly service in each direction. The next nearest bus stops providing a reasonable level of service are around 1.8km away to the south. The train station is located around 1.2km away and provides mainline services. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Shepherdswell by means other than a car. In addition, the main facilities and services in the Local Centre (as defined by CP1) are located a significant distance further away. At a distance of around 1.2km is a loose cluster of facilities and services, including a small supermarket, a post office (which is currently closed), the train station and Shepherdswell Village Hall. This cluster also included a pub; however, this has been closed for some years. A second loose cluster of facilities and services is located around 1.8km to the south (1.4km by foot along the ER78) around the historic core of the settlement. This cluster includes a primary school, a pub and a church. The village also provides a medical centre, located around 1.6km away. As such the site is located away from facilities and services leading to future occupants being dependent upon the private car for access to day-to-day facilities and services, contrary to the aims of sustainable transport and sustainably located development.
- 2.59 The applicant has sought to demonstrate that there are other material considerations which outweigh the in-principle policy objection to the scheme. Policies DM4 and DM15 are cited. DM4 supports, as an exception to DM1, the re-use of structurally sound buildings within confines, adjacent to confines and, for commercial uses, outside of confines (subject to several criteria). Whilst this policy is relevant for the consideration of the proposed conversions, it is not applicable to the proposed new builds. Policy DM15 seeks to avoid development which would result in the loss of, or adversely affect, the countryside. This is a restrictive policy to avoid harm and does not provide in-principle support for the development.
- 2.60 The development would result in the demolition of several large redundant farm buildings of no architectural or historic merit, whilst the redevelopment would require the removal of any asbestos on site. These factors add weight in favour of the development. However, whilst the existing buildings are utilitarian, it is not considered that they significantly detract from the appearance of the site in the wider landscape, being typical and expected features in the rural landscape which do not draw attention (as confirmed by the Landscape Character Assessment). Likewise, whilst asbestos may be present given the age and type of buildings, there is no evidence that unusually high amounts exist. Asbestos removal has not been raised by Environmental Health.
- 2.61 The applicant has argued that the development would facilitate the removal of harmful modern additions to the buildings, including grain bins within the barn. However, there is no history of listed building consents being gained for these alterations.
- 2.62 It has been raised that the existing buildings could be converted under permitted development rights. This may or may not be the case, as there is no application

for prior approval before the Council. As such, an assessment cannot be made regarding the restrictions and conditions of Class Q rights. It is, however, noted that Class Q rights do not apply where the building is a listed building (the existing brick built buildings to be converted are curtilage listed). Whilst a change of use of the former milking parlour to a pet crematorium has not received planning permission for a change of use, it did receive planning permission for the installation of the crematorium plant in 1992 and, following a site visit, it is clear that the building had been in use as a crematorium for some years, such that the use is likely to be lawful. Class Q rights do not, therefore apply to this building. Given the nature of pet crematoria, it is not considered that such a use falls within use class B1 (it could not be located next to residential without the need for strict controls), which have their own permitted development rights, and is more likely to be Sui Generis, which do would not benefit from permitted development rights. Consequently, permitted development rights do not apply. The conversion of the modern buildings is unlikely to be possible, as they would require significant new structural elements which cannot be carried out within the scope of Class Q (having regard for Hibbitt and Another vs SoS CLG and Rushcliffe Borough Council, [2016] EWHC 2853 (Admin)). Whilst a thorough assessment of Class Q permitted development rights has not been undertaken, it does not appear that such rights would apply in this instance.

- 2.63 The applicant has advised that, in their opinion, the development represents the optimum viable use of heritage assets, namely the curtilage listed barn and former milking parlour. It is considered that in line with paragraphs 132-134 of the NPPF that the works constitute less than substantial harm to the significance of the heritage assets. As such, the public benefits of the proposal must be weighed against the harm identified. A public benefit could include securing the optimum viable use of the buildings, which is “the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear likely future changes”. It is not considered that the applicant has demonstrated that the application provides the optimum viable use for these curtilage listed buildings and the proposed scheme is considered to be harmful. The Council can demonstrate a five year housing land supply and consequently there is no public benefit which outweighs the harm to the heritage assets.
- 2.64 The new build dwellings utilise a similar footprint to existing buildings whilst there is a reduction in the amount of development overall. These factors have been taken into account.
- 2.65 The applicant has argued that a recent planning permission in Staple is similar to the application currently under consideration. Whilst there are some similarities (they both include listed or curtilage listed buildings, they both propose new dwellings and the nearest settlement in each case is described as requiring additional housing), there are equally many significant differences, not least that the application in Staple was partly within and partly adjacent to the confines (and adjacent to bus stops) in a more sustainable location, whereas the current application site is isolated.
- 2.66 In referencing the Staple decision, the applicant has suggested that the development will help support the facilities and services in Shepherdswell. It is necessary to restate that the current application is not within Shepherdswell and due the nature of routes between the site and Shepherdswell, it is considered unlikely that occupants would rely on the facilities and services of the village. Furthermore, the need to provide additional housing in Shepherdswell over the

plan period to assist the retention of facilities and services is addressed through the allocation of two sites in the LALP.

- 2.67 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy. However, it is not considered that the residential development of the site represents development in the right place to support sustainable growth.
- 2.68 With regards to the social role, the development would provide additional dwellings which would, to a moderate degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a five year housing land supply. The development would also be in a remote location, which would provide a very limited ability to access sustainable modes of transport and limited support for local facilities and services. The application has not demonstrated that the development would secure a high quality built environment, with concern raised regarding the detail of the scheme.
- 2.69 Turning to the environmental role, the development would lead to an urbanisation of this part of the countryside. The development would mitigate the potential impacts on protected species (reptiles and bats) and, subject to conditions, would provide for modest ecological enhancements. The development would re-use a small area of previously developed land (occupied by the former milking parlour), although the majority of the site is non-previously developed and a small area of BMV agricultural land would be lost. The location of the site would necessitate journeys to access day-to-day facilities and services.
- 2.70 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan. Moreover, it is considered that the proposed development is contrary to a specific policy of the NPPF, namely paragraph 55.
- 2.71 The applicant has suggested that they received positive pre-application advice in relation to both conversion and new build elements. This is not the case, whilst the advice was also provided at a time when the Council were unable to demonstrate a five year housing land supply. The pre-application advice raised significant concerns, primarily in relation to the proposed new build (at that time one dwelling), whilst the material circumstances have changed since the advice was provided. Concerns were additionally raised regarding the detailed design of the conversion in respect of the impact on the barn. Details of the proposed alterations to the milking parlour were not submitted for consideration.

Overall Conclusions

- 2.72 The site is located in an unsustainable rural location, remote from, and with poor access to, other development and local facilities and services. Whilst the conversion of the existing buildings has the potential to be supported by policy, the manner in which the conversions would take place would detract from the character of the buildings, causing harm to their significance as curtilage listed buildings and would fail to improve their settings through the introduction of suburban features in the countryside, causing landscape harm. The development is therefore contrary to Policies CP1, DM1, DM15 and DM16 of the Core Strategy

and the NPPF, read as a whole. It is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits and it is not considered that there are any material considerations which indicate that the development plan should be set aside. As such, it is recommended that the application for planning permission be refused.

- 2.73 Turning to the application for listed building consent, there is a statutory duty to have special regard to the desirability of preserving listed buildings (which includes curtilage listed buildings) and their settings, or any features of special architectural or historic interest which they possess. It is considered that the development proposes an unsympathetic and inappropriate conversion and extension of these curtilage listed buildings, which would cause less than substantial harm to their significance as heritage assets. This harm has not been outweighed by public benefits. Having regard to the statutory duty and the provisions of the NPPF, it is recommended that listed building consent be refused.

g) **Recommendation**

- I In respect of the full planning application, DOV/16/01365 for the conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings), PERMISSION BE REFUSED for the following reasons:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM4 and the National Planning Policy Framework paragraphs 17, 29 and 55 of the National Planning Policy Framework.

