

Public Document Pack



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13 June 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 21 June 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 "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
P M Beresford
T A Bond
D G Cronk
M R Eddy
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 6-17)

To confirm the attached minutes of the meetings of the Committee held on 17 and 24 May 2018.

5 **ITEMS DEFERRED** (Page 18)

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

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

6 **APPLICATION NO DOV/18/00025 - LAND BETWEEN CHAPEL ROAD AND ST MARY'S GROVE, ST MARY'S GROVE, TILMANSTONE** (Pages 23-33)

Change of use from agriculture to private keeping of horses; erection of a detached stable block; formation of hardstanding for vehicle turning area and associated parking, and new vehicle access and gates

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

7 **APPLICATION NO DOV/17/00892 - FORMER GREYHOUND PUBLIC HOUSE, DORMAN AVENUE SOUTH, AYLESHAM** (Pages 34-50)

Erection of 17 no. two and three-bedroom dwellings, creation of access roads and parking

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

8 **APPLICATION NO DOV/18/00095 - LAND ADJOINING THE MINNS, MANTLES HILL, RIPPLE** (Pages 51-63)

Erection of a detached dwelling with associated access and parking

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

9 **APPLICATION NO DOV/17/00876 - LAND EAST OF WOODNESBOROUGH ROAD, SANDWICH** (Pages 64-101)

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.

10 **APPLICATION NO DOV/17/00704 - BEACON CHURCH AND CHRISTIAN CENTRE, LONDON ROAD, DOVER** (Pages 102-113)

Change of use and conversion into 9 no. self-contained flats (5 x 2 bedroom and 4 x 1 bedroom)

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

11 **APPLICATION NO DOV/17/00879 - ACCESS AND 105 LEWISHAM ROAD, RIVER** (Pages 114-123)

Erection of a detached dwelling, formation of parking area, demolition of existing garage, demolition of existing conservatory and extension of existing driveway (Amended description, amended drawings, re-advertisement)

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

12 **APPLICATION NO DOV/18/00209 - 63 LEWISHAM ROAD, RIVER** (Pages 124-130)

Erection of two-storey and single storey side extensions; demolition of existing lean-to structures and demolition of single storey rear extension

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

13 **APPEALS AND INFORMAL HEARINGS**

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

14 **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, 17 May 2018 at 6.03 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: J S Back
S F Bannister
P M Beresford
T A Bond
B W Butcher
D G Cronk
B Gardner
M J Ovenden
P M Wallace

Also present: Councillor P D Jull

Officers: Principal Planner
Principal Planner
Planning Officer
Planning Consultant
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/18/00317	-----	Ms Rebecca Simcox
DOV/17/00996	Ms Pam Steed	-----
DOV/17/00879	Mr Mark Finnis	Mr Phil Stewkesbury

196 APOLOGIES

It was noted that an apology for absence had been received from Councillor D P Murphy.

197 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillor J S Back had been appointed as a substitute member for Councillor D P Murphy.

198 DECLARATIONS OF INTEREST

There were no declarations of interest.

199 MINUTES

The minutes of the meeting held on 19 April 2018 were approved as a correct record and signed by the Chairman.

200 ITEMS DEFERRED

The Chairman noted that there was one deferred item listed which remained outstanding.

201 APPLICATION NO DOV/18/00317 - LAND REAR OF WINCOLMLEE, 46 SALISBURY ROAD, ST MARGARET'S BAY

The Committee was shown a plan and photographs of the application site which was situated at the bottom of the rear garden of a property known as Wincolmlee. The application sought outline planning permission for a detached dwelling, with all matters reserved. The site fronted onto Victoria Avenue which was not a maintained public highway and in poor condition. There had been no change in circumstances since outline planning permission was granted in 2015 for the same proposal and plot. The proposal was firmly in line with the Council's Local Plan policies. Two further representations had been received since the report was written. The first raised no new matters which had not already been covered in the report. The second was from the parish council which, whilst it raised no objections, did not want this to be taken as approval. The Committee was advised that condition xi) was a condition imposed by the previous Planning Committee. However, it was no longer considered to meet the tests for conditions and its removal was therefore recommended. However, a suitably worded informative could be added to seek the applicant's best endeavours to undertake works of repair to the road during construction.

Councillor B W Butcher referred to the planning history of the site, stating that concerns raised previously could be overcome by the imposition of conditions. Whilst he recognised that the access was narrow, the fact remained that it was used by other drivers and they and the new occupant would be jointly responsible for its upkeep. Councillor J S Back referred to an in-fill development at no. 52. The proposal complied with Core Strategy Policy DM1 and the National Planning Policy Framework (NPPF). He was confident that Officers would ensure that the final design of the property was in keeping with the character and appearance of the area, and was of the view that there were no planning grounds on which to refuse the application.

Councillor B Gardner expressed frustration that planning permission for a dwelling on the site had been kicking around for nearly 20 years but had yet to be implemented. The failure by the applicant to build on the site had contributed to the Council not being able to meet its 5-year housing land supply.

The Chairman expressed sympathy with Councillor Gardner's viewpoint but stated that it was not a defensible ground for refusal. In response to concerns raised by Councillor M J Ovenden regarding the potential loss of trees and hedges, he reminded Members that it was an outline application only with the details to be agreed at the reserved matters stage. Whilst the application was in line with policies, the dwelling would need to be sensitively designed in order to overcome issues such as overlooking and loss of privacy. Councillor P M Wallace stated that there was considerable weight behind the application given that it was policy-compliant and had been approved at appeal by a Planning Inspector. However, the devil was in the detail and, for this reason, he sought reassurance that reserved matters would come back to the Committee for determination.

Following concerns raised by Members regarding delays in implementation, the Planning Consultant confirmed that it would be possible to impose a condition that required reserved matters to be submitted within one year of the decision, with

commencement of the development to take place within two years of approval of the reserved matters. As well as two informatives regarding design and the road, it was suggested that condition v) should be amended to refer to the retention of existing planting along the boundary with Quiet Shades, with details of replacement planting to be submitted.

RESOLVED: (a) That Application No DOV/18/00317 be APPROVED subject to the following conditions:

ii) Reserved matters to be submitted within 1 year of the date of this permission;

(ii) The development hereby permitted shall be begun not later than 3 years from the date of this permission;

(iii) Built in accordance with the approved drawings;

(iv) Soft/hard landscaping works to be submitted;

(v) Retention of existing planting along the boundary with Quiet Shades and details of replacement planting to be submitted;

(vi) Details of boundary treatment to be submitted;

(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.

(c) That all reserved matters be brought back to the Planning Committee for determination.

Informative: The Planning Committee requests that the applicant uses his best endeavours to undertake works of repair to Victoria Avenue during construction.

Informative: The Planning Committee advises the applicant that, due to the sensitivity of the site in relation to surrounding buildings and the conservation area, the design, layout, scale and use of materials for the new dwelling will need to be sensitive and carefully considered in order to ensure that the prevailing character and appearance of the area is preserved.

202 APPLICATION NO DOV/17/00996 - UPTON FIELDS, REAR OF MILLFIELDS, COLDRED ROAD, SHEPHERDSWELL

Members viewed plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the change of use of the land for the keeping of horses and as a stud farm on a site which occupied a relatively discreet location. There would be nine stables grouped together in three blocks. The application was part retrospective as some blocks had already been erected. However, building works had stopped as soon as the applicant became aware that planning permission was required. Kent County Council's (KCC) Public Rights of Way (PROW) team had raised no objections,

providing there was no obstruction to PROW ER77 which ran along the western edge of the site. Since the report was written, an additional representation had been received which raised no objections in principle but sought reassurance that the change of use would not generate mud on the road. On the latter point, KCC Highways had been consulted and a condition would be imposed relating to the surfacing of the access track for the first five metres.

In response to Councillor Back, the Chairman clarified that once permission for a change of use had been granted, the land would no longer be considered as agricultural land. Any subsequent application to erect a dwelling on the site would therefore have to be submitted through the normal planning permission route. The Principal Planner also clarified that the applicant lived sufficiently close that there were no concerns in relation to the safety and welfare of horses and foals.

Following concerns raised about arrangements for the disposal of manure, the Principal Planner confirmed that conditions could be added to prohibit bonfires on the site and to ensure that the manure trailer was stored well away from houses. The condition could be suitably worded to ensure that any variation in arrangements would need written approval. An informative would also need to be added in relation to the PROW.

RESOLVED: (a) That Application No DOV/17/00996 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Materials as approved;
- (iii) Boundary treatment (including removal of close-boarded fence);
- (iv) No external lighting; details to be submitted;
- (v) Stud farm – no livery, riding stables or gymkhanas;
- (vi) Limit to 12 horses;
- (vii) No paraphernalia/storage outside buildings; details of storage to be submitted;
- (viii) 5-metre access track surfacing; details to be submitted;
- (ix) Drainage details;
- (x) Hard and soft landscaping; maintenance period;
- (xi) Provision for manure storage and disposal, details to be submitted; no manure to be burned on site and storage in the approved location; any variation to be submitted to, and approved in writing by, the Local Planning Authority;
- (xii) If use ceases, all structures to be removed from land and site restored to its former condition.

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

Informative: Public Right of Way – advise no works or stopping up without the express consent of Kent County Council PROW Unit

203 APPLICATION NO DOV/17/00879 - ACCESS AND 105 LEWISHAM ROAD, RIVER

The Committee was shown plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a single storey dwelling in the rear garden of 105 Lewisham Road and the demolition of the existing garage. The proposed dwelling would be accessed via a track leading off Cowper Road. Permission was also sought to demolish the existing conservatory on the side of 105 Lewisham Road and the extension of its front driveway to increase the off-street parking provision for no. 105. Since the report was written, four additional representations had been received, including one from River Parish Council noting the administrative changes. One representation had been circulated to Members. None of these representations raised any new matters. If approved, it was recommended that condition (vii) should be amended to refer to refuse collection.

In respect of the access track, it was confirmed that there was good visibility on the track which was already being used by five or six other dwellings. Due to the length of the track, a sprinkler system would be installed to address fire safety concerns. The proposal was acceptable in policy terms and also in respect of its design and impact on residential amenity and highways.

Some representations had referred to pre-application advice. It was clarified that, whilst the initial advice from Officers had been negative, this had related to a different scheme which had proposed that the access would be via Lewisham Road. The advice given by Officers had gone on to state that a scheme with rear access, like the one proposed, might be appropriate.

Councillor P M Beresford raised concerns about the ownership of the access track and visibility from the track onto Cowper Road. She was also concerned about the adequacy of fire safety measures and suggested that a site visit should be held. Councillor Gardner supported the proposal for a site visit, expressing concerns about the width of the track for construction traffic. The Planning Officer confirmed that the access track was owned by one or two property owners who had afforded rights of way over the track to nos 88 to 105 for parking/garage use. Informal discussions had been held with KCC Highways which had raised no concerns regarding visibility. She clarified that fire safety was a matter for Building Control and could not be controlled by planning conditions. In response to concerns raised about refuse collection, she confirmed that the track was 110 metres in length. Whilst guidance on refuse collection suggested that 25 metres was the acceptable maximum carrying distance for bins, this was only guidance and not a requirement.

Councillor Bond expressed surprise that access via Lewisham Road had not been viewed more favourably by Officers. Councillor Wallace raised concerns about the impact of the proposed development on the character and appearance of the area, and the potential for similar applications to come forward if permission were granted. He also attached considerable weight to the fact that the parish council was opposed to the proposal and that the ward Member had suggested a site visit.

Councillor Butcher spoke in favour of the proposal, stating that the access track was wider than suggested and that it was unlikely that the bungalow would cause problems with overlooking when it was surrounded by two-storey properties. In his view, the benefits of the proposal outweighed any harm that might be caused.

The Planning Solicitor advised that precedence could be considered as a material planning consideration, and some weight could therefore be attributed to it in the decision-making process, particularly where an application was contrary to policy.

The Chairman clarified that the advice given at the pre-application stage had been based on that proposal's proximity to no. 103. He was also aware of discussions which would allow the applicant to have his refuse bins collected from Lewisham Road, subject to a covenant being agreed. In respect of the latter, the Planning Officer confirmed that if such an arrangement was agreed, further details would be required to establish the width of the space at the side of the house.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/00879 be DEFERRED for a site visit to be held on Tuesday 19 June to enable Members to assess: (i) access arrangements; (ii) visibility for vehicles exiting onto Cowper Road; and (iii) Refuse arrangements (including whether bins left on Cowper Road will impede pedestrians/vehicles), and Councillors S F Bannister, P M Beresford, B Gardner, F J W Scales and P M Wallace (reserve: Councillor D P Murphy) be appointed to visit the site.

204 APPEALS AND INFORMAL HEARINGS

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

205 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.

The meeting ended at 7.36 pm.

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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 May 2018 at 6.01 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: S F Bannister
P M Beresford
B W Butcher
M R Eddy
B Gardner
P J Hawkins
P D Jull
S C Manion

Officers: Head of Regeneration and Development
Team Leader (Development Management)
Principal Planner
Planning Solicitor
Head of Regulatory Services
Environmental Protection Manager
Environmental Health Officer
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/15/00827	Mr Pat Doran Mr Kieran Gaylor Mr Chris Cobbald	Ms Suzanne Bangert Ms Penelope James Councillor M J Ovenden

1 APOLOGIES

It was noted that apologies for absence had been received from Councillors T A Bond, D G Cronk, D P Murphy, M J Ovenden and P M Wallace.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that Councillors P D Jull, P J Hawkins, S C Manion and M R Eddy had been appointed as substitute members for Councillors T A Bond, D G Cronk, M J Ovenden and P M Wallace respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 ITEMS DEFERRED

The Chairman noted that there was one deferred item listed that was subject to further work.

5 APPLICATION NO DOV/15/00827 - LYDDEN HILL RACE CIRCUIT, WOOTTON

Members viewed maps, plans, drawings and photographs of the application site which was located in countryside to the south of the A2, with the nearest settlements being Shepherdswell and Lydden. Wootton, which was not defined as a settlement, was located 0.7 miles to the south-west. The Principal Planner advised that the site was situated within the Kent Downs Area of Outstanding Natural Beauty (AONB) and, as such, imposed a statutory duty upon the Local Planning Authority (LPA) to have regard to conserving or enhancing the natural beauty of the AONB.

Dealing first with the history of site, the Principal Planner advised that this was set out in section D of the report. However, he wished to draw Members' attention to two planning permissions in particular. The existing race control tower had been permitted in 2013, along with other more modest buildings which were yet to be built. Other existing buildings included offices and a scrutineering building. A hillside to the north of the circuit was currently used for spectator parking and viewing events, whilst an area of raised ground to the south of the circuit was used for camping. The first permission granted in the early to mid-1990s had given permission for a substantial development to provide a base for MacLaren. Whilst this permission had been implemented, it was not regarded as a realistic fall-back position due to the bespoke nature of the permission to serve MacLaren which had since established a base in Surrey. The site had been the subject of two Article 4 Directions which had restricted permitted development rights at the circuit. A Noise Abatement Notice had also been served on the circuit in 2015 in an attempt to deal with noise nuisance outside the planning process.