(2) The proposed development, by virtue of the design of, and proposed steps to, the 'Barn' and the creation of large private garden areas which would be highly visible in views from the east and south-east, resulting in an intrusive and incongruous form of development which would adversely affect the character of the countryside and the character of the landscape, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 17, 58, 61, 64 and 109 of the National Planning Policy Framework.

(3) The proposed development, by virtue of the scale and form of the extension to, and detailed fenestration of, the 'Former Milking Parlour' and the scale, form and detailed design of the steps to the east of, and use of black stained horizontal weatherboarding to, the 'Barn' would cause less than substantial harm to the curtilage listed buildings and the setting of the listed Long Lane Farm. In the absence of any public benefits which outweigh this harm, the development would be contrary to paragraphs 131, 132 and 134 of the National Planning Policy Framework.

In respect of the application for listed building consent, DOV/16/01366 for the conversion and extension of barn and milking parlour to residential use, CONSENT BE REFUSED for the following reasons:

(1) The proposed conversion of the barn to residential use would by virtue of the subdivision of the internal space and detailed design impose an overtly domestic

character on the listed building causing detrimental harm to its historic and architectural character and appearance as a former agricultural building for which no overriding justification has been demonstrated, and would therefore be contrary to Government guidance contained within the National Planning Policy Framework (2012).

(2) The proposed conversion and extension of the milking parlour would by virtue of detailed design, scale, form and orientation at right angles to the listed building result in an overtly domestic character and appearance which is incongruous to its historic and architectural character and appearance as a former agricultural building, and result in the unnecessary loss of historic fabric, having a detrimental impact on the listed building for which no overriding justification has been demonstrated. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework (2012).

Case Officers

Luke Blaskett and Alison Cummings

Appendix 2 – KCC Archaeology Consultation Response



Environment, Planning & Enforcement

Invicta House
County Hall
MAIDSTONE
ME14 1XX

Phone: 03000 413375
Ask for: Mr Ben Found
Email: ben.found@kent.gov.uk

17 March 2017

Your Ref: DOV/16/01365
Our Ref: DO 16 01365 LE01

Mr Luke Blaskett
Planning Section
Dover District Council
White Cliffs Business Park
DOVER
CT16 3PJ

SENT BY EMAIL

Re: DOV/16/01365

Location: Long Lane Farm, Long Lane, Shepherdswell, Dover, Kent CT15 7LX

Proposal: Conversion and extension of milking parlour to residential use; conversion of barn to residential use; construction of a pair of semi-detached dwellings, associated parking and garaging (demolition of 3no. existing buildings)

Dear Mr Blaskett

Thank you for your letter consulting us on the above planning application. I am sorry for the delay in responding and hope that my comments can still be taken into account.

The historic farmstead

The submitted application proposes the conversion of two redundant farm buildings (the 'Milking Parlour' and the 'Kent Barn'), along with the construction of two semi-detached dwellings. A number of more recent (later twentieth century) farm buildings are to be demolished. The adopted Dover District Heritage Strategy includes a specific section on agriculture and farmsteads and notes that "*Historic farmsteads are assets which make a significant and highly varied contribution to the rural*

building stock, landscape character and local distinctiveness” (Appendix 1.9, para 9.5). The strategy goes on to note (para 9.44) that “Traditional farm buildings make an essential contribution to the character of the rural landscape of Dover District ... Opportunities should be sought to enhance and protect the historic farm buildings of Dover District. Where an economic use cannot be found for traditional farm buildings as part of a working farm, then opportunities should be sought to find new sustainable uses for such buildings.”

In this instance the farm buildings are redundant and we welcome the broad principle of finding a sustainable new use for the buildings. It is for your council to decide whether residential conversion is appropriate in this location, but if the principle is accepted it is essential that proposals are sensitive to and retain the historic character of the site.

The Design & Access Statement that accompanies the planning application includes consideration of the site’s historic development. It rightly notes that the buildings form part of a loose courtyard plan farmstead, with farm buildings enclosing the principal yard on two (east and south sides) and the main farmhouse on the third (west) side of the yard, with the fourth side being open and fronting onto Long Lane. The farmhouse is Grade II Listed and is noted in the listing description as being of seventeenth century date (or earlier). The farm complex is shown on the Sibertswood Tithe Map of 1841 which appears to show the existing farmhouse, milking parlour and barn, along with two other now demolished ancillary structures.

We welcome the scheme’s intention to maintain the farm’s historic courtyard layout through the retention of the site’s historic buildings, as well as the addition of carefully considered new buildings. Care will need to be taken in the detailing, materials and treatments used in the conversion of the retained buildings and in the proposed new build elements. As the works fall within the curtilage of the Grade II Listed farmhouse I would suggest that the views of your council’s Conservation Officer are sought on the proposal.

The submitted documentation includes some assessment of the historic fabric of the farm buildings. I would suggest however that it would be appropriate to secure a more detailed record of the historic farm buildings at the complex prior to the commencement of any demolition or conversion works. The results of this recording should provide an appropriately detailed record of the buildings in their current form. The resulting record may provide useful information that could help inform any decisions around materials and or detailing and you may wish to condition this element. The historic building works could be secured through condition and suggested wording is provided at the end of this letter.

In addition to the materials and detailing used for the buildings I would suggest that thought also needs to be given to ensuring that any new landscaping and boundary treatments are appropriate to the setting. Treatment of the shared space of the central farm courtyard should be a key consideration. Landscaping that introduces a sense of division or creates separate private spaces within the central farmyard should be avoided. We would suggest that care needs to be given when introducing

any new boundaries at the site. One of the distinctive features of many farmsteads is the way in which the surrounding landscape often flows up to the edge of the farmyard buildings, with only minimal curtilage definition. Where private space is proposed, the careful use of post-and-rail type fencing and native planting should be employed. We would suggest that any landscaping detail should be agreed either prior to determination of the planning application or that such detail is covered by an appropriately worded planning condition.

The site's archaeological interest

The site lies in a landscape that is generally very rich in archaeological remains. Many of the archaeological remains are known from crop- and soil- marks, including a complex of features a short distance to the east which include probable ring-ditches (ploughed out remains of prehistoric burial mounds) as well as trackways and other features. Further extensive crop- and soil- mark complexes are known to the north and west. Chance finds from the field immediately adjoining the farm to the south include coinage of Iron Age and Roman date. Further finds of metalwork of Iron Age, Roman and medieval date are known from the wider landscape.

The farmstead itself is shown on the 1841 Tithe Map for Sibertswould. The Listing description for the farmhouse suggests it is of seventeenth century date (or earlier) and it is possible that the site may contain buried archaeological remains associated with earlier buildings, structures and features associated with the farmstead.

Based on the archaeological potential of the area and the history of the farmstead it is possible that the proposed works may affect remains of archaeological interest. Such remains could include archaeology that pre-dates the present farmstead as well as remains that may help further our understanding of the upstanding buildings. I would therefore suggest that any consent includes provision for a programme of archaeological works. Suggested wording for such a condition is included at the end of this letter.

Recommendations

In general terms I am supportive of the principle of finding a sustainable new use for this locally significant group of historic farm buildings. If you are minded to accept the concept of residential conversion, and decide to grant planning permission, then I would suggest that the following issues be taken into account:

- The need for appropriate detailing and materials for any new build and conversion works which reflect the farmstead's historic character;
- The need for careful and sensitive landscaping and management, which could be agreed prior to the determination of the planning application, or alternatively secured by condition;
- The need for a programme of historic building recording so that a record is made of the buildings in their current agricultural form and prior to conversion. Suggested condition wording is included below; and
- The need to secure a programme of archaeological works. Suggested condition wording is again included below.

Suggested condition wording for historic building recording:

AR7 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that historic building features are properly examined and recorded.

Suggested condition wording for a programme of archaeological work:

AR1 *No development, including clearance demolition or site preparatory works, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

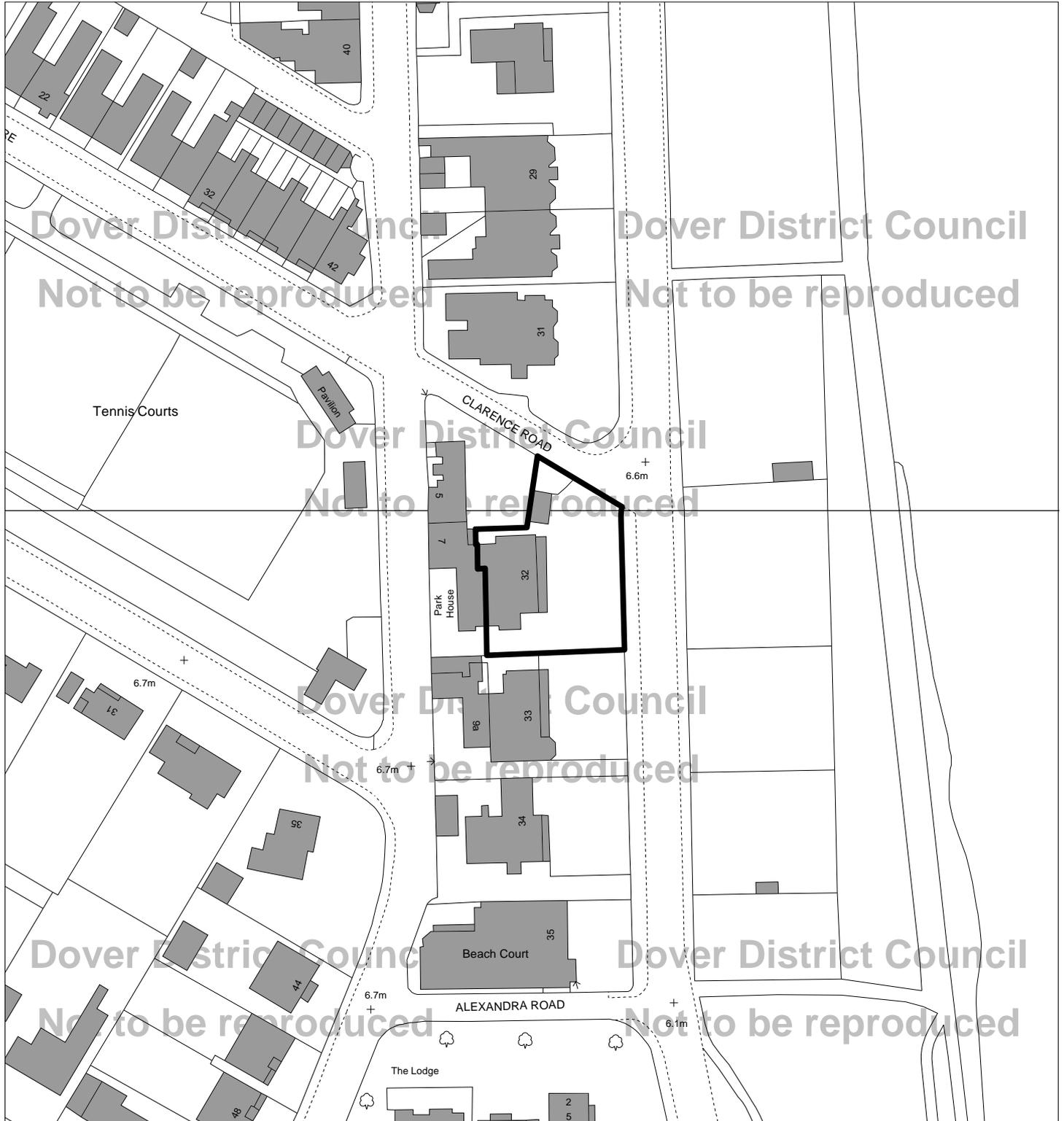
Reason: To ensure that features of archaeological interest are properly examined and recorded.

I trust that the above information is helpful and would be pleased to discuss further as required.

Yours sincerely

Ben Found
Senior Archaeological Officer
Heritage Conservation

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Application: DOV/17/01376

32 The Beach

Walmer

CT14 7HN

TR37745099



- a) **DOV/17/01376 – Extension and conversion of existing garage to provide ancillary accommodation, demolition of a wall, erection of a wall and relocation of access – 32 The Beach (Coast House), Walmer, Deal**

Reason for report - Number of contrary representations (8).

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies, standards and legislation which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Planning (Listed Buildings and Conservation Area) Act 1990, together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries

Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2012)

- Paragraph 17 sets out 12 core principles. Amongst other things, it states that planning should ‘enhance and improve the places in which people live their lives’ and should also always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- Paragraph 56 attaches great importance to the design of the built environment. It states that good design as a key aspect of sustainable development and should contribute positively to making places better for people.

- Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. It states that decisions should integrate new development into the natural, built and historic environment.

The Kent Design Guide

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

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

Section 72(1) states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

d) **Relevant Planning History**

There is no relevant planning history for this application site on file.

e) **Consultee and Third Party Responses**

Walmer Parish Council: "The committee positively supports the proposal."

DDC Heritage Team: No objection subject to the following recommended conditions:

1. No development shall take place above ground level until the following details have been submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with the following approved details:

- 1:20 scale elevation drawings indicating proposed areas of brick or stone boundary walling

Reason: To ensure special regard is paid to the interests of protecting the historic character of the conservation area.

2. The bond of the proposed brickwork shall match the bond and pattern of the adjoining brickwork and the mortar and pointing shall match in its colour, type and joint that was originally used on the adjoining brickwork, and shall thereafter be retained in that form.

Reason: To ensure special regard is paid to the interests of protecting the historic character of the conservation area.

3. No development above ground level shall take place until full details of all external joinery including that to all new windows and doors (which shall be of timber construction only) in the form of:

- Half or full size cross section drawings
- 1:100 elevational drawings showing the joinery in context

Have been submitted to and approved in writing by the local planning authority. The works shall be carried out and thereafter retained in accordance with the approved details.

Reason: As no such details have been submitted and in the interests of preserving the architectural or historic interests of the conservation area.

4. No development shall take place above ground level until 1:10 cross sectional details of the parapet; moulding and eaves of the building hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and retained in accordance with the approved details.

Reason: To ensure special regard is paid to the interests of protecting the historic character of the conservation area.

Public Representations: There have been 8 letters of objection from the public consultation of the application, saying in summary:

Objections

- The importance of the conservation area is being ignored
- The development will obscure the planting required to keep this area green
- The proposed development would lead to an enclosure of a single storey building, which would lead to a loss of light and outlook.
- The proposed development would have a negative impact on both our property and quality of life.
- The proposed development would have an overbearing effect and would be intrusive to the property closest.
- The height is excessive and cannot be justified as a requirement for this type of building.
- The proposal would lead to a loss of off-street parking, may increase parking requirements and may cause a highway safety issue.

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

1.1. The application site comprises a four bedroomed, two storey detached dwellinghouse located on The Beach, Walmer. The dwelling is visible within the streetscene due to its siting close to a prominent corner. The property is finished with a vibrant green/blue render and has fine detailed white mouldings with timber framed windows and decorative window shutters.

1.2. The site features a detached garage to the north of the dwelling. Off street parking is available through the main front (east facing) gates and also next to and in front (north) of the detached garage.

1.3. The site is located within the Walmer Seafront Conservation Area.

1.4. The approximate dimensions of the site are:

- Width – 26 metres
- Depth – 36.5 metres.