Turning to the application itself, Members were advised that two grandstands, VIP and scrutineering buildings and a terrace of business and general industrial units were proposed, along with a new access from Geddinge Lane and a further camping area. The use of the circuit was currently restricted to 52 days per year for racing and practice. The application proposed to add to the existing use quite substantially for events such as car demonstrations and driving experience days.

The site was situated in the countryside and Core Strategy Policies CP1 and DM1 were therefore relevant. CP2 and DM3 which related to employment and commercial development also applied. Policy A13 was a policy that was specific to the site and had been saved from the 2002 Local Plan which had (with the exception of saved policies) been superseded. However, it was acknowledged that the evidence base for the current Local Plan was out-of-date and that the application should be assessed against the National Planning Policy Framework (NPPF). Whilst it was recognised that much of the development functionally required this location, by virtue of the need to be co-located with the circuit, the same could not be said for the engineering units. The principle of this element of the proposal was therefore contrary to the Local Plan. In respect of the NPPF, it was important for Members to note that the tilted balance approach set out in paragraph 14 was not applicable as the scheme was contrary to specific AONB policies outlined in the NPPF. Notwithstanding this factor, a balanced assessment of the scheme had been undertaken and had concluded that the development was not sustainable.

Policies DM15 and DM16 sought to resist development which would harm the character of the countryside and the landscape, whilst the NPPF advised that great weight should be given to conserving the landscape and scenic beauty of the AONB. Unless there were exceptional circumstances, major development in the AONB should be refused. A Landscape and Visual Impact Assessment had been

submitted which assessed the impact of the development from key viewpoints. It was acknowledged that the existing buildings were not visible from most viewpoints due to there being in a valley. However, from certain viewpoints, the proposed grandstands, scrutineering building, parked cars and spectator hillside would be prominent and therefore particularly harmful to the character of the landscape. In addition, the camping area would be visible from some viewpoints, including the Public Right of Way (PROW) ER111, thus diminishing users' enjoyment of the natural beauty of the area. Whilst landscaping proposals had been submitted which would provide some mitigation, these were not considered to alleviate Officers' concerns. It was considered that more distant views would cause only a minor or insignificant impact.

Existing access to the site was via Dumbrill Hill which was only accessible from the Canterbury bound carriageway of the A2. Third parties had raised concerns about the impact of existing traffic on the A2 and surrounding rural lanes. The application sought to use a new access from Geddinge Lane which would be directly accessed from the Canterbury and Dover bound carriageways. Highways England had raised no objections to the proposal, and had advised that it intended to alter the timing of the traffic lights at the junction to improve their efficiency. A tiered system of car parking was proposed, including the use of an additional area for the largest events which would potentially alleviate some of the problems experienced with tailbacks.

Planning conditions imposed in the 1980s had proved difficult to enforce and lacked the necessary controls that would avoid the circuit being a nuisance to neighbours. Given that the application proposed that the circuit would be used for a significant number of additional days per year, it was evident that, without mitigation measures, the level of noise nuisance would be exacerbated. Whilst the applicant was proposing a range of additional controls to mitigate the nuisance caused by the existing and proposed uses at the circuit, concerns had been raised by third parties about the lack of detail provided. Nevertheless, these concerns could be addressed through the use of conditions.

It was considered that most of the development would not harm the tranquillity of the AONB given that it had already been diminished as a result of the use of the existing circuit and the A2. An exception to this was the new camping area which would diminish tranquillity along the PROW. The application would significantly increase the use of the site and the range of facilities and services that would be provided. The applicant had advised that the development would realise an investment of approximately £6 million, supporting 122 full-time equivalent jobs. Whilst third parties had queried these projections, they were not considered by Officers to be unreasonable, and the development's impact on employment should therefore be given considerable weight.

In summary, the principle of the B1 and B2 engineering units was not compliant with policy. The development would cause significant harm to the character of the countryside and to the tranquillity, landscape and scenic beauty of the AONB. That said, the highways improvements would counter the additional vehicle movements to and from the site, and the noise mitigation measures would mitigate the increased use of the circuit. In addition, the economic benefits of the proposal carried significant weight. However, overall, it was considered that there were no exceptional reasons to permit the engineering units in the countryside within the AONB. Refusal was therefore recommended, with a minor change to the report's second reason for refusal, replacing 'substantial' with 'significant'.

The Environmental Health Officer advised that the Council's Environmental Health team had initially recommended that the application should be refused due to the lack of information provided by the applicant. However, since then, Officers had consulted the Council's acoustic consultant and the Planning Officer, and had held discussions with the community and its representatives, with the aim of forming a balanced and informed view. The applicant had developed a draft noise management plan based on the Goodwood motor circuit model favoured by both the community's representatives and Environmental Health. Significant work had gone into developing the draft plan, and certain concessions and controls had been proffered by the applicant. As such, and on balance, Environmental Health was of the view that additional activity at reduced noise levels would not necessarily lead to an increased impact. Several conditions had been recommended, including the requirement to produce a fully detailed noise management plan within three months. This would then be considered by the LPA and, if approval were not given, it was understood that none of the proposed increases in activity could take place. Should the development be permitted, Environmental Health would expect to be kept fully informed of developments as testing took place in order to add the necessary detail to the plan.

Councillor B Gardner referred to the numerous complaints he had received from residents living nearby. Residents had been asking for better ticketing arrangements and traffic queuing systems for years but to no avail. Councillor B W Butcher considered that the application ticked a lot of boxes but more work was needed. Councillor P M Beresford agreed that there were some positive elements to the application, commenting that extra days of usage did not necessarily mean extra event days. However, she had concerns about the transportation of vehicles destined for the engineering units along narrow lanes.

Councillor M R Eddy doubted the claims made that the development would lead to a significant number of well-paid jobs given that these included event-day staff and various roles within the engineering units. He was also unconvinced by the figures given for off-site jobs and expenditure. Most people visiting the circuit would do so for the day rather than staying over, and they were unlikely to spend a significant amount off-site when there were limited facilities nearby. Councillors Gardner and Hawkins agreed that there were likely to be limited benefits for the local economy as most visitors would eat at the site and leave the same day. Councillor S F Bannister was of the view that there was no necessity for the engineering units to be located at Lydden, and particularly so given that it was not easily accessible by public transport.

Councillor P D Jull spoke in favour of the application which, in his opinion, would have minimal visual impact on the AONB.

The Chairman reminded Members that they were required to weigh up the pros and cons of the application. However, the scale was weighted more heavily against the application given that the site was in the AONB. He expressed surprise that no ticket sales data was available.

The Principal Planner advised that the existing and projected visitor spend figures supplied by the applicant were estimates. Without any robust evidence, it was deemed unsafe to dispute them. The potential economic benefits had been discussed with the Head of Inward Investment. The projected spend per visitor of £15.35 was based on the standard assessment methodology and was considered reasonable as an overall figure. The Committee was reminded that it was generally required to take account of the tilted balance approach set out in the NPPF,

weighing up any adverse impacts and considering whether these significantly and demonstrably outweighed the benefits of the proposal. However, the tilted balance approach was not engaged where specific policies in the NPPF indicated that development should be restricted, as was the case with this application since the site was located within the AONB.

The Environmental Health Officer advised that background noise from the A2 varied according to the wind direction but was generally in the low to mid-40s without contributory noise from the circuit. In response to Councillor Bannister, the Principal Planner clarified that the traffic lights would only be altered when the circuit was in use. The proposal would potentially improve the traffic situation by providing a direct right-hand turn from Canterbury. It was clarified that the planning permission given for MacLaren had been specific to their needs, and the applicant had confirmed that they would not be in a position to undertake that size of development. Since that scheme was unlikely to be built, the permission carried little weight as a fall-back position. In response to Councillor Eddy, it was confirmed that a design and access statement had been submitted which explained the rationale for the design approach taken across the circuit as a whole. However, Officers had concerns about the size and scale of the buildings, as well as the use of some materials which would give them a stark appearance.

In response to a suggestion by Councillor Jull that the application should be refused on the first ground only, the Principal Planner reminded him that the applicant's own landscape and visual impact assessment had concluded that there would be visual impacts to varying degrees from several viewpoints. Moreover, the Kent Downs AONB Unit and the Council's Principal Ecologist had raised objections to the application. For these reasons, the second reason for refusal covering the impact on the AONB should be retained.

RESOLVED: That Application No DOV/15/00827 be REFUSED for the following reasons:

(a) The proposed engineering units (Use Class B1 and B2) are located in an unsustainable countryside location within the Kent Downs Area of Outstanding Natural Beauty. Such a location would fail to support a pattern of development which facilitates the use of sustainable modes of transport or reduces the need to travel, and would intensify the development within the Area of Outstanding Natural Beauty. The application has failed to provide sufficient evidence to demonstrate that these engineering units functionally require such a location or to demonstrate that there is an overriding public interest in their provision. Consequently, these engineering units are contrary to Policies CP1, DM1 and DM3 of the Dover District Core Strategy and paragraphs 17, 29, 115 and 116 of the National Planning Policy Framework.

(b) The proposed development, by virtue of the location, scale, height, design and use of materials of the VIP Building, Grandstand 1, Grandstand 2 and the Scrutineering/Admin/Canteen/Shower/WC Block, and by virtue of the location and scale of the camping area to the south-west of the Public Right of Way ER111, would cause significant harm to the character of the countryside and the tranquillity and landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, which would not be overcome by the landscaping

mitigation which has been proposed. Consequently, the erection of these buildings would be contrary to Dover District Core Strategy Policies CP7, DM15 and DM16 and paragraphs 17, 56, 58, 60, 61, 115 and 116 of the National Planning Policy Framework.

6 APPEALS AND INFORMAL HEARINGS

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

7 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.

The meeting ended at 7.28 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 21 JUNE 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/17/00876** **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) – Woodnesborough Road, Sandwich (Agenda Item 7 of 22 March 2018)**

2. **DOV/17/00879** **Erection of detached dwelling, formation of parking area, demolition of existing garage, demolition of existing conservatory and extension of existing driveway (Amended description, amended drawings, re-advertisement) – Access and 105 Lewisham Road, River (Agenda Item 8 of 17 May 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.

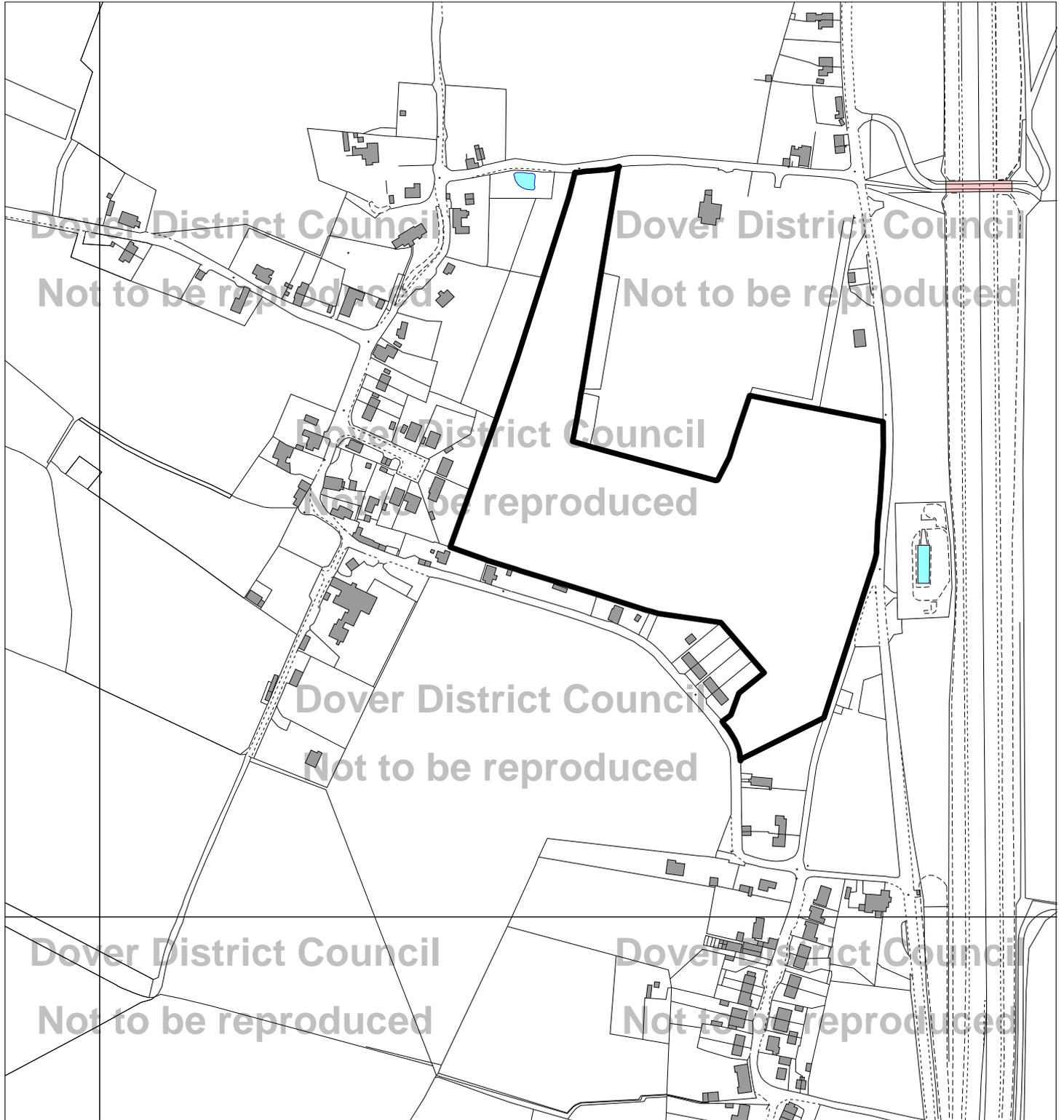
Article 14 - Prohibition of discrimination.

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.



Not to scale

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published 2018

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

Application: DOV/18/00025

**Land between Chapel Road and St. Mary's Grove
St Marys Grove
Tilmanstone
CT14 0JS**

TR30325131



- a) **DOV/18/00025 – Change of use from agriculture to private keeping of horses; erection of a detached stable block; formation of hardstanding for vehicle turning area and associated parking and new vehicle access and gates - Land between St Mary’s Grove and Chapel Road, St Mary’s Grove, Tilmanstone**

Reason for Report: Referred to Committee due to the level of public interest

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines
- DM15 protects the character of the countryside
- DM16 protects the scenic beauty of the landscape
- DD21 saved policy which supports horse-related development

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 17 – seek high quality design
- Paragraph 56 – good design as a key aspect of sustainable development
- Paragraph 75 – protect or enhance public rights of way
- Paragraph 109 – contribute to and enhance the natural environment

d) **Relevant Planning History**

No relevant planning history.

e) **Consultee and Third Party Responses**

Note: the representations and consultation responses were received prior to the amendments to the proposal which reduced the site area under consideration from 4.54 hectares to 1.3 hectares. Given this significant reduction in area and the largely neutral or positive responses from the statutory consultees, it was not considered necessary to re-consult following the amendments.

- Tilmanstone Parish Council

The Parish Council have not raised any objections to the proposal however wish to see sufficient security to the site to prevent misuse and hedging planted along the border of the land to reduce effects on adjoining properties.

- KCC Highways

The Highways Officer has noted that there would be sufficient visibility in the critical direction (eastwards) providing the roadside boundary planting/enclosures is kept below 1.0m in height. The visibility from the west is somewhat restricted however, given this is a narrow lane with a 30mph speed limit, vehicles exiting

the site could edge out until it is safe to proceed. There is already an informal field access in this location. No concerns have been raised.

- Tree Officer

The Tree Officer raised concerns to the originally submitted application which showed the proposed stables to be within the root protection areas of the protected tree line (TPO 1984, 1) and raised concerns regarding the bund of spoil on the land which is also within the root protection area (RPA). He requested that further information be submitted in the form of an Arboricultural Report, and Tree Protection Strategy.

Following this feedback, the position of the proposed stable block has been moved away from the RPA and agreement has been made that the bund will be removed. The requested reports were received and considered acceptable in view of the re-siting of the stables and removal of the bund.

No other concerns were raised.

- Environmental Health

No concerns were raised however requested conditions which would prevent the burning of any bedding or other waste on the land and the provision of the manure heap.

- KCC Public Rights of Way

KCC PROW raised no objections to the proposal but noted that the alignment of footpath EE404 must be kept open to the public.

- Southern Water

Do not raise any objection as there is no proposal to connect to the public foul sewer system. The site would employ a sustainable urban drainage system (SUDS) to deal with surface water which can be secured by condition.

- KCC Archaeology

No comments had been received at the time of the report. However, there have been archaeological finds in the field on the north side of St Mary's Grove from the application site and as such, an archaeological watching brief would be considered reasonable in this instance.

- Public Representations:

12 Objectors raised the following concerns:

- the proposal would result in the loss of agricultural land
- any lighting could be an issue for neighbouring residents and local wildlife
- the proposal would likely result in increased traffic in a narrow lane (St Mary's), and the lane is too narrow for 7.5 tonne horse boxes to turn into the site without disruption to the other road users
- there are a number of nearby residents who's gardens border the application site who are concerned about the potential for noise, smell, flies and, given

the level of flooding to the lane and low-lying land, could result in levels of pollution/contamination from urine/fecal run-off

- it would continue the pattern of an “unsightly equine suburbia” in what was once a “pleasant rural landscape”
- the site is a very large area for the private keeping of horses – what is the future of this site?
- The proposal would be deleterious to the enjoyment of the hamlet
- Highway safety concerns regarding the lack of sight lines possible for the proposed vehicle access – other applications for vehicle accesses have been refused in the past
- The laying of planings without a ground sheet could lead to land contamination
- Question whether a 7.5 tonne horse box could even turn into St Mary’s Grove
- there is no designated vehicle parking shown on the submitted plans
- the development would be ‘over-intensive’
- the development would bring no benefit to Tilmanstone
- the development would exceed the scale of the hamlet
- no details have been submitted regarding sustainable drainage
- no details regarding the storage of food have been provided – will a hay barn be the next step?
- would result in harm to the conservation area

8 Supporters raised the following points:

- the use of the land for horses is more pleasant to look at and would generate less traffic than housing or other possible developments – ‘better on the eye’
- area is surrounded by bridleways and is a perfect place for horses
- good to see an underused parcel of land being put to a good use
- will not create undue additional traffic
- the site will provide a safe and comfortable environment for horse welfare

f) 1. Site and the Proposal

1.1 The application site is an approximately 1.3 hectare (ha) area of land which forms part of a larger 4.54 ha agricultural site (mapping indicates it is ‘best and most versatile’ land). The site, which has not been farmed in a number of years, is located adjacent to Tilmanstone, in the open countryside. The total site (including the 1.3ha section subject of this application) is bounded to the north by St Mary’s Grove, to the south by a number of dwellings and open space which face onto Chapel Road, and to the east by Lower Road/Dover Road. The western boundary of the site is shared with a number of dwellings which face onto Upper Street and St Andrew’s Way and is largely open. The nearest dwellings are those in St Andrew’s Way, and Dene View and Upper Dane Cottage in Chapel Road.

1.2 The eastern boundary of the application site is enclosed by a long narrow stretch of woodland which is protected by a Tree Preservation Order (TPO 1984,1). The entire site of Danesfield House (beyond the treeline to the east) is an SSSI, and there is a public right of way running across the land; partially within the application site and largely across the larger parcel of land.

1.3 The application site forms a long, narrow, wedge-shaped piece of land which would measure approximately 280m in length (when measured from north to south) and approximately 58m at the widest point (when measured east to west). It is agricultural land but I understand that this land has not been actively farmed for a number of years. There is some fencing and gates and

an area of hardstanding associated with the proposed change of use already in situ as well as a bund alongside the eastern boundary with the TPO trees.

- 1.4 The proposal is for a change of use to allow the keeping of 7no. horses, for private use only, on the 1.3ha piece of land (outlined in red on drawing 138/E02 A); the area outlined in blue would remain in agricultural use which allows for horses to be grazed on the land. The proposal also includes the formation of a hardstanding, the erection of gates and fencing and the erection of a stable block to the northern end of the 1.3ha land. It would also include the erection of a fence with style/gate to the Dover Road/Lower Street boundary and any section of the overall site which is not secured for horses.
- 1.5 The vehicle access as proposal has been largely completed and planings for the hardstanding have been laid.
- 1.6 The stables, as proposed, would have stabling for 7no. horses, and a tack/feed room. The plan form would be 'L'-shaped and measure 23.1m in overall length, 9.8m in overall depth (the stables would be between 3.5m on the north-south ranger, and 3.8m in depth on the east-west range). The building would be of timber construction, clad in timber weatherboarding with a felt shingle roof, timber stable doors and bulkhead lighting. It would open onto the area of hardstanding towards the west and north. The lighting would be for use only for security and safety purposes when necessary.
- 1.7 The area of hardstanding would measure approximately 28m by 24m and would allow for the siting of the stable on the hardstand, and would allow sufficient space for the turning of a 7.5 tonne horse box lorry within the site. It would be surfaced with tarmac planings.
- 1.8 A three-sided manure heap would be provided to the east of the hardstanding, and north of the stables. It would measure 2.5m by 2.5m approximately. It has not been specified to have a concrete base.
- 1.9 The area north of the stables and manure heap and to the east of the stables, would be planted with hedging and bushes to reduce the overall visual impact of the proposal. No details as to species or final height/density of planting have been submitted.
- 1.10 Fencing would be erected to close off the yard (area of hardstanding), and to subdivide part of the land into 6no separate paddocks as well as providing for an area at the south-west end of the site which would be for open grazing. The remaining site outlined in blue on the submitted drawings would be enclosed where necessary at its boundaries to fully enclose the field to allow for grazing of horses. The fences would be of post, rail and wire construction integrating 5-bar gates (double gates at the vehicle access). Details have not been provided as to the exact locations where styles or gates would need to be placed to allow open access to the public footpath that runs through the blue land site.
- 1.11 There would be a 7.5 tonne horse box lorry kept on the site which would be used approximately once a month during the summer months. This would mean 2 movements of the horse box per month in the summer. There would remain sufficient space on the hardstanding for horse welfare and parking of family vehicles.
- 1.12 In general, the horses would be stabled each night and they would be fed in the stables, although there would be occasions in good weather when they

would remain in their paddocks or out grazing. They will be turned out daily into largely separate paddocks. The paddocks, along with the grazing area within the application site, and the grazing on the wider site, would allow adequate field rotation to avoid issues and should keep the land usable for exercising the horses for most of the year. There are a number of bridle paths in the local area which can be used to hack out.

- 1.13 The submitted information states that there is an arrangement in place with a local farmer to remove the manure heap from the application site weekly to use on their fields. All muck will be stored within the enclosure provided.
- 1.14 Two main amendments to the scheme have been negotiated to overcome Officer concerns. On the advice of the Tree Officer, the stable block is now to be located further from the protected trees and root protection areas. As originally submitted, the application was for the change of use of all 4.54ha of land. Given the proposal is for the keeping of 7 horses for personal/family use, this seemed excessive and through discussions it was determined that only part of this land needed to be changed for the keeping of horses and that what remained in agricultural use could be used for grazing providing the horses were not fed/kept on this land (land used for the purposes of grazing is defined as agriculture in the Act).

2. Main Issues

- Principle of Development
- Impact on the visual amenity, street scene, countryside and landscape
- Impact on residential amenity
- Impact on highways
- DD21 considerations
- Other matters

3. Assessment

Principle of Development

- 3.1 The application site is beyond any recognised built confines and is in the countryside. DM1 would require any development in the countryside to be ancillary to an existing lawful use of the land or the proposed development functionally requires such a location. The proposal is for horse-related development which does require a rural location. In this instance, it is considered that the proposal can be considered to functionally require the proposed location and as such, would be DM1 compliant subject to other material considerations set out below.

Impact on the Visual Amenity and Street Scene, Countryside and Landscape

- 3.2 The north boundary post, wire and rail fencing, double 5-bar gates and the stables would be visible in views from St Mary's Grove as well as some of the internal field divisions. The submitted plans show the planting of 'shrubs and bushes' between the proposed stable block and both St Mary's Grove and the

protected trees to the east. This would help mitigate the visual impact of the stables and would continue the green and somewhat enclosed, semi-rural character of St Mary's Grove. Some planting on the western boundary would also reduce the visual impact. A landscaping condition requiring details of species and timetable for the planting would be a reasonable condition to add to any permission to ensure both that the proposed hedging would be appropriate for screening, and would not result in any invasive planting which could harm the protected trees.

- 3.3 Apart from some of the fencing, very little of the proposed development would be visible from Chapel Road. There are some views across the garden of Upper Dane Cottage and through the public right of way across this garden. The majority of the development would be visible in views from the public footpath which crosses the site although the stable block would be around 200m away to the north reducing its visual impact.
- 3.4 The site is relatively visible from Dover Road/Lower Street. The land rises from Dover Road westwards with the main bulk of the proposed development at the highest points on the application site. Whilst a deep site, any horse-related paraphernalia would be visible and would result in added visual clutter to the otherwise open rural environment when viewed alongside the proposed fencing on both this boundary and the fencing enclosing the grazing paddock in the south-west corner. The field divisions would be necessary, in some form, if the principle of a private equine use is accepted and therefore, it would be considered reasonable to add a condition to any permission which would require all horse-related paraphernalia to be stored within the stable block when not in use to help mitigate against visual clutter.
- 3.5 The siting of the timber-clad stable block to the northern extremity of the application site, and the use of post, wire and rail fencing to divide the paddocks and secure the fields, would likely result in a development which is intrinsically rural in nature and would not introduce features which are incongruous or unsympathetic to the countryside. The proposal would not result in the loss of ecological habitats and the proposed planting scheme could be seen to enrich the local habitat. It has been shown that, at the time of the application, no other site was suitable for the needs of the applicant. Policy DM15 of the Core Strategy seeks to preserve the character of the open countryside and development which would result in harm would only be permitted where it is justified by the needs of agriculture, needed to sustain the rural economy or community, cannot be accommodated elsewhere, and it would not result in the loss of ecological habitats. As such, it is considered that the proposal would be unlikely to result in undue harm to the character of the countryside and would be DM15 compliant.
- 3.6 The surrounding landscape is typified by smaller divided fields and open farmland, copses and a more solid built form adjacent to the highway. The proposal would not result in the introduction of any feature which would be at odds with the area and landscape, and the stable block has been sited to best minimise the overall visibility within the landscape. The proposed planting of hedging and bushes to the north and east of the stable block would also help reduce the impact on the surrounding area. Policy DM16 of the Core Strategy permits development which would result in harm to the character of the landscape providing it can be sited to avoid or reduce the harm and /or incorporate design measures to mitigate the impacts on the landscape to an

acceptable level. As such, there would not likely be any undue harm caused to the scenic beauty of the landscape and would be DM16 compliant.

- 3.7 Concerns have been raised about the overall size of the proposed development. As previously noted, the comments received were based on the original submission which was deemed by the Planning Officer to be unduly large in its scale. Given the land would be for 7no horses for private use, and the area of land to be changed to private horse-related uses has been significantly reduced during the course of determination, it is considered that the overall scale of development would sit comfortably within its context which includes the adjoining hamlet of Tilmanstone.
- 3.8 Concerns have been raised by neighbours about the impact lighting could have on the site in terms of visual amenity, countryside and habitat. The only lighting proposed within the application would be bulkhead lighting under the canopy above the stables. Given the projecting roof above the lighting, there would be no impact on the night sky and it is unlikely to worsen light spill given the presence of a street light immediately opposite the application site on St Mary's Grove. A condition restricting any other lighting could be reasonably applied.
- 3.9 It is considered therefore that the proposed change of use and other horse-related development would not likely result in any undue harm to the visual amenity, street scene, countryside or landscape to a degree which would justify a refusal on these grounds.

Impact on Residential Amenity

- 3.10 The keeping of horses can lead to increases in noise and smell, concerns which have been raised a number of times during the consultation process. However, the proposed siting for the muck heap is well away from the nearest dwelling (60m to Danesfield House and 80m to Church House) and as such, should not result in undue harm.
- 3.11 The majority of the fields and paddocks are well away from any sensitive receptor and the Environmental Protection Officer raised no concerns as regards smell or noise. Any issues which may occur can be dealt with under noise or smell nuisance Environmental Protection legislation.
- 3.12 The use of the land for the private keeping of horses should not result in any undue additional noise in the area. A commercial use, such as a riding school or livery, could result in unacceptable levels of noise, as well as increased traffic pressure, parking pressure and smells and as such, should permission be granted, a condition restricting the use of the land to private keeping of horses only, with no commercial uses at any time would be appropriate and reasonable.
- 3.13 To avoid any over-intensive use of the land, even privately, the number of horses to be kept on the land at any one time could be restricted to the 7no. specified in the application documentation as belonging to the applicants and their family.
- 3.14 The stable block would be sited away from any residential boundary, and given the modest height, would not result in the loss of outlook, loss of light,

sense of enclosure or have an overbearing impact on any residential neighbour.

- 3.15 There is no building or other development which would result in a loss of privacy, overlooking or interlooking to any neighbouring dwelling or residential garden. However, horse-riding provides an elevated vantage point which could, albeit temporarily and to a minimal degree, increase the perception of overlooking and loss of privacy. The western boundary of the site is largely screened with existing mature vegetation. However, there are a number of gaps and openings within the vegetation and it is considered that, as part of the landscaping scheme recommended in 3.2, hedging be planted along all boundaries shared with residential properties within the application site to form an unbroken screen. This would largely mitigate against any potential undue harm which could result from the elevated vantage point afforded a horse rider. The hedging would need to be allowed to grow to 2.0m and kept at this height thereafter.
- 3.16 It is considered therefore that there would likely be no harm to residential amenity which could not be overcome through the imposition of a suitable condition.

Impact on Highways

- 3.17 As noted in the consultee comments, the Highways Officer did not raise any objections to the proposal for a vehicle access as proposed. It was noted that visibility to the east, in the critical direction, would be almost 43m providing that any vegetation along this boundary within the site line remained below 1.0m in height. This could be a condition of any permission. It was also acknowledged that there would be more limited visibility to the west. However, this road is very narrow and within a 30mph zone and as such, it was considered that for the low number of vehicle movements likely with the proposed use, a vehicle could safely 'edge' out until it is safe to proceed.
- 3.18 The submitted drawings show adequate space within the site on the area of hardstanding, for the turning of the horse box lorry. There would be adequate parking for family cars within the site.
- 3.19 It is considered therefore that there are no highway safety concerns which cannot be overcome through the imposition of planning conditions.