1.5. The approximate dimensions of the existing garage are:

- Width – 3.7 metres
- Length – 6.3 metres
- Height – 2.75 metres

Proposal

1.6. Permission is sought to extend the existing garage and convert it to ancillary accommodation to the main dwellinghouse. The proposal includes extending the garage by 4m from its northern elevation with a 2.5m deep extension on its eastern elevation, to form an 'L' shape building.

- 1.7. The garage parapet wall would be raised in height and a pitched, hipped roof would be erected over the main part of the buildings with a roof lantern over the east facing extension.
- 1.8. The extension and conversion would include a bathroom, bedroom and a garden room/home office. The proposal is to provide additional accommodation for the family as well a study/home office for the applicant.
- 1.9. The proposal includes extending the street facing wall to the front of the building to wrap around the front (northern) elevation of the building, formalising one parking space. The wall on the eastern side of the parking space would be partially demolished and rebuilt, moving the access and allowing for the east facing side extension, while retaining space for parking.
- 1.10. Pedestrian access to this building would be taken through the side entrance gate of the main site, and the garden space would be shared.
- 1.11. The dimensions of the proposal are:
 - Maximum Width – 6.1 metres.
 - Length – 10.3 metres.
 - Height to top of parapet – 3 metres.
 - Height to ridge – 4 metres

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle
 - Visual amenity and design
 - Impact on the Conservation Area
 - Residential amenity
 - Highways
 - Other matters

3. Assessment

Principle

- 3.1. The site is within the defined urban boundaries of Walmer, as part of the wider Deal Urban Area.
- 3.2. The proposed development is therefore considered acceptable in principle, subject to its design and any material considerations.

Visual Amenity and Design

- 3.3. The proposed garage extension would be visible within the streetscene as the building would be extended forward (north) towards the highway and also to the side (east). The height of the building would increase, as would its prominence within the streetscene. However, there are a number of mitigating factors that help to ensure the development is in keeping with both the design of the main dwellinghouse and the existing garage building, as well as the conservation area.
- 3.4. In terms of design and materials, the external surfaces would be finished in

materials to match the host dwelling and the existing garage building. The proposal includes raising the height of the parapet wall by approximately 15cm and erecting a pitched roof over the main part of the garage building. This reflects the design of the main dwellinghouse which has a tall parapet with a shallow pitched roof behind it.

- 3.5. The features of the main dwelling would also be reflected with this development; with matching windows, shutters and mouldings. It is considered that the proposed development represents good design that is in keeping with the design of the main dwelling and outbuilding, and is sympathetic to its sensitive surroundings within a conservation area.
- 3.6. The garage is currently visible from the street, and this relatively small extension would not significantly increase its prominence from within the streetscene. The garage is not, however, visible from any wider vantage points, such as along 'The Beach' as it is sited to the north of the main dwellinghouse and accessed via the side road, 'Clarence Road'. The outbuilding would continue to be well screened by much larger two and three storey dwellings along The Beach when viewing from afar. The proposed alteration would allow the outbuilding to remain subservient within the wider streetscene and would therefore preserve the visual amenity and quality of the area.

Impact on the Conservation Area

- 3.7. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given that the proposed development would be in keeping with the design, intricate detailing, scale and appearance of the main dwellinghouse and existing garage building; it is considered that the proposal would preserve the character and appearance of the conservation area, causing no significant harm. The outbuilding would not become significantly more prominent within the wider conservation area; the alterations would therefore preserve the character and appearance of the Conservation Area. Furthermore, the proposal is considered to comply with the aims and objectives of the NPPF in relation to design and the preservation of heritage assets. The Heritage officer has no objections subject to condition, and the proposal also complies with 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

- 3.8. The maximum height of the proposed development is shown to measure approximately 4m, which is measured to the top of the apex of the pitched, hipped roof. The parapet would also be raised to a maximum height of 3m. The existing garage building has a maximum height of 2.75m, which is measured to the top of the existing parapet wall. The apex of the pitched, hipped roof is approximately 3m away from the shared boundary wall with the neighbour to the west of the site, and is approximately 13.5m away from the rear elevation of this neighbouring property, number 5 Liverpool Road. The main bulk of the garage, therefore, would only be increased by 15cm.
- 3.9. The neighbouring garden to the west of the application site is well screened by tall planting and a tall brick built wall. The garden is already, to an extent, quite enclosed and is therefore considered that the proposal would not cause a significantly increased sense of enclosure.

3.10 Whilst retaining a 'sea-view' is not a material planning consideration, preserving a neighbour's outlook is. To that end, it is considered that the proposal would sufficiently protect the outlook enjoyed by neighbouring occupiers and would not create a significant sense of overbearing. As such, it is considered that the proposal complies with the NPPF and would sufficiently preserve the residential amenity enjoyed by neighbouring occupiers.

Highways

3.11 The application site has sufficient off street parking and the loss of part of the parking space next to the garage would not significantly impact parking or highways in the area. In any case, one parking space would be preserved next to the proposed development. The proposal, therefore, complies with policy DM13 and is considered acceptable in this regard.

Other Matters

3.12 As the proposal would result in the conversion of a garage to form ancillary accommodation to the main dwellinghouse, it is considered prudent to place a condition on any grant of permission that would restrict the use of the annexe to being only ancillary to the main house, restricting also any rental use. This is in order to control development and prevent an over intensified use of the site.

Conclusion

3.13 The proposal is considered acceptable. It is sympathetically designed and would not detract from the character and appearance of the street and wider conservation area, or harm the residential amenity of the neighbouring occupiers and is considered acceptable in all other material respects. Accordingly the development would comply with the aims and objectives of the NPPF.

g) Recommendation

- I. PERMISSION BE GRANTED subject to the following (summarised) conditions:
 - 1) Standard time condition;
 - 2) In accordance with the approved plans;
 - 3) Materials to be used shall match those used on the existing building;
 - 4) Large scale elevational details shall be submitted relating to the brick or stone boundary walling;
 - 5) The bond and pattern of the brickwork shall match the existing;
 - 6) Large scale joinery details shall be submitted including all new windows and doors;
 - 7) Cross sectional drawings shall be submitted of the parapet, moulding and eaves of the building hereby permitted;
 - 8) The permitted building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 32 The Beach, Walmer. It shall not be severed from the main dwelling, sold off or used as rental property at any time, independent of the main dwelling.
- 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 Planning Committee.

Case Officer

Elouise Mitchell

- a) **DOV/17/01230 – Erection of a detached dwelling, formation of vehicle access and parking - Land rear of 117 Manor Road and adjoining 437 Folkestone Road, Dover**

Reason for report: Number of contrary views (10).

- 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.

DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Paragraph 115 - Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.

Section 85 of the Countryside and Rights of Way Act 2000 states that “in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty

Kent's AONB Management Plan

This is the policy and action framework for local authorities which will influence and help determine decision-making, advice and resource allocation for all their relevant functions in, and affecting, the AONB.

"To conserve and enhance the natural and scenic beauty of the Kent Downs, the scale and design of new development, re-development and restoration is critical".

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/16/00235 - Replace existing tiled roof with slate, replacement dormer window to front, excavations to form new lightwell to rear and enlargement of front lightwell (amended proposal). Approved.

DOV/16/01148 - Excavations to form new lightwell to rear and enlargement of front lightwell, replace existing tiled roof with slate, installation of replacement windows, removal of side front dormer windows, installation of replacement window on rear elevation and bi-fold doors to lower ground floor and construction of associated access steps. Approved.

e) **Consultee and Third Party Responses**

Dover Town Council

- unsuitable access
- over-intensification of the site

County Highways

Regarding the proximity of the existing bus stop to the existing access which will serve the proposed single dwelling, it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access and protected by raised kerbs. Having regard to the above, I do not have concerns over the proposed development in this regard.

Southern Water – no objections raised. The following informative is recommended to be attached with the permission.