Impact on Heritage

- 3.20 Comments received have noted the potential impact the proposed development could have on the Tilmanstone Conservation Area. The boundary of the conservation area does not border the application site at any point and the majority of views from within the conservation area would be private views from the garden areas of the residents on Upper Road. There would be some limited public views of the fencing and the horses (the stables would be largely screened) from within the conservation area, notably across the garden area of Church House. It is not considered that there would be any harm caused to the character or appearance of the conservation area as the publicly visible part of the development would not be at odds with the rural nature of the surrounding area nor would post and beam fencing introduce an incongruous feature to the setting of the conservation area. However, any

impact would be largely mitigated through the condition for a native species hedgerow discussed in section 3.2 above.

Horse-Related Development

- 3.21 Saved policy DD21 sets out the criteria for horse-related development. It requires the development to: provide for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising; provides ease of access to suitable riding country; buildings are of a high standard of construction and together with the related equestrian activities, do not adversely affect the character of the countryside or historic environment; amenities of nearby neighbours are not adversely affected; and new buildings should be sited to relate visually to existing buildings.
- 3.22 As noted in 3.20, 3.5-3.8 above, there would be no harm caused to the setting of the nearby conservation area, nor would there be any undue impact on the character of the countryside or of the scenic beauty of the surrounding landscape.
- 3.23 The siting of the stable block towards St Marys Lane would be more related to the prevailing street scene characteristics than a structure set back from the highway. As such, it is considered that the proposed siting for the stables would be adequately visually related to the existing built form of Tilmanstone.
- 3.24 As noted in 3.16, there would be no undue adverse effect resulting from the proposal on the amenity of any residential neighbour.
- 3.25 The application site is surrounded by a number of bridleways and whilst the application relates to the change of use of a 1.3ha section of the land, there is a total of 4.54 ha of land available for grazing of the horses.
- 3.26 The proposal therefore, would comply with the requirements of DD21 and in accordance with this policy and in the absence of other contradictory material considerations, should be permitted.

Other Matters

- 3.27 Some works have already been undertaken and a temporary stop notice served on the owners of the land. Whilst the gates, fences and hardstanding are considered acceptable, the spoil bund would need to be removed as it is within the root protection area of the TPO trees on the eastern boundary. This could be secured through a condition requiring the removal of the bund prior to the provision of the stables on site or the proposed use of the land commencing.
- 3.28 It has been noted that the owners of the land live at some remove from the application site which could present issues in terms of security or emergencies on the site. Their daughter lives somewhat closer and is looking to move much closer but does not yet live nearby. It is noted that a dwelling in this location would be unacceptable and contrary to policy.
- 3.29 It should be noted that horses can be grazed on agricultural land without resulting in a change of use of the land. As such, no specific mitigation would be required along neighbouring residential boundaries beyond the application site itself. Given this, and the proposed hedge/bush planting behind the stable

block within the application site, the impact on the adjoining SSSI at Danesfield Court would not be impacted and Natural England did not therefore require formal consultation.

- 3.30 The loss of 'best and most versatile' land is not considered detrimental in this instance. The proposed site was not large enough to require consultation with Natural England and given the proposed use, would be easily reversible to farmable land should a time come when the land was no longer required for equine uses.

4. **Conclusions**

- 4.1 It is considered that the proposed change of use and other horse-related development would not likely result in undue harm to the visual amenity or street scene of the area nor to the character of the countryside or the scenic beauty of the landscape.
- 4.2 It is considered that the proposed change of use and other horse-related development would not likely result in undue harm to the residential amenity of the adjacent dwellings.
- 4.3 It is considered that the proposed change of use and other horse-related development would not cause any highway safety concerns.
- 4.4 On balance, it is therefore concluded that planning permission should be granted with conditions.

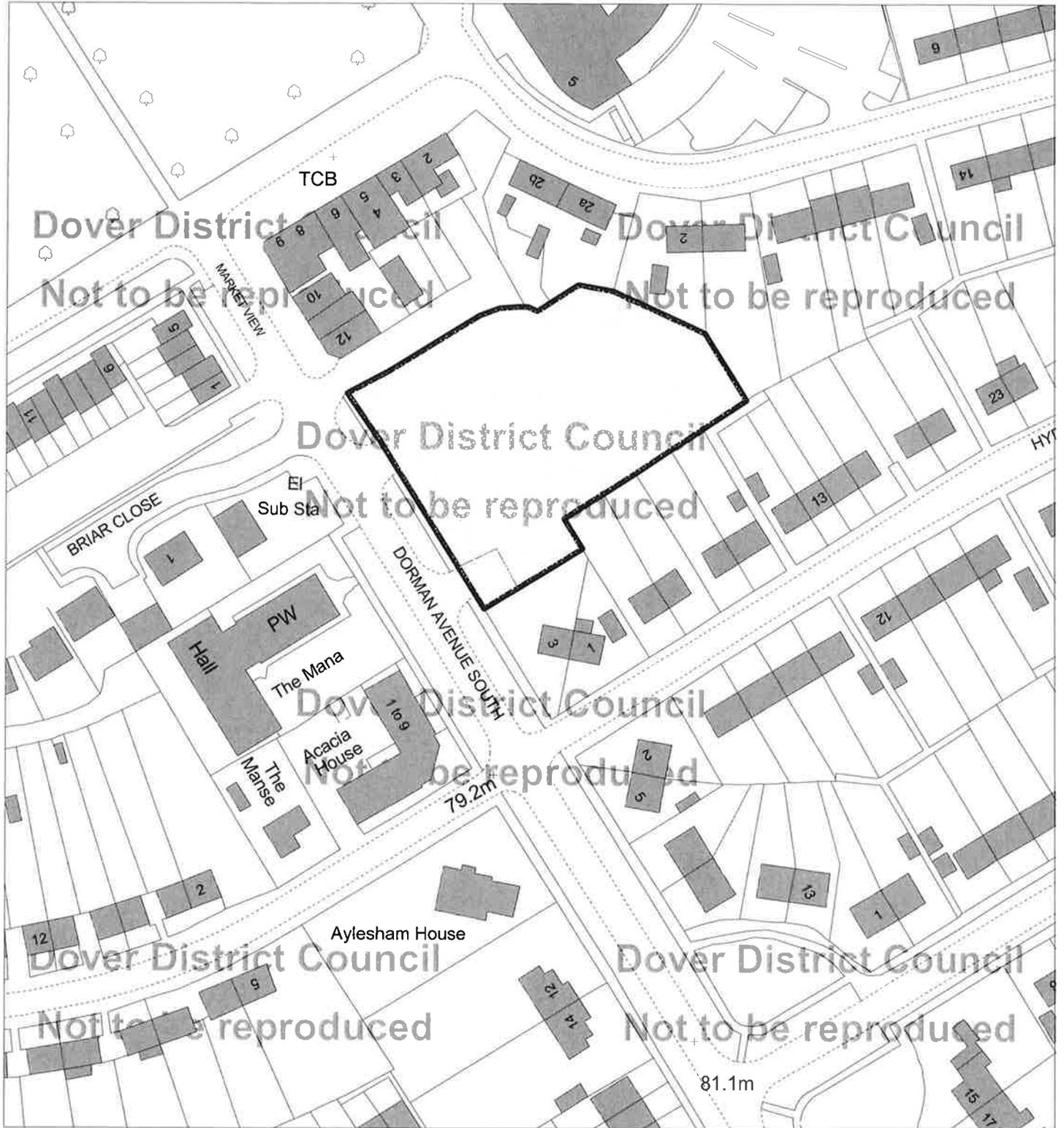
g) **Recommendation**

- I Planning Permission BE GRANTED subject to the following conditions:
- 1) 3 year commencement; 2) Built in accordance with the approved drawings; 3) samples of finishes; 4) restriction on use to private/family, no commercial; 5) restriction on number of horses to be kept on the site at any one time; 6) submission of a landscaping scheme which list species, density and mature height of hedging/bushes to be planted around stable and to boundaries; 7) details of gates/styles which would impact the public right of way; 8) storage of horse-related paraphernalia within the stable block; 9) no burning of bedding or waste on site; 10) vegetation within the visibility splay shown on approved drawings shall be maintained at a height of no more than 1.0m; 11) the base of the muck heap shall be concrete; 12) details of on-site sustainable surface water drainage; 13) details of security and emergency arrangements; 14) bund shall be removed from site prior to erection of stables or use hereby permitted commences; 15) no lighting on stables/site other than as hereby permitted; 16) details of treatment of first 5m of vehicle access – to show a bonded material; 17) archaeological watching brief.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace

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Application: DOV/17/00892

**Former Greyhound PH
Dorman Avenue South
Aylesham
CT3 3AA**

TR23735255



- a) **DOV/17/00892 - Erection of 17 no. two and three-bedroom dwellings, creation of access roads and parking – Former Greyhound Public House, Dorman Avenue South, Aylesham**

Reason for report: No. of contrary views

- b) **Summary of Recommendation**

Grant Planning Permission subject to conditions and S106 Agreement.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy.
- 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 at 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 – Settlement Boundaries. Development not permitted outside urban boundaries unless alternative policies allow.
- DM5 – For applications of 15 dwellings or more, the Council will seek provision of 30% of the total homes to be affordable
- 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.

Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

Land Allocations Local Plan

- 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 there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: secure high quality design and a good standard of amenity for all existing and future residents; 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 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.
- 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.

Other Legislation/Documents

- S38(6) of the Planning and Compulsory Purchase Act 2004 - all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise
- Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 & 66

Affordable Housing Supplementary Planning Document

- Sets out the scale and need for affordable housing, including measures on how to secure this.

Aylesham Masterplan Supplementary Planning Guidance 2005

- The plan was designed to shape the expansion of Aylsham. Whilst the plan does not address this site, it still nonetheless, provides a useful background document to the history of Aylesham and aspirations for the future.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/11/00942 Site at Greyhound PH: Erection of 3 pairs of dwellings. APPROVED 19.3.14

e) **Consultee and Third Party Responses**

DDC Environmental Health: Raise no objection to the application. However they comment that in the 10 years which the site has been vacant there have been several reported fly tipping incidents. Accordingly, they recommend a safeguarding condition should contamination be found on the land. **No further comments after re-consultation.**

DDC Principal Infrastructure Delivery Officer: A calculation of an appropriate level of contribution to the SPA mitigation strategy would be **£726**. This figure is indexed up to January 2017.

Regarding a suitable open space contribution - a spreadsheet has been provided with calculations showing the additional open space needs arising from this proposed development. The total requirement is 0.14ha.

Accessible green space 0.086 ha

Outdoor sports facilities 0.045 ha

Children's equipped play space 0.0023 ha

Allotments/Community Gardens 0.008 ha

This site is located less than 1,000m from the site of a skate park proposed by the Parish Council, which has planning consent reference DOV/17/00920. The Parish Council has aspirations to provide a combined skate park, MUGA and outdoor gym facility. DDC has calculated the commuted sum for a skate park covering 0.085 ha as £200,100 (assuming 3% interest). The additional need for equipped play is calculated as 0.0023 ha, so a scaled contribution may be calculated as **£5,414**.

Updated figure for SPA Mitigation: £744.23

DDC Housing: The affordable housing statement submitted with the planning application proposes the provision of 6 units of affordable housing which is in accordance with the Council's affordable housing supplementary planning document requirement for 30% of homes to be provided as affordable housing. The statement proposes that these units should be provided as apartments and the planning application indicates that they will take the form of 4 no. 1 bedroom apartments and 2 no. 2 bedroom apartments for social rent. From a housing need perspective, taking account of evidence contained in the latest Strategic Housing Market assessment report, I can confirm that this proposal would be acceptable.

In relation to the amended scheme for 17 open market dwellings: a financial contribution towards the provision of affordable housing would be the most

pragmatic arrangement in respect of this development. I also agree that it would be sensible to use the methodology set out in the Affordable Housing SPD Addendum to calculate the amount of contribution. I appreciate that the use of the contribution does need to be related to the development but it would be helpful if some flexibility can be provided especially with regard to any stipulation about the geographic location where the money should be used.

KCC Highways: Have no objection in principle to the proposals. Whilst not entirely agreeing with the trip generation figures that are indicated in the Transport Statement it is stated that ‘the number of trips likely to be generated will not have a severe impact on the highway.’ Adequate visibility is available at the proposed access points. The following matters were raised to be resolved:

1. The proposed main access to the site requires relocation of not only the bus stop as indicated but also the existing pedestrian crossing point adjacent to the bus stop, which has not been shown on the plans. This will also require relocation of the corresponding dropped kerbs on the opposite side of Dorman Avenue North. Dimensioned details of the necessary highway alterations should be submitted together with a safety audit and designers response to any issues raised. Bearing in mind the arrangement of plots 2-5 and the consequent potential for on-street parking in front of these plots, a bus clearway box should also be provided for the relocated bus stop.
2. As both proposed accesses will remain private they should be provided as suitable width vehicle crossings in the verge/footway rather than bellmouth junctions as shown.

In addition to the above, advice was also given regarding the amount of parking being provided and recommending that end parking spaces should be widened to 2.7m where they are bounded on one side by a fence/walls/landscaping.

Amended plans were received and additional comments made:

The proposed dropped kerbs require relocation in order to work effectively with the relocated bus stop. The safety audit is awaited.

The increase in 2 bed dwellings and decrease in 3 bed dwellings is noted. The total amount of parking is now in accordance with Policy DM13.

Final comments received confirming the proposal is now acceptable subject to conditions.

KCC Flood and Water Management (SUDS): ‘We note the system has been designed to the 1:100+30% Climate Change criteria, as of 19 February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. The guidance can be found at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

The new allowances for peak rainfall intensities have implications for drainage design and should be included within any drainage strategy prepared to accompany a planning application.

As Local Lead Flood Authority (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%.

This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.

As part of the detailed design we will require for the developer to submit details of the ground investigation undertaken specifically to confirm that the siting of the soakaway and the results from TP2 tally in terms of infiltration rates and depths.'

KCC LLFA recommend detailed conditions should planning permission be given.

After re-consultation; note the reduction in area covered by dwellings but no further observations.

Environment Agency: The EA have no objection to the proposals subject to conditions requiring the submission of a contaminated land risk assessment, associated remediation strategy and safeguarding condition. **No further comments after re-consultation.**

Southern Water: 'Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SUDS scheme - Specify a timetable for implementation - Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'

After re-consultation: previous comments reiterated.

KCC (Economic Development): have assessed the proposal in terms of provision and delivery of County Council Community Services and seeks the following:

	Per 'Applicable' Flat	Per 'Applicable' House	Project
Libraries	£48.02		Towards Aylesham library

An informative recommends High Speed Fibre Optic Broadband. A contribution towards secondary school provision cannot be sought due to exceeding the CIL pooling should it be taken. **Revised total figure sought reflecting the reduced no. of dwellings (£816.27).**

KCC Archaeology: Aylesham is surrounded by extensive groups of crop-marks and soil-marks which indicate the presence of rich buried archaeological landscapes. It is likely that these landscapes would have originally extended into the built areas of Aylesham and traces may still remain. Recent archaeological evaluation works to the north at Market Place have revealed evidence for small quarry pits of possible Iron Age date and late Bronze Age or Iron Age activity has been identified to the west on Boulevard Courrieres. Large scale archaeological investigations undertaken on the northern edge of Aylesham as part of the village expansion scheme have revealed extensive archaeological remains dating from the prehistoric period to the postmedieval. Notable discoveries include a number of well-appointed cremation burials of Romano-British date.

Recommendations: The submitted planning application is accompanied by an Archaeological DeskBased Assessment which was prepared on behalf of the applicant by CgMs Consulting. This desk-based assessment has not taken account of the recent archaeological works undertaken in and around Aylesham as part of the village expansion scheme. Even in the absence of this information the CgMs Desk-Based Assessment has concluded that the proposed development site has a potential to contain buried archaeological remains. The CgMs study therefore suggests the implementation of a programme of archaeological work.

I agree that the proposed development has the potential to impact remains of archaeological interest and therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological work.

Natural England: raise no objection but offer advice

After re-consultation: the advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

Kent Fire & Rescue Service: Confirm that the access provided for fire appliances appears to be satisfactory.

NHS Canterbury and Coastal CCG: no comments received

Parish Council:

Letter dated 6.12.17 The Parish Council comments that their initial response was submitted without the benefit of seeing all the application documents. They wish to raise the following concerns:

'While we also accept that any development on the site will look better than the current state of the site, which is an eyesore for the residents and the subject of two

recent small fires, the reality is that we consider the proposed size of the development to be excessive and to be on the side of over-development.

We have some concerns about the access to parking in this area. The proposed change of use of land is in close proximity to a busy road which is located opposite the Baptist Church and/or premises, parking on both sides of the road already causes traffic flow problems, if the number of residents living in the new proposed development had a vehicle each this would have an even greater impact on the use of this roadway and would affect parking in the area.

The proposed development will have an adverse impact on the residents living in the area because of increased traffic, noise levels, and lack of privacy to neighbours overlooked by the development.

Aylesham Parish Council is committed to a careful preservation of the village, which is a delightful setting located between Canterbury and Dover. It's becoming a mixed community which is expanding daily. Whilst we are interested in promoting our village as an ideal location to live, we do not wish to see the village resources being stretched beyond their capabilities.'

Letters dated 6.2.18/8.2.18 Parking has been reduced and now the scheme is 3 spaces short. The PC re-iterate that the site would be over-development and the proposal would have an adverse impact on residents due to increase traffic and lack of parking. If the application is successful they would wish to see any potential S106 contributions go towards the PC's plans for a skate park and outdoor fitness centre.

Public Representations: 27 letters of objection have been received. A summary of the issues raised is as follows:

- Proposed scale of the development is excessive
- Impact on parking in the locality
- Increased traffic on an already busy road – conflict when Baptist Church holds events as it is already difficult to park in Dorman Avenue
- noise
- overlooking – loss of privacy
- the white weather boarding is not appropriate in this location
- more infrastructure needed
- Aylesham has enough houses being built so the site can have fewer houses on it
- Objectors stated the site is an eyesore and requires redevelopment but at a lower density or of a commercial nature
- Lack of facilities for adults and children; more shops and leisure facilities are needed before more village expansion
- A pub is needed in Aylesham and the developers should be asked to explore having a Brewers Fayre or the like on this prime site
- There are no pubs left in Aylesham only a small bar in the Sports Centre
- The site is in the heart of the village and should be reserved for community use, such as a community/youth centre
- Suggest a bike park would be a better use of the site or a home for the elderly (or over 55's to free up family housing) or a proper supermarket
- No secondary school provision – the nearest is 10 miles by bus – there are waiting lists for places
- Not enough doctors

After re-consultation: 4 further letters of objection received raising the following additional issues:-

- The reduction in no.s makes no difference to the privacy concerns that have been raised

Cllr Keen: ‘Any development on the site will look better than the current state of the site, which is an eye-sore for the residents and the subject of two recent small fires, but the proposed size of the development is excessive.’

Concerns about parking – the proposed change of land is in close proximity to a busy road which is located opposite the Baptist Church and also the main bus stop. At times when there is an event on in the Baptist Church and/or premises, parking on both sides of the road already causes traffic flow problems, if the number of residents living in the new proposed development had a vehicle each this would have an even greater impact on the use of this roadway and would affect parking in the area.

The proposed development will have an adverse impact on the residents living in the area because of increased traffic, noise levels and of lack of privacy to neighbours overlooked by the development.’

- f)
1. **The Site and Proposal**
 - The Site
 - 1.1 The application site is located on the north-eastern side of Dorman Avenue South within the southern side of the settlement of Aylesham. The site was previously occupied by the Greyhound Public House until it was demolished approximately 8 years ago. Notwithstanding a grant of planning permission for residential development in 2014, the site remains vacant and now has the characteristics of an overgrown neglected open space with little evidence of the previous building and associated car park.
 - 1.2 The site is 0.28 hectare in size and rises gradually from 75.80m AOD at the site entrance to 76.64m AOD to the rear. The site falls within Flood Zone 1.
 - 1.3 The site is roughly rectangular in shape with a 50m frontage to Dorman Avenue South. The site projects to an approximate depth of 67m. The site sits behind the parade of shops at Market View and is separated by the service road that serves these premises. The site is bounded by close board fencing where it adjoins properties in Hyde Place and Queens Road (south-east and north-east). There is Heras fencing across the site frontage and some temporary metal fencing between the application site and the service road. The fencing has collapsed in some areas and the site is therefore accessible. Opposite the site frontage is the Baptist Church and a substantial sub-station that is on the corner with Briar Close.
 - 1.4 The character of the area is mixed with flats, detached, semi-detached and terraced properties within close proximity to the site. The dwellings which back onto the site are generally semi-detached with hipped roofs and date back to the original masterplan period for Aylesham - separation distances are between 10-20m to the edge of the application site.
 - 1.5 There are existing bus stops outside the application site. Bus route 89 serves Aylesham and provides a half- hourly service between Dover and Canterbury.

- 1.6 The nearest railway station is Aylesham which is located approximately half a mile from the application site. Train services operate to Dover, Canterbury, Medway towns, Ashford and London (direct to Victoria). The high speed service to London can be joined from Canterbury or Ashford.
- 1.7 Aylesham is an expanding village with a central core of facilities and services. Market Place is within 100m of the application site. Aylesham has two primary schools, three churches, compact supermarkets, café's, takeaways and a sports centre (with a bar). There is also a modern Health Centre within walking distance from the application site.

The Proposal

- 1.8 Full planning permission was initially sought for the erection of 13 dwellings and 7 flats together with a central access and two private driveways accessed off Dorman Avenue South. However, following consideration of consultee responses the scheme has been amended with a reduction in the number of units to be provided. It is now proposed to provide 17 dwellings on the site.
- 1.9 The following documents have been submitted in support of the application:
- Planning Statement & Heritage Statement
 - Design & Access Statement
 - Statement of Community Involvement
 - Drainage Impact and Flood Risk Assessment
 - Transport Assessment
 - Preliminary Ecology Appraisal
 - Archaeological Desk Based assessment
 - Affordable Housing Statement
- 1.10 Detailed drawings have been provided with regard to the internal layout of the site, elevations, proposed access and bus stop relocation details. A Highway Safety Audit has also been submitted.
- 1.11 The proposal would deliver a development of approximately 60 dwellings per hectare. The dwellings would comprise:

11 x 2 bedroom	Open market housing
6 x 3 bedroom	

- 1.12 The amended scheme also incorporates a greater amount of soft landscaping and takes on board the requests from the KCC Highway Officer. The key elements of the layout are as follows:
- Three key areas of building concentration
 - Landscaped pockets to break up parking layout
 - Landscaped margins adjacent to parking courts
 - Landscaped frontage to Dorman Avenue South on north side of access
 - Landscaping to front of properties 1-5, 12-17
 - Single access from Dorman Lane South into the main development
 - Existing access closed off
 - Active frontage with Dorman Avenue South
 - Relocation of existing bus stop and enhancement to bus stop waiting arrangements

2. **Main Issues**

2.1 The main issues for consideration of this application are as follows:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on the highway network
- The impact on residential amenity
- Ecological interests
- Flood Risk & drainage
- Contributions

2.2 The application has been subject to public consultation by the applicants as set out in the Statement of Community Involvement.

3. **Assessment**

Principle

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the development plan comprises the Dover District Core Strategy 2010 and the Dover District Land Allocation Local Plan 2015. The application site falls within the settlement boundary of Aylesham and is previously developed land. The site is not allocated in the Local Plan or Core Strategy for a specific use. The proposal conforms with Policy DM1.

3.2 Paragraph 49 of the NPPF states that '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'.

3.3 Following publication of the Authority Monitoring Report 2016/2017 (December 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has 5.65 year supply of housing land. However, it should be noted that there has been a change with respect to the Council's position regarding housing land supply since receiving an appeal decision on a Public Inquiry that the Council recently defended. In this appeal the Inspector considered the matter of the Council's housing land supply and concluded that Dover District Council, has in-fact, just over 4.5 years of housing land supply. The Council has not challenged this inspector's decision. It is therefore considered that the 'tilted balance' is engaged due to the lack of a 5 year housing supply.

3.4 Relevant policies in the development plan can be out-of-date for reasons other than lack of a 5 year housing land supply and thereby trigger the 'tilted balance' in paragraph 14 of the NPPF. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases policies in the plan are out of date. Individual policies may not be but it does provide a secondary reason for the engagement of the 'tilted balance'.

- 3.5 Paragraph 12 of the NPPF is clear in its guidance that the Framework does not change the statutory status of the development plan as the starting point for decision making. Where relevant policies are out of date, planning 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 Framework taken as a whole'.

Impact on Character and Appearance of the Area

- 3.6 Paragraphs 56 and 17 of the NPPF attach great importance to the built environment and require design to take account of the different roles and character of different areas. Paragraph 56 states that good design is a key aspect of sustainable development, which should contribute positively to making places better for people. Paragraph 61 raises the importance of addressing the connections between people and places and the integration of new development into the natural, built and historic environment.
- 3.7 The character of the area displays mixed vernacular and a variance in terms of storey height. The existing materials palette in the locality comprises brickwork under tile; there are also examples of render, tile hanging and weatherboarding. The proposed development would provide small to medium size homes throughout the site. The layout has been informed by the uses that surround the application site and designed to mitigate against overlooking. Bin storage is provided to each dwelling.
- 3.8 At the front of the site are plots 1-5 which form a terrace fronting onto Dorman Avenue South (DAS). Parking is provided for plots 1 & 2 directly off DAS and all other parking is set behind the street frontage thereby providing a less cluttered frontage. Plots 1 to 2 are two storey and plots 3-5 are two and a half storey. The difference in height allows for the roof to be articulated in a less uniform manner with a gable end onto the internal road and a full hip on the elevation closest to the nearest property in Hyde Place.
- 3.9 Plots 6-11 comprises a terrace of town houses with plot 6 being the end terrace at 90 degrees to DAS. The terrace is set at 2.5 storeys high and acts as a screen to the service yard at its rear. These properties are provided with undercroft parking. The dwellings have a continuous ridge with flat roof dormers in the front elevation; the external materials are brick ground floor with weatherboard at first floor. Of particular merit is the side elevation of plot 6 which is prominent within the existing street scene and shows an architectural feature on the elevation.
- 3.10 Midway down the plot there is a 2 bed detached dwelling with a projecting first floor bay window angled and screened to prevent overlooking. The structure has a hipped roof, brick ground floor and weatherboard at first floor level.
- 3.11 At the rear of the site is a pair of semi-detached dwellings and set back to the side of this, is a terrace of three dwellings. The dwellings at the rear of the site are brick and render, which compliments, yet adds variety to the weatherboarding used elsewhere within the development. Fully hipped roofs are used on the semi-detached dwellings and half hipped either end of the terrace. Half hipped roofs are not a feature traditionally found in Aylesham, however, it is not considered that the design will detract from the overall character of the area or development as a whole.
- 3.12 There is a general rhythm to the development which provides welcome pockets of green space between parking areas to soften the hardsurfacing.

- 3.13 In conclusion, it is considered that the reduction in dwelling no.s together with the design of the dwellings in aesthetic terms would not cause harm to the character and appearance of the area.

Highway Impact

- 3.14 A detailed Transport Assessment accompanied the planning application and has been considered by Kent Highways. The report considers the transport effects of the existing site and that of the proposed development. Concerns have been raised by the residents with regard to the impact of the development on on-street parking in the locality.
- 3.15 Policy DM13 of the Core Strategy states that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- 3.16 The proposed development would provide 23 car parking spaces. This adheres to the requirements of Policy DM13. Officers are also satisfied that the car parking spaces adhere to design requirements as sought by Kent Highways. A suitable pre-commencement condition will be imposed to ensure that car parking is provided in adherence with the comments made by KCC Highways.
- 3.17 There is one access proposed into the site from Dorman Avenue South. This is acceptable in highway terms. The site has good pedestrian links with footways on both sides linking to the local amenity facilities and benefits from street lighting. There are north and south bound bus stops opposite the site which serve the Stagecoach 89B service between Dover and Canterbury with a regular service at approximately every 30m minute intervals. The railway station is a 10 minute walk away.
- 3.18 Whilst the development will inevitably increase the volume of traffic on the local road network, it is not considered that there will be a significant impact on highway safety and the additional vehicle movements will be absorbed into the road system without causing severe harm. The site is in a very sustainable location and well served by public transport and local amenities.
- 3.19 The development would give rise to highway alterations outside the application site. These entail alterations around the bus stop and the need to provide dropped kerbs, new footpath and the provision of a bus stop clearway painted on the road. The full details are provided in the Highway Safety Audit which is acceptable to the KCC Highway Officer.
- 3.20 In light of the above considerations, it is considered that the scheme would be acceptable in terms of highway safety and parking.

Residential Amenity

- 3.21 Representations have been made regarding the impact of the proposed development on the existing properties in Hyde Place and Queens Road. The impact on dwellings on Queens Road was one of the key reasons why amendments were sought on the scheme.
- 3.22 Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.