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Natural England – no comments made.

Public Representations

Ten (10) representations received objecting to the planning application and raising the following relevant planning matters:

- unsuitable access for commercial vehicles
- the lane proposed to be used as an access is in need of repair

- over-intensification of the site
- the lane is extremely narrow. Currently, a standard car is not able to open 1 door fully should there be a problem and need to stop to exit the vehicle.
- A refuse truck would be unable to drive to the new dwelling, there is no room for a turning circle and again a vehicle of this size would struggle and it would be extremely dangerous to reverse the refuse truck back up the long narrow Lane on to a busy and fast stretch of road.
- There is no pedestrian access consideration within the plan, and the track is currently used by Dover College to access their fields.
- The proposed dwelling is small but two storey and will overlook a number of adjacent properties, creating a loss of privacy.
- There is currently no clear plan for handling waste generated from the property.
- Would also open a precedent for future development of green lands.
- Inaccurate plans.
- There is a lot of wildlife on the proposed site including bats which in season are often seen flying amongst the trees on that plot.

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

- 1.1 The application site comprises part of the rear garden of no.117 Manor Road, a detached dwelling within the settlement confines of Dover. The application site partly adjoins Area of Outstanding Natural Beauty to the south. No.117 (application property) has a deep garden which to the northeast abuts the gardens of four houses namely no.115 Manor Road and nos 1, 2 and 3 Rugby Road.
- 1.2 There is an existing access towards the site from Folkestone Road to the northwest. This access is narrow and it is understood that it is currently used for vehicular access to the rear of no.437 Folkestone Road and pedestrian access to the playing field to the south.
- 1.3 This application seeks permission to erect a chalet bungalow to the rear of no.117 Manor Road including parking for two cars. It would utilise the existing access referred to above and would be extended to provide vehicular access to the application site. The plans show the number of trees to be removed primarily includes a couple of sycamore and a number of conifer trees. At the time of the officer's site visit, some of the trees had already been removed.
- 1.4 The proposed dwelling would comprise of two bedrooms, an open plan kitchen/living room together with an ensuite and a toilet. The footprint of the building is approximately 56sqm and the new dwelling would have an overall floor area of 96sqm.
- 1.5 The proposed dwelling would be finished partly in brick and party in Cedral weatherboarding. It would have a pitched roof with gable ends with dormers in the southwest facing roofslope and two velux windows in the northeast facing roofslope. The roof would be finished in artificial slates. The proposed dwelling would have white UPVC fenestration. Guttering and rain water pipes would be concealed within the building. Hardstanding is being provided within the site for two cars. The hard standings would be provided in block paving with sand infill (permeable) whilst the site would be enclosed by a 1.8m high close boarded wooden fence.

- 1.6 The application was originally reported to Planning Committee on 22 February 2018. Concerns were raised regarding the potential loss of privacy to no.115 Manor Road. The Committee resolved to defer the application for a site visit on 20th March 2018. The applicant's agent was made aware of the concerns raised in relation to loss of privacy and the scheme has since been modified to show the removal of the Juliet balcony to the side elevation of the proposed dwelling which faces the rear elevations of no.117 and no.115 Manor Road.

2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the countryside and the street scene
- The impact on residential amenity
- The impact on the living conditions of future occupiers
- The impact on the highway network
- Impact on Ecology

Assessment

3. **Principle of the Development**

- 3.1 The site lies within the settlement confines of Dover. It is considered that principle of the development is acceptable, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

- 3.2 Although not within the AONB, the site is located directly adjoining the AONB. The site is visible from the AONB. Policy DM16 refers to the character of the landscape being protected. The preamble identifies that this does not however preclude the possibility of the development but that the location of the development should be carefully selected. So due regard has to be given in this case as to whether the development would be likely to harm the AONB character of the landscape.
- 3.3 Section 85 of the Countryside and Rights of Way Act 2000 states that "in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty". Regard should also be had for the Kent Downs AONB Management Plan and the Kent Downs Handbook, which provide advice on how to protect and enhance the AONB. In respect of the AONB, paragraph 115 of the NPPF states that "great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty".
- 3.4 The removal of existing trees from the southwest boundary will inevitably expose the part of site to inward views. However, landscaping has been indicated on the proposed plans and although no detail as such has been given, a condition has been attached which would to some extent

compensate the exposure of the site and mitigate the effect of the development to a suitable degree so that it would not result in undue harm to the character of the AONB landscape to the southwest nor adversely affect the appearance, setting and scenic quality and beauty of the wider AONB. And therefore would accord with the Development plan policy and the aims and objectives of the NPPF paragraph 115 and the Kent Downs Management Plan.

- 3.5 In terms of the character of the area, from Manor Road, the properties to the rear, in particular, nos 1 and 2 Rugby Road are not readily visible through the gaps between the dwellings fronting Manor Road. The proposed dwelling would be sited 44m away from the edge of Manor Road to the rear of no.117. By virtue of significant separation distance from the main road and the limited gaps between the properties nos.117 and 115, limited views of the proposed dwelling would be achievable in the street. The dwelling is considered to be of a modest character with no striking aesthetics and would therefore sit quietly within its plot without making its presence highly prominent in the street. While the dwellings to the rear (nos 1 and 2 Rugby Road) have frontages to the cul-de-sac, the absence of such an access would not be noticeable from Manor Road.
- 3.6 The proposed dwelling would be sited at a distance of approximately 45m from the edge of Folkestone Road. The land rises from southeast to northwest. As such, the dwellings fronting Folkestone Road are at a higher level than the application site. Having regard to the topography of the land and the siting of the proposed dwelling to the rear of the properties fronting Folkestone Road, it would not be visible in the street.
- 3.7 Concerning the urban grain, the dwelling would be sited more or less in line with No 2 Rugby Road and, while it would not be accessed from that road, the depth of development proposed is in keeping with the established character of the area. Overall, the new dwelling would be read amongst and alongside existing built form and development.
- 3.8 In conclusion, for the reasons set out above, your officers are satisfied that the proposal would not detract from the character and appearance of the street scene or the wider area.

Impact on Residential Amenity

- 3.9 Nos 1 and 2 Rugby Road to the northeast
The proposed dwelling would be sited at a distance of approximately 27m from nos 1 and 2 Rugby Road. Having regard for the separation distance between the proposed development and the rear elevations of nos 1 and 2 Rugby Road, no loss of light, sense of enclosure or overshadowing would result from the proposal. A high level rooflight has been proposed within the northeastern roofslope which would serve the bathroom on the first floor. Therefore, no harmful downward overlooking would result from the proposal.
- 3.10 No.115 and No.117 Manor Road (application property) to the southeast
The finished dwelling would be sited at a distance of approximately 25m and 27m from the rear elevations of no.115 and no.117 respectively. Whilst the separation distances by themselves are considered to be reasonable, by virtue of the topography of the land, the proposed dwelling would sit

approximately 4m above the ground level of no.117 and as such its presence would appear more pronounced when viewed from within the habitable rooms of no.115 and no.117. Whilst prominent, and taking into account the separation distance involved, it is not considered that the dwelling would have an overbearing impact upon and/or result in a loss of outlook to the neighbouring properties, sufficient to justify withholding planning permission.