- 3.23 The application site is bordered by existing properties. The proposed layout of the site together with orientation of proposed dwellings has been designed and amended to take account of existing properties. The proposed apartment block was previously designed and orientated to respect existing dwellings in Queens Road; however the distance between the existing and proposed buildings was tight and could have created a sense of enclosure to the dwellings in Queens Road. Due to the slightly elevated position of the site in contrast to the dwellings on Queens Road, the situation would likely be exacerbated. The revised scheme has replaced the apartments with a terrace of three dwellings which are angled at approximately 90 degrees to the nearest dwellings (no.2 & 4) in Queens Road. The separation distance now ranges from 18m to 30m between existing and proposed buildings. In addition to the distance, the angle of the terraced block helps mitigate direct overlooking and a sense of loss of privacy. This part of the site has involved careful design as it is irregular in shape and in its relationship to the existing dwellings which back onto the site.
- 3.24 Plots 12 & 13 have been orientated such that the outlook is away from the rear of the closest dwelling (no. 2a Queens Road); there are no side windows in the elevation that is orientated towards this property. The properties 2a and 2b are set at a lower level to the application site and therefore it is the angling of the new dwellings which is critical in minimising the impact. On balance, it is considered that demonstrable harm would not be caused to these dwellings. Plots 14 and 17 have side/rear elevations which back onto gardens in Hyde Place; there are no openings in these elevations and there are separation distances of 21m -22m respectively to the rear of those dwellings in Hyde Place. Due to the absence of any openings there will be no loss of privacy afforded to existing dwellings and the distance is sufficient not give rise to oppressiveness or sense of enclosure.
- 3.25 Plot 1 has a side elevation at the rear of no. 3 Hyde Place, again the orientation mitigates the impact as no. 3 is at an angle on the corner of Dorman Avenue South and Hyde Place; there are no windows proposed on the side elevation of plot 1.
- 3.26 In light of the above, it is considered that, on balance, the proposed development could be delivered without unacceptably compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.

Ecology

- 3.27 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 3.28 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the

decision.” A preliminary ecological appraisal accompanies the application documents.

- 3.29 There are no ponds within 500m of the application site and it is not considered suitable habitat for great crested newts. The site has recently been cleared and is considered to have low ecological value. This being said, a precautionary approach should be taken with regard to full clearance of the vegetation and shrub borders. Mitigation is recommended with respect to the bird nesting season and the active period for reptiles.
- 3.30 The ecological survey makes suggestions for ecological enhancements as required by the NPPF. The recommendations include ornamental planting to provide a source of nectar and pollen for insects and berries for birds; bird nest boxes to be provided within the site; bat roosting opportunities and sensitive lighting design to minimise the impact on commuting bats.
- 3.31 The site is over 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. The Land Allocations Local Plan sets out a mitigation strategy to avoid potential impacts brought about by cumulative development within the district, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. Should permission be granted, a contribution towards this mitigation will need to be secured by legal agreement. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA.
- 3.32 It is considered that the proposed development can be mitigated against such that ecological interests will not be harmed.

Flooding and Drainage

- 3.33 The application is accompanied by a Drainage Impact and Flood Risk Assessment Report. Southern Water advises that there is currently adequate capacity in the local network to provide foul sewage disposal to service the proposed development.
- 3.34 The submitted report provides an analysis of the use of a positive drainage system with a SUDS solution for the disposal of surface water discharge. An intrusive site investigation report has been prepared for the site which confirms that the use of shallow soakaways would be a viable solution for the site. An outline SUDS Design is included on the drainage strategy drawing as drawing 16633-A3-03. The SUDS solution is designed to cater for a 1in100 year return period with a 30% allowance for climate change.
- 3.35 The site falls within Flood Zone 1 (land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year) where residential development is acceptable in principle.
- 3.36 Therefore, in light of the above information, it is considered that there will be no adverse impact caused by the development with respect to flooding, foul and surface water matters. Planning conditions can secure the detailed elements.

Other Matters

Contributions

3.37 Requests have been received for financial and other contributions to be made through a S106 Agreement to enable the development to be granted planning permission. The CIL Regulations apply to planning obligations entered into under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Regulations requires the obligation to be:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

3.38 There is a request of £48.02 per dwelling sought by Kent County Council towards Aylesham Library book stock. It is stated that borrower numbers are in excess of capacity and to in order to mitigate against the development enhancements are necessary. As such the appropriate contribution should be secured.

3.39 Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC. Given the size of the development contributions would be sought per dwelling as follows.

No. of bedrooms	Total contribution
2 (x11)	£37.21
3 (x6)	£55.82

Total for proposed dwellings £744.23

3.40 The proposal gives rise to a need for additional open space. As detailed in the consultee section of this report, there is a scheme for a skate park to be provided by the Parish Council. A contribution towards this by the developer would meet the tests of CIL. The appropriate contribution would be **£5,414**.

3.41 Turning to the Council's policy with regard to the provision of affordable housing, developments of 15 and above dwellings would normally be expected to provide 30% on site provision. The larger scheme for 20 units proposed a block of six affordable apartments. However, having reduced the scale of the development to 17 units it would be unlikely that a housing provider would take on a couple of units within a development of this nature. Furthermore, Aylesham will be delivering a number of affordable units through the expansion phases and it is therefore considered justifiable to seek a contribution towards off-site provision.

3.42 Policy DM5 (Provision of Affordable Housing) of the Core Strategy states '*The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing. Affordable housing should be provided on the application site except in relation to developments of 5 to 14 dwellings which may provide either on-site affordable housing or a broadly equivalent financial contribution, or a combination of both. The exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.*' Whilst this scheme falls above the threshold, consultation with the Council's Housing Officer supports this approach on this development.

3.43 Schemes of 10-14 units are covered by the Council's Affordable Housing SPD Addendum. The Addendum provides the basis on which the financial contribution should be calculated. The contribution is based on the OMV of the units and the GDV of the scheme. It falls to be considered whether the OMV figures provided are accurate as a contribution would ordinarily be sought to a value equivalent to 5% of the GDV. This will be the basis for securing and agreeing the level of off-site contribution.

3.44 All of the above contributions are CIL compliant.

4. **Conclusion**

4.1 In light of the above, taking into regard the tilted balance, it is considered that the proposal is acceptable.

4.2 The proposal would not result in demonstrable harm to the character of the area, residential amenity, highways or ecology. The proposal represents a highly sustainable form of development and would bring about public benefits by providing much needed affordable housing contribution.

4.3 Overall the development is consistent with the aims and objectives of the NPPF and Development Plan. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking. In achieving sustainable development, the proposal would perform a social, economic and environmental role in line with the objectives of paragraph 7.

4.4 For the reasons given above it is considered that this application is acceptable, and as such that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the completion of a suitable S106 agreement, and the imposition of safeguarding conditions that relate to the matters set out below.

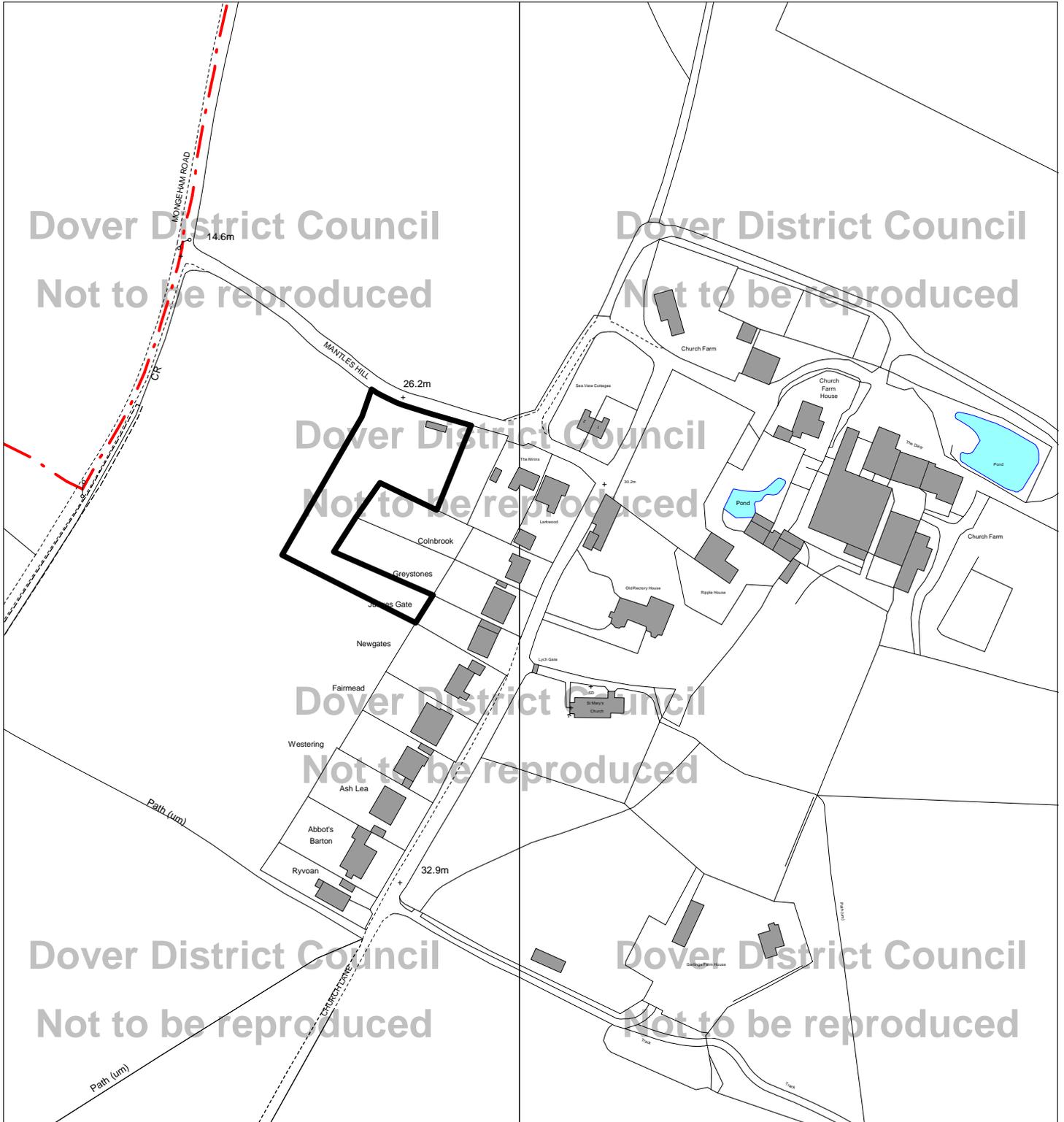
g) **Recommendation**

- I Subject to the completion of a S106 Agreement PERMISSION BE GRANTED subject to conditions to include: 1) time limit; 2) approved plans; 3) samples; 4) cycle and bin storage; 5) parking/turning; 6) construction management plan; 7) archaeology; 8) foul and sewage disposal details; 9) landscaping scheme; 10) landscape implementation; 11) details of finished ground floor levels; 12) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs; 13) SUDS management; 14) hard and soft landscaping; 15) ecological enhancements; 16) details of boundary treatment; 17) submission of external lighting; 18) contamination; 19) PD rights windows
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and the S106/legal agreement and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks

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Not to scale

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Application: DOV/18/00095

Land adjoining The Minns

Mantles Hill

Ripple

CT14 8JN

TR34925025



a) **DOV/18/00095 - Erection of a detached dwelling with associated access and parking - Land adjoining The Minns, Mantles Hill, Ripple**

Reason for report: Councillor call-in

b) **Summary of Recommendation**

Refuse planning permission.

c) **Planning Policies 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.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Ripple is a Hamlet; identified as not suitable for further development unless it functionally requires a rural location.
- 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 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking standards
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
 - i) In accordance with allocations made in 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
 - v) It does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

- DM16 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
 - 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.

Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

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 there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 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 three of the NPPF seeks to support a prosperous rural economy.
- Chapter four of the NPPF seeks to promote sustainable transport.
- 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.

Other Documents

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

16/00349 00349 CLEUD storage of a non-residential touring caravan and steel container APP

97/00812 Change of use from rough land to garden creation REF

97/00372 Erection of a bungalow & garage REF

80/01097 Outline application for a new dwelling REF Appeal Dismissed 9/4/81

78/01166 Outline application for a 3 bedroom bungalow REF

e) **Consultee and Third Party Responses**

Ripple Parish Council: objects on the grounds of over development, concerns over the environment, there will be a massive amount of spoil, there is an illegal entrance and it is outside of the settlement confines of Ripple'.

Principal Ecologist: - no comment

Southern Water: No objection. However, they point out that there is no public foul sewer in the vicinity/area of the site and alternative means of foul sewerage will need to be examined. If a septic tank is proposed or private waste water then the Environment Agency will need to be consulted. Arrangements will need to be made for the long term maintenance of SUDS.

Cllr Manion: comments as follows:

- ❖ I believe that it is a self-build application;
- ❖ I believe that there is a move to grant such applications as a priority;
- ❖ I understand that there have been a number of comments regarding this application from the surrounding community
- ❖ I request that this application is determined by planning committee

Public Representations: 8 letters of objection and 12 letters (2 within time) of support.

The reasons for objection are summarised as follows:

- Ridge top development outside the confines
- Contrary to policy DM1, devt outside the village envelope
- Overlooking/loss of privacy to adjacent property
- Design and position is out of keeping
- Not in sympathy/in keeping with surrounding countryside, the character of the village or in the best interests of the village
- Richmond Park caters for additional housing requirements within the local area
- Poor access via a steep and narrow hill, conflict with dairy farm and farm shop on opposite side of the road
- Proposal would be viewed from many vantage points within the village boundaries
- Previous applications refused on highway grounds – the road is much busier now
- Self- build proposal will cause more disruption as will take longer
- The applicants should be required to tidy up the site
- The proposal will involve the loss of a considerable amount of spoil and cause environmental effects as a result
- Potential to impact on the local bat population
- Unconvinced by the case put forward for screening

Non-material objections were submitted in relation to the disruption that the build will cause to villagers and the farm.

The comments in support of the application are summarised as follows:

- The plans are well thought out and sympathetic to the location and surrounding area
- The proposal would be of visual benefit to the area and would fit well in the plot
- The building is not out of place considering the varied designs in the area
- There is an acute housing shortage in general and this site is suitable for one dwelling
- The land has already been granted a certificate of lawfulness which should help prove suitability for future use
- From the nearest house only a single storey dwelling would be visible – no different to most properties on the first part of Church Lane leading to Portland Terrace
- A good use of land being used as waste land; derelict plot
- Solley's farm shop is only open 6 months of the year so no conflict with traffic
- No conflict with traffic attending Ripple School as this is on the other side of the village
- DM1 is outdated and old fashioned

- Self build is encouraged by the government
- Solar tiles, recycled water, positive footprint are all good for the environment
- There is a right to build
- Low level of traffic being generated by the proposal
- No visual harm, no impact on ecology or traffic

f)

1. **The Site and Proposal**

The Site

- 1.1 The application site is approximately 0.27 hectares in size and is situated in the hamlet of Ripple. The site is located towards the upper end of 'Mantles Hill' on a plot of land set behind residential dwellings that front Church Lane and adjacent to 'The Minns', a single storey bungalow accessed off Mantle Hill. The applicants currently live in the property 'Judges Gate' which fronts Church Lane; and the application site is attached but does not form residential curtilage.
- 1.2 To the north of the site is farmland and to the north east is an access to Church Farm and Solleys Farm Shop. To the south and west is open countryside. The site slopes gently from east to west and is adjacent to a small wooded area.
- 1.3 The site does not fall within any specific designation, save for being countryside. The site is described as being managed grassland within the application documents, however there is a somewhat unkempt appearance with overgrown vegetation within and on the site boundaries. There is an area of free form hardsurfacing within the site, 3 vehicles and a large storage container. There is a metal field gate which provides the access into the site.
- 1.4 The site is to the north-east of the centre of Ripple; the hamlet has a primary school, Church and a farm shop. There are a network of PRow that serve the hamlet and surrounding area; the nearest bus stop is in Church Lane and the village is on three bus routes with a 6 day a week service.