- 3.11 No.437 Folkestone Road to the southwest
The proposed dwelling would face the rearward part of the private garden of no.437 Folkestone Road. Two dormer windows are proposed within the southwestern roofslope facing no.437. The finished dwelling would lie at a distance of approximately 26m from the rear elevation of no.437. By virtue of the siting of the proposed dormers, oblique views of the private garden of no.437 would be achievable, however, by virtue of the separation distance, it is not considered to cause unacceptable harm from overlooking.
- 3.12 No.435 to the northwest
The proposed dwelling would be sited at a distance of approximately 30m from no.435 and would be some 2m below the level of no.435. Having regard for the separation distance, siting and the land topography, it is not considered to cause harm to the residential amenity of the adjacent occupiers of no.435.
- 3.13 The existing access is apparently more readily used as a pedestrian access and less frequently used as a vehicular access, in particular, by no.437 Folkestone Road. There is a detached bungalow (no.435) with a limited area of private garden adjoining the access. There would undoubtedly be vehicle movements which would cause some noise. However, provided the drive is surfaced in a consolidated material such as tarmac, and not loose gravel, the noise arising from the limited number of vehicle movements would be unlikely to be so great as to result in any significant harm to living conditions of no.435.
- 3.14 There are no other properties in the vicinity that would be directly affected by the proposal.

Impact on Highways

- 3.15 The development would utilise the existing access onto the site from Folkestone Road. It is predominantly used as a pedestrian access. Whilst the proposal does not result in the creation of a new vehicular crossover, the nature of use of the access would inadvertently differ as it would be primarily be used for vehicular traffic. It should be noted that the application site falls within the 30mph zone. Having regard for the geometry of the road and the location of the access, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 43m x 2.4m x 43m).
- 3.16 It is noted that there is a bus stop in close proximity to the existing access. KCC Highways have advised that it is not uncommon for a bus stop to be located near private access points. The point at which passengers wait to board or disembark the bus is several metres clear of the existing access

and protected by raised kerbs. Having regard to the above, no concerns have been raised over the proposed development in this regard.

3.17 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two off street car parking spaces. No formal visitor parking is shown, although it would be relevant to note that there are parking bays some distance from the application site along Folkestone Road. Having regard for the above, the development would not cause severe harm to the local highway network.

3.18 The development includes the provision of cycle parking spaces, as recommended by the Kent Design Guide (including Interim Guidance Note 3) and the NPPF. A suitably worded condition could be attached with the planning permission requiring the provision of cycle storage prior to first occupation.

Impact on Ecology

3.19 Concerns were raised regarding the possibility of bats and badgers being present on site. DDC's ecological officer has advised that wildlife using the path and bats flying around the trees could be expected in the vicinity. However, given the proximity to the countryside, it is considered that any impact on protected species would be negligible. It is considered that impact on the AONB would be insignificant, due to the location of the proposed development. Regard has also been had to Natural England's Standing Advice for Protected Species. Given the existing vegetation on site which consists of unmanaged grass, sycamores and conifers, it is not considered that there is any likelihood of protected species being present on site. Therefore, no impact on the ecology would result from the proposal.

Conclusion

4. The proposed dwelling is considered acceptable. It is in the confines. It is of a simple design and appearance and would not appear as an intrusive feature and would not result in harm to the landscape and scenic quality of the adjacent AONB. It would not cause harm to the residential amenity of the neighbouring occupiers and is considered acceptable in all other material respects.

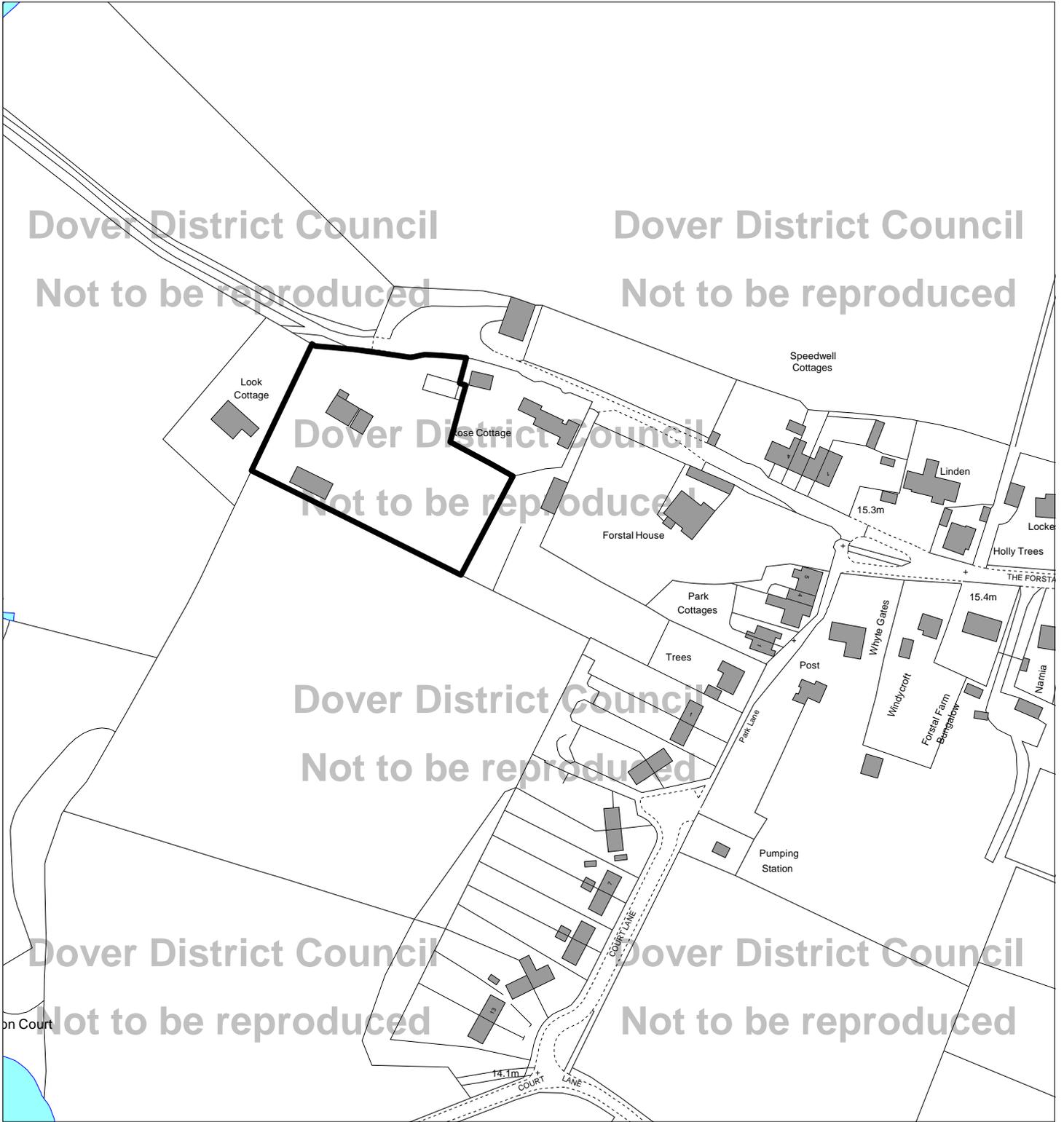
g) Recommendation

I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, ii) A list of approved plans (iii) Materials as confirmed by the applicant (iv) details of the access prior to commencement (v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of foul and surface water.

- 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 the Planning Committee.

Case Officer
Benazir Kachchi

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

Application: DOV/18/00065

Site between Look Cottage and Rose Cottage

The Forstal

Preston

CT3 1DU

TR24566073



- a) **DOV/18/00065 – Erection of a detached dwelling with attached double garage and formation of associated parking (existing buildings to be demolished) - Site between Look Cottage and Rose Cottage, The Forstal, Preston**

Reason for report: Called-in by Cllr Chandler.

- b) **Summary of Recommendation**

Planning permission be refused.

- 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 travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means...
 - approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- Paragraph 17 states that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - 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
- 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.
 - Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
 - Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
 - Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
 - Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

d) **Relevant Planning History**

DOV/09/00915 - Erection of a detached building incorporating a mixed use of residential dwelling and bed & breakfast and an attached garage. Refused.