The Proposal

- 1.5 The application seeks permission for the erection of a self/custom build dwelling for the applicants to occupy. The proposed four bedroom dwelling is described as 'a contemporary interpretation of a traditional property'. The application has been submitted with the following supporting documents:
- Planning Statement
 - A Visual Impact Assessment
 - Extended Phase 1 Habitat Survey
 - Pre-development Tree Survey and Report
 - A unilateral undertaking

2. **Main Issues**

- 2.1 The main issues for determination are as follows:
- The principle of the development
 - The design
 - Impact on the character and appearance of the locality

- Impact on ecology
- Residential amenity
- Other material considerations (self-build register)

3. **Assessment**

The Principle of Development

- 3.1 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. This advice is reiterated in paragraph 12 of the NPPF.
- 3.2 The site is located within the settlement of Ripple. Under Policy CP1 of the Core Strategy, Ripple is identified as a Hamlet. No village confines are applied to this category of development, being a location which is not considered suitable for further development unless it functionally requires a rural location. The proposed dwelling in this instance does not functionally require a rural location and it is not ancillary to any existing development. Policy DM1 presumes against development in such a location (beyond settlement confines) and circumstances unless justified by other development plan policies, none of which apply here. The proposal is therefore contrary to Policies CP1 and DM1.
- 3.3 Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside rural settlement confines unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to Policy DM11.
- 3.4 A recent appeal decision at Walmer, Deal (DOV/17/00487) concluded that the Council has a little over 4.5 years supply of housing. Given this position, paragraph 49 of the NPPF applies whereby relevant policies for the supply of housing should not be considered up to date and the 'tilted balance' set out in paragraph 14 is engaged.
- 3.5 Relevant policies in the development plan can also be out-of-date for reasons other than lack of a 5 year housing land supply and thereby also be a trigger for the 'tilted balance'. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases policies in the plan are out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date.
- 3.6 Paragraph 215 of the NPPF also states that in cases where development plan policies pre-date the NPPF (as here), 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'
- 3.7 The objectives of Policies CP1, DM1 and DM11 are considered to be broadly consistent with the aims and objectives of the NPPF. That said there is an element of tension between the current framing of DM1 and CP1 and the advice in the Framework/NPPG to the effect that blanket policies restricting housing development in some settlements and preventing other settlements

from expanding should be avoided unless their use can be supported by robust evidence. It is recognised that the evidence underpinning these Core Strategy policies would now warrant review. For decision making purposes this has some effect on the weight to apply to Policies DM1 and CP1.

- 3.8 Paragraph 55 of the NPPF requires that local planning authorities should avoid new isolated homes in the countryside unless the proposal fits within the following special circumstances:
- The building was of an outstanding or innovative nature;
 - Would provide a rural workers dwelling;
 - Would be the optimum viable use for a heritage asset;
 - Would re-use redundant buildings that would lead to an enhancement of the immediate setting
- 3.9 The term 'isolated' is not defined in the NPPF but within the special circumstances reference is made to farm workers dwellings, or conversions of redundant farm buildings which, of course, are unlikely to be wholly isolated by their nature. Isolated also is a reflection of where something is more remote and away from other places, buildings and the like.
- 3.10 The applicant has made reference to the Court of Appeal, Braintree vs SoS for Communities; Greyread Ltd; & Granville Development. This appeal relates solely to the issue of the term 'isolated' in para 55 of the NPPF and how this is interpreted. The issue being the meaning of the word 'isolated' in the expression 'new isolated homes in the countryside'. It is not considered that the proposed dwelling would be 'isolated' in the dictionary sense.
- 3.11 As set out above, the application site is located within the open countryside where the Core Strategy restricts development unless it falls within specific criteria. Policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are consistent with the NPPF and both policies are applicable to the assessment of the application.
- 3.12 The site is currently undeveloped but does benefit from a Certificate of Lawful Development for the storage of a container and a touring caravan. However, in terms of character, notwithstanding the patches of hardstanding, the site generally has an unkempt appearance to it. There appears to be some occasional use such as parking but in essence, the visual impact of the site in its present form is very localised and minimal.
- 3.13 Paragraph 12 of the NPPF is clear in its guidance however, that the Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the proposal is contrary to the Development Plan. Where relevant policies are out of date, planning 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 Framework taken as a whole'.
- 3.14 As such, the test for this application is whether or not the proposal would give rise to adverse impacts that would significantly and demonstrably outweigh the benefits. The report considers, in the context of the NPPF and the tilted balance in particular, whether any other material considerations exist which would justify granting planning permission contrary to the Development Plan.

The Design

- 3.15 The proposed development is promoted as having been designed to fit with the topography of the site and the general landform in this locality. The dwelling would be three storeys in total; however it has been designed to appear single storey to the east where it faces 'The Minns', and two storey to the west with a basement level for parking below.
- 3.16 The roof scape is proposed in two elements with fully hipped roofs and a valley between which is linked by a flat roof central section – contemporary in nature. The western elevation is outward facing across the valley and will appear as two storeys with a fully hipped roof and central flat roof dormer that descends to ground floor level.
- 3.17 The proposed material palette will reflect the Kent vernacular with a plain clay tiled roof, white render and brickwork plinth. In addition, a contemporary element features dormers clad in zinc, aluminium windows and rainwater goods.

Impact on the Character and Appearance of the Locality

- 3.18 The application site falls within the Character Area 9 of the Dover District Landscape Character Assessment: Eastry Arable and Woodland Clumps. The key characteristics of the area are identified as follows:
- Gentle ridge and topography of the Downs
 - Small settlements enclosed
 - Orchards and vineyards
 - Poplar shelter belts
 - Arable land; rectangular fields; native hedgerows
 - Mixed buildings; minor roads; footpath network
- 3.19 Essentially, the pattern and rhythm of the landscape is of a series of small settlements with open arable land in-between.
- 3.20 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. This application is not submitted on the basis of agricultural need; it is not in accordance with any allocations and is not required to sustain a rural economy or rural community. Therefore the proposal is considered not to be in accordance with policy DM15.
- 3.21 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the development plan, incorporating any necessary mitigation; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 3.22 The relevant landscape character assessment recognises the small enclosed settlements that make up the broad character of the area. Nearby dwellings follow a linear pattern along Church Lane with some sporadic buildings such as the farm. Outside of the built form there are expanses of open countryside with far reaching views which extend from 'upper Ripple'. One of the core

planning principles contained within the NPPF is that planning should 'take account of the different roles and character of different areas' and recognise 'the intrinsic character and beauty of the countryside' (para 17). This proposal is very different in character to the more traditional form of dwellings in the locality, it will occupy a parcel of land at the edge of existing dwellings, it is substantial in its built form and will alter the softer, rural character which is currently found at the top of Mantles Hill.

- 3.23 The application documents include a number of photographs which are submitted to demonstrate that the proposal will not cause harm to the character of the countryside. The visual study seeks to demonstrate that the proposal will sit against and alongside an existing settlement of dwellings. If the proposal were substantially smaller in scale then this may be a stronger consideration, however the occupation of this currently undeveloped plot of land, with a dwelling of significant size and requiring an engineered solution to try and mitigate against a three storey building, results in a development out of context for its rural setting and which would have a jarring impact against the its immediate setting and that which extends beyond this cluster of dwellings.
- 3.24 This is a sensitive location, sited in an attractive landscape within the District. Whilst it is acknowledged that there is a CLEUD for limited storage on the site this is not of a scale that causes harm to the landscape. The site is relatively unspoilt in nature and by allowing this development it will allow a permanent, prominent structure along with domestic paraphernalia to the detriment of this character. It remains that this building would be highly visible, and visually intrusive within this sensitive landscape.
- 3.25 This proposal does not accord with the core planning principles as set out in the NPPF as it will fail to respect the character of this hamlet and cause harm to the intrinsic character and beauty of the countryside. Whilst not adjacent to a PRow, Ripple has a network of formal and informal paths/tracks running across the hamlet from which this proposal will be visible.
- 3.26 In design terms, this is very much a standalone form of development in the locality. Whilst there is a mix of materials and development styles, this eclectic mix of a contemporary style dwelling with traditional features would result in an urbanising form of development inappropriate to the locality and causing harm to the softer, rural edge that is currently the setting at this part of Mantles Hill.
- 3.27 Accordingly, the development is considered to be unacceptable in terms of its appearance and its effect on the countryside. It is contrary to Core Strategy policies and the guidance contained in the NPPF.

Impact on Ecology

- 3.28 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 3.29 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005)

Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

- 3.30 The application was accompanied by an Extended Phase 1 Habitat Survey Report. The report finds that the site has limited potential to support protected species such as Great Crested Newts (2 ponds within 500m – unsurveyed) or reptiles. It finds that the tree, shrub and hedgerow habitats around the site boundary are all suitable for use by breeding birds. The report makes recommendations with regard to a sensitive lighting strategy to respect potential bat foraging and commuting paths; a precautionary method of works to minimise impacts on GCN; some pruning and management of vegetation outside of the bird breeding season.
- 3.31 In light of the above considerations, there are no objections on the grounds of ecology.

Residential Amenity

- 3.32 The closest dwelling to the application site is The Minns. There is a distance of approximately 40m between the proposed dwelling to the side elevation of this single storey bungalow. The proposed dwelling is located to the western side of the plot and it is considered that the combination of distance and the fact that it is, in effect, a single storey elevation that faces The Minns, there would be no undue harm to residential amenity that would arise from the proposal with regard to overlooking/loss of privacy.

Other Material Considerations

- 3.33 In support of the application, reference has been made to an appeal decision at a site in Kingsdown (Land to the west (beyond) Strathfleet, Victoria Road, Kingsdown.) The case was similar in respect that it was also for a self-build dwelling that was outside a settlement boundary. However, in the case of the appeal site, Kingsdown is a settlement where a range of services exists to meet limited day to day needs of residents, and Ripple is a hamlet. The appeal proposal was considered by the Inspector to relate to the settlement and the character of the site was very much residential in location, siting and character. It is therefore considered that the appeal decision does not carry significant weight in the determination of the current proposal.

Self-Build Register

- 3.34 The applicant is registered on the Councils self-build register and this has been cited as a further reason to support the application. A draft unilateral undertaking has been submitted by the applicant. This agreement would commit the applicant to undertaking a self-build dwelling (as defined in the agreement) and restricts the occupancy to the applicant only for a period of 3 years following first occupation.
- 3.35 Development plan policy does not specifically refer to a self-build register. In such circumstances, Paragraph 14 of the NPPF states that planning 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 Framework taken as a whole; or when specific policies in this Framework indicate development should be restricted.

- 3.36 The commitment to living in the property for a period of 3 years after completion is not considered a reason to override the policies of restraint in the countryside; nor is it a reason to cause permanent damage to the character and appearance of the area. The Council has adapted to changes in legislative requirements and does keep a self-build register as required. The case for granting planning permission on the basis of it being a self-build is an argument that could be repeated time and time again as a means to gain permission for an otherwise unacceptable development. The NPPF is clear with regard to its protection of the countryside and even where the Development Plan is silent on a specific policy if the harm is considered demonstrable then planning permission should be refused. It is therefore considered that the self-build element carries insufficient weight in the planning balance to grant planning permission.

Highways

- 3.37 The proposed development is for a single dwelling accessing an unclassified road. As such, it falls outside of the KCC highways consultation protocol.
- 3.38 There is an existing access onto Mantles Hill from the application site. Objections have been received that the siting of this, together with frequent use, will give rise to conflict with farm traffic and other road users.
- 3.39 The proposal is for a single dwelling with an existing access that is staggered by some 30 metres to the access to Church Farm. The traffic that uses Mantles Hill is localised; the school is in the other part of the Hamlet to the west. The likely volume of traffic generation from one dwelling would not be likely to cause a severe impact on the highway network. Accordingly, there is no objection to the proposal on highway grounds.

Sustainability

- 3.40 There is a bus stop in Ripple which is opposite Sutton Road. This is approximately a 10 minute walk south west of the application closer to the heart of the hamlet. Services 541, 542 and 544 operate from this stop and offer a service 6 days a week. The services cover routes to Sandwich, Walmer, Deal, Dover, Aylesham, Wingham and Canterbury and the intervening villages. There is one bus a day in each direction from one of the services.
- 3.41 Whilst Ripple is served by a local bus service it is a limited service and with only one bus a day in each direction it is not considered a viable alternative to private transport.
- 3.42 It is therefore considered that the proposal would conflict with policy DM11.

4. Conclusion

- 4.1 The proposal is for a self-build dwelling designed to fit in with the topography of the site. The fact remains that a permanent structure of this scale will alter the character of this rural landscape.

- 4.2 It is not contended that the proposal is a para 55 dwelling in terms of innovation or agricultural need.
- 4.3 The proposal is contrary to policies DM1, DM11, DM15 and DM16 of the Dover District Core Strategy where new development outside of existing settlement boundaries is resisted and the highest level of protection is given to landscape protection.
- 4.4 The tilted balance is engaged due to some of the policies of the local plan being considered dated and the questionable position on the 5 year housing land supply.
- 4.5 The proposal would cause harm to the rural character and appearance of the area.
- 4.6 The self-build element of the proposal carries little weight in overriding policies of constraint.
- 4.7 Overall the development is inconsistent with the aims and objectives of the NPPF and Development Plan. For the reasons given above it is considered that this application is unacceptable, and as such it is recommended that planning permission be refused.