DOV/10/01194 - Erection of a detached dwelling and attached garage. Refused.

e) **Consultee and Third Party Responses**

Preston Parish Council

Preston Parish Council objects to this application on the following grounds;

- Whilst this is technically an 'infill' nevertheless it is outside the village confines where there is a presumption against development.
- The proposal is for a large house and, it is considered, the scale of it would not sit comfortably with the surrounding buildings.'

PROW Office KCC

No objections.

Southern Water

It has been advised that it may be possible for the flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option. A formal application for connection to the public sewerage system is required in order to service this development.

It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat.

The applicant has not stated details of the proposed means of disposal of surface water from the site. Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water.

Public Representations

1 letter of objection received raising the following matters:

- Unhappy if the septic tank outlets are directed towards our property.
- The lane is too narrow for regular service vehicles eg. refuse collection, oil deliveries, etc to turn. Emergency vehicles eg. fire engines will also have limited access.

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

- 1.1 The application relates to a parcel of land adjoining Forstal House which lies outside the village confines of Preston. The site is accessed by a narrow lane at the end of The Forstal which turns into a bridlepath accessing the marshes. The application site has an existing unmade (informal) access off The Forstal. The application site shares boundaries with Rose Cottage to the southeast and Look Cottage to the northwest. Opposite the application site across The Forstal to the east, there is a two storey detached building (agricultural) which has been granted permission for conversion to residential under the prior approval procedure under (DOV/16/00781) in 2016. The application site is about 50m in depth, wrapping around the rear of the residential curtilage of Rose Cottage and forming part of the side boundary of Forstal House.
- 1.2 The site itself is to grass and contains a number of small weather-boarded buildings, including stables, hay stores and tack rooms, dog kennels, an open barn, the remains of a greenhouse and a metal container.
- 1.3 The site is within an area which is relatively flat, forming a part of the Preston and Ash Horticultural Belt (District Wide Landscape Character Assessment 2006). Whilst the area is generally relatively flat, the levels across the site fall by just below 1 metre from southeast to northwest.

- 1.4 Between the site and Forstal Lane is an embankment (about 0.5m high) atop which is a 2m high (approx.) hedge with some mature trees. The hedging continues along the site's eastern boundary which adjoins the Rose Cottage. There is mature tree screening along the western site boundary which adjoins Look Cottage. The application site adjoins open countryside to the south. Whilst the existing vegetation along the rear boundary provides some screening, it is relatively sparse permitting views through from open countryside to the south and from various points along Court Lane. The application site is also readily visible from the countryside to the north, beyond The Forstal.
- 1.5 The proposal seeks full planning permission for the erection of a large two storey 5 bedroomed detached dwelling. The dwelling would have a double pitched roof and a pitched roof attached garage, which would be built to the front of the property. The dwelling would be 7.5m in height, 18m in width and 10.5m in depth, but would also have two single storey additions to the side, as well as a conservatory to the rear. The dwelling would be finished in yellow stock bricks, with painted render and slate cladding, under a slate roof.
- 1.6 The dwelling would be sited some 15m back from the road, 30m from the side boundary with Look Cottage and 10m from the side boundary with Rose Cottage. The Planning Statement submitted with the application sets out that the dwelling has been sited almost equidistant between Rose Cottage and Look Cottage, with the garage intended to relate to the outbuildings of Rose Cottage. It states that the proportions and materials of the proposed dwelling have been chosen carefully to resonate with existing buildings in the vicinity and that the density and spacing of the proposal is consistent. Boundaries of the site would remain unchanged, apart from adjacent to the vehicle access point, so that pedestrian visibility splays can be provided.
- 1.7 The application is accompanied by a planning statement. This states that the purpose of the dwelling is to provide a home for the applicant's daughter and her four children who wish to move close to the parents/grandparents but have been unable to access the local housing market.
- 1.8 Weight for the proposal is argued on the basis that the the site is previously developed land, the use of which is encouraged by the NPPF and that overall the proposal satisfies the sustainability objectives (social, economic, environmental) of the NPPF.
- 1.9 The application has been called-in by a Member, on the grounds that it is a unique development which utilises the latest advances in Eco sustainability and an innovative concept of social sustainability.

2. **Main Issues**

- 2.1 The main issues are:
 1. The principle of the development
 2. The impact on the character and appearance of the area
 3. The impact on residential amenity
 4. The impact on the highway network

5. The impact on ecology

ASSESSMENT

Principle of the Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose 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.
- 2.3 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location.
- 2.4 It was acknowledged in the recent Ash appeal that the 'tilted balance' (under paragraph 14 of the NPPF) would be applied in respect of development proposals for new housing because the Council's housing evidence base is out-of-date. Members will be aware that the Inspector also agreed that the Council does have a 5 year housing land supply. The tilted balance therefore applies here. In essence, in accordance with paragraph 14 of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Considerable weight should still be applied to Policy DM1 of the Core Strategy. This states that development will not be permitted unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development uses. No such case has been presented with the application to satisfy the requirements of Policy DM1.
- 2.5 Regard will be had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted in line with the tilted balance, i.e. whether any harm identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Impact on the Character and Appearance of the Area

- 2.6 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.7 The road serving the site (The Forstal) is fronted by residential properties. Beyond the confines, in the vicinity of the application site, however, the character becomes much more loose-knit and semi-rural in character. The proposed dwelling would be of a substantial scale and would be located towards the north of the site. It would be readily visible in public views from The Forstal. From the review of the submitted plans, it is apparent that the application site has an existing unmade (informal) access off The Forstal. The proposed dwelling would require engineering works for the excavation of the existing embankment and the loss of hedging and trees to secure a suitable access to the site. This would significantly erode the character of the rural lane at this point. Views from the lane would be gained of the new dwelling,

which would be seen together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, all of which would jar with the relatively unspoilt rural setting and which would have urbanising effect on the immediate area to the detriment of the rural character and appearance of the immediate area. The visual impact of the development is exacerbated by the scale of the development, producing a prominent and dominant form of development which would be visually intrusive at odds with the prevailing character of the area and harmful to the character and appearance of the countryside.

- 2.8 It has been established that the development would adversely affect the character of the countryside; as such Policy DM15 would apply. Regard must be had, therefore, to whether in light of this harm, the proposed development could be acceptable by meeting any of the four criteria listed under Policy DM15 *which include (i) it is in accordance with allocations made in the Development Plan Documents; or (ii) justified by the needs of agriculture; or (iii) justified by a need to sustain the rural economy or a rural community; (iv) it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats*). In respect of these matters, the proposed dwelling would be located in a rural location beyond any designated settlement confines. It is not justified by the needs of agriculture. Whilst it is acknowledged that the proposal would provide a short term economic benefit, by providing employment during the construction phase, it is not considered that it would apply to a sufficient degree to set aside the harm identified. Furthermore, no overriding justification has been provided that demonstrates why it needs to be in this location and why it cannot be accommodated elsewhere. Whilst the development would not result in the loss of ecological habitats, as none of the four preceding criteria would be met, the development is contrary to Policy DM15.
- 2.9 Regard must also be had for whether the development would harm the wider landscape character of the area, as identified through the process of landscape character assessment, in accordance with policy DM16. Where harm is identified, permission could be given if (i) it is in accordance with the development plan and incorporates any necessary avoidance and mitigation measures, or (ii) can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.10 Regard has been had to Dover District's Landscape Character Assessment (2006). In respect of this locality, it states; *"the landform is very gently undulating to nearly flat. Very enclosed with high hedges and shelterbelts, although arable land is more open. Woodland and hedgerow trees generally not present. Mature trees generally associated with buildings and settlement. Otherwise hedgerows form dominant cover. The pattern is regular rectilinear, small to medium scale. Occasional arable fields with few internal boundaries, defined by surrounding roads. Land use: Orchards and market gardening. Mostly apples, some cherry and soft fruits. Arable increasingly positioned away from marshland edge. It is largely unspoilt by development, with little 20th century development, mostly confined to 1970's bungalows at the edges of existing settlements [my emphasis]. Strong vernacular styles of thatch, weatherboarding, soft red brick and Flemish influence dominate. Narrow enclosed roads that follow field boundaries (right-angle turns) with Drove roads out to the marshes. Many roads are named as 'Streets', such as Cop Street and Cooper Street, and there are many 'no through roads'.*
- 2.11 Whilst the existing vegetation on the site provides some screening, it would be visible in the wider landscape from the south, from the north, northeast including from various points along Court Lane. It is relevant to note that the curtilage of the

detached agricultural building to the east of the site across The Forstal (granted for conversion to C3) is limited and does not extend towards the west. Therefore, it would not obstruct/screen any views from the north into the site. By virtue of the site's location, topography of the site and the scale of the proposal, it is considered that the proposed development would be significantly at odds with and detrimental to the character of the wider landscape as identified through the process of the Dover District's landscape character assessment, which apart from other factors, also identifies that the area is largely unspoilt by development. As the development is not in accordance with allocations in the development and does not mitigate such harm to an acceptable level, it is contrary to Policy DM16. The NPPF calls for development to take into account the intrinsic character and beauty of the countryside.

- 2.12 Overall, by virtue of the scale, siting and type of development, the proposed development would erode the rural character of the immediate area, introducing an overtly urban form of development into a rural setting. It would also cause significant harm to the wider landscape (DM16). As such, the development would be contrary to Core Strategy Policies DM15, DM16 and aims and objectives of the NPPF.

Impact on Neighbours

- 2.13 The finished dwelling would lie at a distance of approximately 40m from Look Cottage to the west and 27m from Rose Cottage to the east. Having regard for the substantial separation distance, it is not considered that the proposed dwelling would cause harm to the residential amenity of the neighbouring occupiers.

Living Conditions of Future Occupiers

- 2.14 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a large private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Highways/Travel Impacts

- 2.15 Regard has also been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional (albeit modest) travel in a location beyond settlement confines where the Plan restricts such development and as such would be contrary to policy.
- 2.16 The development would extend/widen the existing (informal) access to the site from The Forstal. It is considered that the proposed access is of a geometry which would be appropriate to serve the proposed dwelling. The Forstal is a relatively narrow road which does not benefit from the provision of footpaths and, in parts, is in a poor state or repair. Whilst this road is far from ideal, it is not considered that it would be inappropriate to provide access to the proposed development, which would generate a relatively low number of additional vehicle movements upon it.
- 2.17 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate four open car parking

space and two garaged car parking spaces. It is noted that under Table 1.1 of the Core Strategy, it is stated that garages could be counted towards considering the parking provision; however, it should not constitute a significant proportion of overall provision. In this instance, the proposed garages would provide two additional parking spaces for the dwelling. Having regard for the above, the development is not considered to cause severe harm to the local highway network.

- 2.18 The development does not include any defined provision of cycle parking spaces, although the submitted Design and Access Statement confirms that such provision will be made. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Ecology

- 2.19 Regard has been had to Natural England's Standing Advice which suggests that in large gardens in suburban and rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The surrounding area contains established trees and hedgerows which could provide habitat for protected species. Having visited the site, it was noted that the parcel of land subject of this application comprised managed grass, a few mature trees and a yew hedge. Whilst it is acknowledged that the surrounding area may contain protected species, given the existing vegetation on site, it is not considered that there is any likelihood of protected species being present on site.
- 2.20 There will be some loss of hedge along the front boundary for the creation of a vehicular access. It is noted that the hedge is species poor and as such its loss would have a negligible impact on the biodiversity of the area.

Other Material Considerations

- 2.21 The NPPF is an important material consideration. Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental. As confirmed above, the Council can demonstrate a five year housing land supply and it is in this context that the NPPF must be read.
- 2.22 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.
- 2.23 With regards to the social role, it is not considered that the proposal would result in the creation of a high quality environment. Whilst it is acknowledged that the proposed development would provide one dwelling, the benefit associated with it would be negligible as the Council can demonstrate a 5.65 year housing land supply.
- 2.24 Turning to the environmental role, it is considered that the proposal would result in an intrusive form of urbanisation in this part of countryside, which would fail to protect or enhance the natural environment.
- 2.25 The proposed dwelling would be around 150m from the village confines and, given the particular circumstances of this site, it could reasonably be described as being

adjacent to the village. Preston is defined as a 'Village' within the Settlement Hierarchy at CP1 of the Core Strategy. The Land Allocations Local Plan (2015) confirms that the village provides a village hall, a church, a primary school, a playing field, a public house, a village shop, a butchers and a farm shop. It appears that all of these facilities, with the exception of the farm shop, remain. The majority of the facilities and services are to the north of the village, between 0.7km and 1km away. Whilst, therefore, the village has a limited range of facilities, it does not have all of the day to day facilities which would be required and, consequently, future occupants would be highly likely to need to travel outside of the village. The nearest bus stop is located at the end of The Forstal on The Street, around 350m from the proposed dwelling. This bus stop accommodates the No.11 service which provides around five services a day between Thanet and Canterbury, although there are no services on Sundays. Whilst this bus stop is walkable (albeit along The Forstal, which does not provide footpaths), the frequency of service is poor, reducing the attractiveness of bus travel. The next nearest settlement, Wingham (which is a Local Centre) is approximately 2.7km to the south. The nearest train station is a substantial distance from the site. Taking the above facts in the round, it is very likely that the proposal would encourage travel by car, thereby working against the sustainable travel and reduction of the pollution objectives of the NPPF contrary to paragraphs 17 and 29 of the Framework. So, there is lack of compliance with Policy DM11 and the NPPF's sustainable and reduction of pollution objectives to consider.

- 2.26 At point 5 of the planning statement, it is stated that the land is previously developed (PDL). The definition of PDL at Annex 2 of the NPPF states - land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed infrastructure. It excludes land in built-up areas including private residential gardens but doesn't extend this definition to residential gardens in rural areas. Assuming the land is used as garden land to the Forstal House (as claimed in the application), it would technically be PDL. It is acknowledged that the NPPF encourages the use of PDL. In the circumstances of this case however, it is considered that the use of garden land for building would represent, at best, a very modest environmental benefit. However, there are material considerations that would militate against this 'benefit' as such.
- 2.27 The proposal would provide at best only very limited social, economic and environmental benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environmental objectives relating to the detrimental impact to the countryside and wider landscape and to a more limited extent, and discouraging sustainable travel patterns. To conclude, it is not considered that the development represents 'sustainable development' and is not, therefore, supported by the provisions of paragraph 14 of the NPPF.

3. Conclusion

- 3.1 The application site lies outside of settlement confines, where planning policy strictly controls new development. The proposal doesn't address any of the exceptions allowed for by policy and as such is considered to be unacceptable in principle, contrary to Policy DM1. The proposal would constitute an incongruous and visually intrusive feature in this important wider landscape and the rural environment to the detriment of the character and appearance of this part of countryside contrary to policies DM15 and DM16. The very limited benefits associated with the proposal are considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Therefore, the proposal would be contrary to the

Development Plan policies. It would not be supported by the provisions of paragraph 14 of the NPPF and would not constitute a sustainable form of development.

- 3.2 Members will note that the recommendation for refusal follows two similar decisions by the Council in 2009 and 2011 relating to similar proposals on the same site.

g) **Recommendation**

I PLANNING PERMISSION BE REFUSED for the following reason:

1. The proposed development and its associated engineering works and alterations, if permitted would result in an unjustified dwellinghouse, outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable unjustified sporadic residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car and would harm the rural character and appearance of the locality and the wider landscape contrary to policies DM1, DM11, DM15 and DM16 of the Core Strategy and paragraphs 14, 17, 61 and 109 of the National Planning Policy Framework.

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

Case Officer

Benazir Kachchhi