(g)

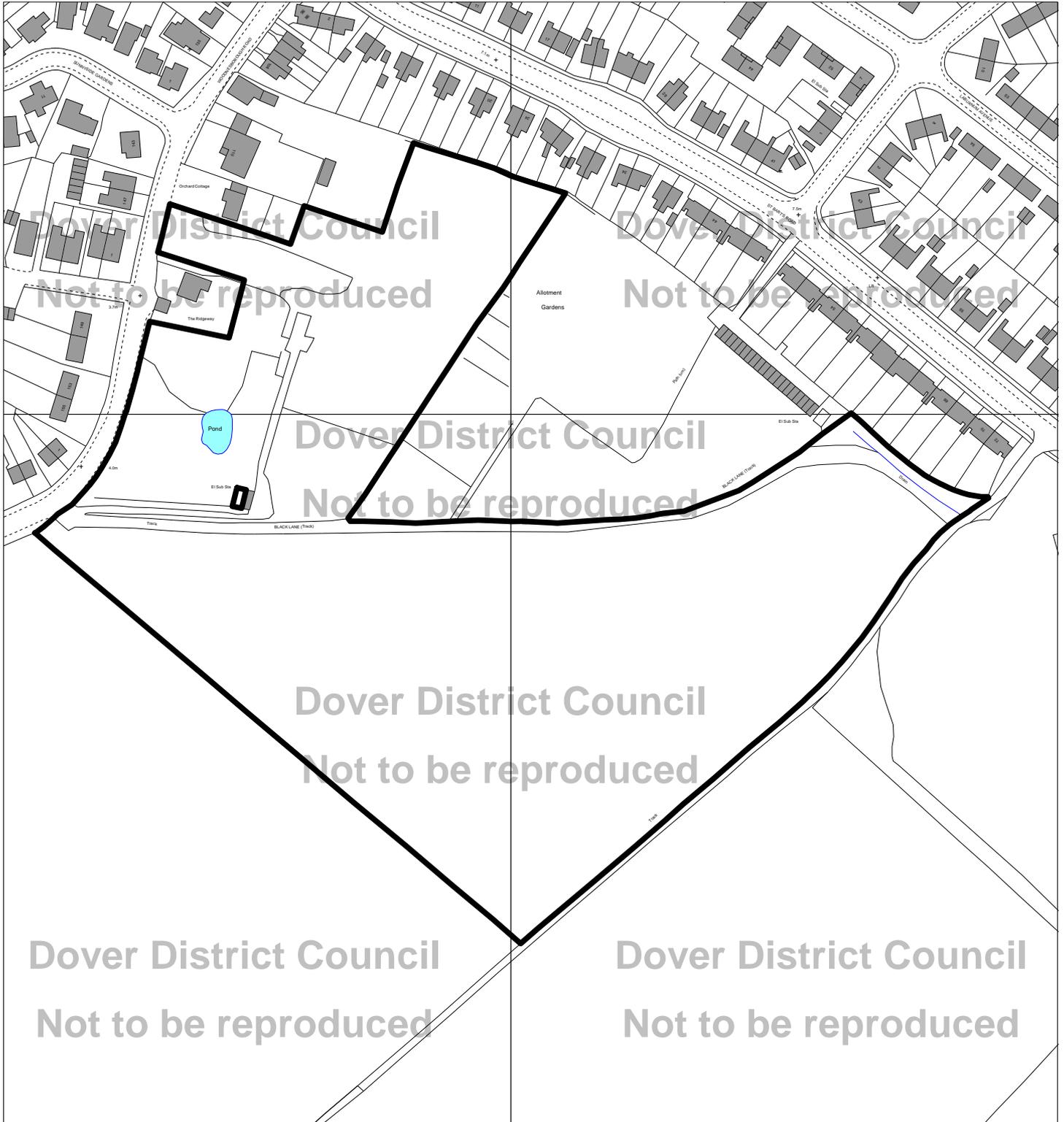
Recommendation

REFUSE PLANNING PERMISSION for the reasons given below:

- 1) The proposed development, if permitted, by virtue of its siting, form, materials and scale, would result in an incongruous, intrusive, alien and unsustainable form of development, bringing about significant harm to the character and appearance of the countryside. The proposal would be viewed from nearby public rights of way and would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM1, DM11, DM15 and DM16 of the Dover Core Strategy and NPPF paragraphs 17 and 55.

Case Officer

Amanda Marks



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: An appeal against the non-determination of the above application has been received by the council. This report seeks the determination of Planning Committee as to whether planning permission would have been granted had the application been determined by the Committee and if not, to establish the putative reason(s) for refusal. The application is also reported due to the number of contrary views and due to the item appearing on the list of deferred Planning Committee items.

b) **Summary of Recommendation**

Planning permission would have been granted

c) **Addendum to Committee Report of 22 March 2018**

Introduction

- 1.1 This application was presented to planning committee on 22nd March 2018 when it was recommended that planning 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. A copy of the Committee Report is attached at Appendix 1.
- 1.2 At the meeting, members resolved to defer determination of the application to allow for: an independent highways assessment, the detail and scope of which to be delegated to Officers in consultation with the Chairman, the three ward Members and Councillor B Gardner (the Planning Committee Spokesman). A copy of the Minutes of the March Planning Committee is attached at Appendix 2.
- 1.3 Following the Committee’s resolution to defer determination of the application, the Council received, on 10th May, a letter from the Planning Inspectorate confirming that a valid appeal against the non-determination of the planning application. Consequently, the Council no longer have the ability to determine the application which will instead be determined by the Planning Inspectorate. However, it is necessary for the Council to reach a conclusion on how it would have determined the application had it been in a position to do so, which will then inform how the Council will engage with the appeal (for example, whether the Council would present evidence to the appeal to defend putative reasons for refusal). This report seeks Committee determination for the case the Council should make at appeal.
- 1.4 Since the application was reported to Planning Committee, one further public representation has been received in support of the application, citing the need for housing and the need for more housing to support local services and businesses.

Further Assessment

- 1.5 Following the March Planning Committee, Officers liaised with the Chairman, the Ward Members and the Spokesman of the Planning Committee to agree the detail and scope of the requested Independent Highways Assessment. The agreed scope included:
- An assessment of the proposed junction to Woodnesborough Road (and changes to Woodnesborough Road) to establish whether the design of this access would be safe.
 - An assessment of the number of vehicles which would access/leave the development in one day and during the peak hours.
 - A distribution model to predict where vehicles travelling from the site would drive to and where they would come from when returning to the site. This is usually expressed as the number of vehicles which will pass through various junctions during the peak hours.
 - An assessment of whether the increased use of, and changes to, Woodnesborough Road would be likely to compromise highway or pedestrian safety.
- 1.6 In addition to the above, it was requested that the Assessment consider the feasibility of slip roads onto the A256, whilst roundtable meetings with the developer and residents were also requested.
- 1.7 A transport consultant was engaged to review the scope of the proposed Assessment, who advised that the work would take at least 8 weeks, assuming that the survey work could be carried out quickly and outside of the school holiday periods. Given the timescale required to carry out survey work, submit the Assessment, consider its findings and produce an updated report, and having regard for Planning Committee scheduling, it would not have been possible for Committee to reassess the application until at least 23rd August, if not September, were it to have regard for the Assessment. Given the need to advise the Planning Inspectorate of the Councils position, this delay could not be sustained. Consequently, it is requested that members consider how they would have determined the application, based on the information which is available.
- 1.8 Whilst there is no new assessment or traffic data available, this addendum does afford an opportunity to provide additional commentary in response to the specific issues raised in agreeing the scope of the Assessment.
- 1.9 The planning application does not propose the provision of a slip road onto the A256. Such a slip road would require land which is outside of the control of the applicant, would cost a substantial amount of money which would be highly likely to impact upon the viability of the scheme and would require planning permission in its own right. For these reasons, there would not, therefore, be a realistic likelihood of such an infrastructure being implementable. Furthermore, the need for a slip road was not identified at the plan making stage and no requirement for such infrastructure was identified in the Land Allocations Local Plan (the soundness of which requires that the allocations within the plan are viable). For these reasons, it is considered that requiring the application to provide a slip road, and/or test the need for such, would be unreasonable. The application should instead be considered on its merits, as submitted.

- 1.10 Questions were raised regarding whether the proposed junction onto Woodnesborough Road (and changes to Woodnesborough Road) would be safe. Concerns arise from the level of visibility from and to the junction and from concerns regarding speeding vehicles. The junction itself would provide forward visibility which would meet the design standards for an access in this location. The application would secure the reduction in speed limits along Woodnesborough Road to the south east of the site, whilst the additional stretches of double yellow lines and islands would both remove vehicles parking on the inside of the bend in the road and create features which would naturally slow drivers down. Outside of the planning application, the highway works have been safety audited and amendments made to resolve issues raised. The proposals will be subject to a separate detailed approval process through the highway authority, including further safety audits. It is therefore considered that the junction and the highway works (including those on St Barts Road) would be safe for pedestrians and vehicles.
- 1.11 The predicted number of vehicle movements from the site has been established using TRICS assessment. Such assessments are nationally recognised and are a standard method for estimating the likely vehicle movements which will be generated by a development. The TRICS assessment utilises actual data from manual counts at other sites across the country. The data sets chosen must be comparable to the size and type of development being proposed and the conditions in which the site is located. In this instance, the data sets chosen related to: residential developments of a similar size to that proposed by the current application; where surveys were undertaken on week days; where the site was in an edge of town and 'residential zone' location; where local populations are comparable with those found in the area around the application site; and in localities with similar levels of car ownership. The actual trips generated by these developments are then used as an evidence base upon which to estimate the likely trip generation from the proposed development. Having regard for these actual figures from other developments, KCC Highways and Transportation were satisfied that the development would be likely to generate approximately 65 two-way vehicle movements during the peak hours (08:00 – 09:00 and 17:00 – 18:00). At the March Planning Committee, some members raised concerns that this figure seemed low. It should be borne in mind that whilst most families will own a car (or more than one car), others will not. Equally, some occupants may drive to work outside of the peak hours, work from home, be retired, stay at home to look after children etc. It must also be re-emphasised that this figure is evidence based, being derived from actual post-development counts at other comparable sites.
- 1.12 The application also includes a junction capacity model, known as PICARDY model. This model is also a nationally recognised standard methodology for estimating, junction capacities, queues and delays, having regard for the vehicle movements to and from the site and the geometry of and visibility from junctions. The model has been set-up to have regard for the most likely routes to and from the site, including routes to the Canterbury area and towards the M2/A2, to the Thanet area, into Sandwich town centre and to Dover and Ashford. The model demonstrates that there would be no significant queuing at the site access or at the Woodnesborough Road and St Barts Road junction. In the peak hours, around 75% (around 49) of vehicle movements in and out of the site would be to or from the northerly direction along Woodnesborough Road, with 25% (around 16) traveling to or from the south

east along Woodnesborough Road. Of the 75% travelling north, around a third (around 25% overall, or 16 movements) would travel to or from the north along Woodnesborough Road towards or from Moat Sole and the centre of Sandwich. The two thirds of movements turning east onto St Barts Road would be around 22 movements (the 32 movements or 50% overall are two-way so 10 would be heading west towards the site along St Barts Road). This distribution has been arrived at using the most recent census data to map existing patterns of travel, indicating where people in the Sandwich area travel to work and the routes they are likely to take. The distribution demonstrates that, on average, the development would increase vehicle movements along St Barts Road by around one vehicle every two minutes in the peak hours and along Woodnesborough Road in each direction by around one vehicle every four minutes. The distribution of movements also uses data collected regarding the mix of vehicles which use the roads, i.e. how many heavy vehicles use the road, which is of particular relevance in this instance given the concerns regarding the use of the surrounding road network by buses and supermarket delivery lorries.

- 1.13 Whilst a new Highways Assessment is not available to inform the decision making process, this report draws out previously available data which may not have been readily appreciable previously. Overall, it is considered that the modelled data presented by the application, which was challenged and subsequently amended following initial concerns by KCC Highways and Transportation, utilises a standard methodology and is robust.

Other Matters

- 1.14 The appeals process includes the provision for parties to apply for an award of costs against another party, where that party has behaved unreasonably and where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Whilst this is not material to the assessment of the proposal members should be mindful that, if it is determined that the application would have been refused, the putative reasons for refusal must be reasonable and robust. Members will be cognisant that the Local Plan allocation of the site establishes that the Council has accepted the principle of a development on this site and of this scale being accessed via Woodnesborough Road. It is, however, reasonable for members to consider whether the location and design of the access point onto Woodnesborough Road and the appropriateness of the highway works are acceptable or whether they would cause a severe cumulative impact on the local highway network. Members will also need to have regard for the evidence submitted with the application and the statutory responses provided by the highways authorities.

Conclusions

- 1.15 The application was deferred at the planning committee of 22nd March 2018 to allow for independent highways assessment to be carried out by the District Council. As this application is now the subject of an appeal to the Planning Inspectorate against non-determination, it is incumbent on the Local Planning Authority to establish how it would have dealt with the application, as it stands, had it been in a position to do so.

- 1.16 This application relates to a site which has been allocated within the Land Allocations Local Plan for the provision of approximately 120 dwellings, subject to the site being accessed via Woodnesborough Road.
- 1.17 The Committee Report, attached at Appendix 1, provides an assessment of all of development plan policies and material considerations which are pertinent to the determination of the application. The report concludes that the development is considered to be acceptable, being in accordance with Policy LA16 of the Land Allocations Local Plan and being acceptable in all other material respects, whilst also acknowledging that the development would provide substantial benefits. In particular, it is the case that, at present, the Council is unable to demonstrate a five year Housing Land Supply and, consequently, the 'tilted balance' (approving development unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits) is engaged. The development would provide a major contribution to the Councils deliverable housing land supply, on a site which is allocated within the Land Allocations Local Plan, and will include thirty-six much needed affordable dwellings. It is therefore recommended that the Committee resolve that it would have granted the application, subject to a S106 Agreement and condition, as proposed at section (g) I of the Committee Report, were it to have been in a position to do so.

d) Recommendation

- I Planning permission would have been GRANTED by the Council had it been in a position to do so, 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 to be delegated to the Head of Regeneration and Development to settle the detailed wording of the appeal case for the Local Planning Authority, in line with the issues set out in the report and as resolved by the Planning Committee.

APPENDIX 1 – COMMITTEE REPORT OF 22 MARCH 2018

- 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 childrens’ 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 ta 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 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 charging 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 charging 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 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.
- 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.
- 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.
- 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:

- 5 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

Assessment

Principle

- 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. 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 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.
- 2.4 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.

- 2.5 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

- 2.6 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%

- 2.7 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

- 2.8 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.

- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.

- 2.14 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.
- 2.15 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.
- 2.16 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

- 2.17 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.

- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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

- 2.24 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 Woodnesbrough 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.
- 2.25 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.
- 2.26 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.
- 2.27 At present, Woodnesborough Road operates at a 40mph speed limit which reduces to 30mph maximum speed approximately 40 meters south west of the proposed site access. The application proposes to extend the 30mph speed limit by approximately 120m further west along Woodnesbrough 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.

- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 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.

- 2.32 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.
- 2.33 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.
- 2.34 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.

- 2.35 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.
- 2.36 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

- 2.37 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.
- 2.38 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.

- 2.39 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.
- 2.40 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.
- 2.41 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.

- 2.42 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.
- 2.43 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

- 2.44 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

- 2.45 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.
- 2.46 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.
- 2.47 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.
- 2.48 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
- 2.49 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.

- 2.50 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

- 2.51 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.
- 2.52 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.
- 2.53 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.

- 2.54 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.
- 2.55 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.
- 2.56 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.
- 2.57 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.

- 2.58 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

- 2.59 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.
- 2.60 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.
- 2.61 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.
- 2.62 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.

- 2.63 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

- 2.64 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.

g)

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

APPENDIX 2 – PLANNING COMMITTEE MINUTES OF 22 MARCH 2018

APPLICATION NO DOV/17/00876 - WOODNESBOROUGH ROAD, SANDWICH

Members viewed drawings, plans and photographs of the application site. The Principal Planner advised that, since the report was written, Sandwich Town Council had submitted comments stating that, whilst it recognised the need for houses in Sandwich, it could not support the application in its current form due to the lack of provision/access to the Sandwich by-pass.

The application sought planning permission for the erection of 120 dwellings on a site which had been allocated for development under policy LA16 of the Land Allocations Local Plan (LALP), subject to the application meeting the criteria. The site was 700 metres from Sandwich railway station, 100 metres from bus-stops on Woodnesborough Road and 500 metres from more regular bus services on Dover and Deal Roads. The proposed access would be onto Woodnesborough Road, with a secondary, emergency access onto St Bart's Road, both of which were required under policy LA16. The development would comprise a predominantly block layout with a swathe of green open space on the Woodnesborough Road frontage. A Public Right of Way (PROW) ran through the site which would be upgraded. The hedges would be retained and bollards added to prevent vehicular access to the PROW. Whilst the proposed dwellings were not locally distinctive, it was considered that the scale, appearance and mix of materials would not detract from the character of the area.

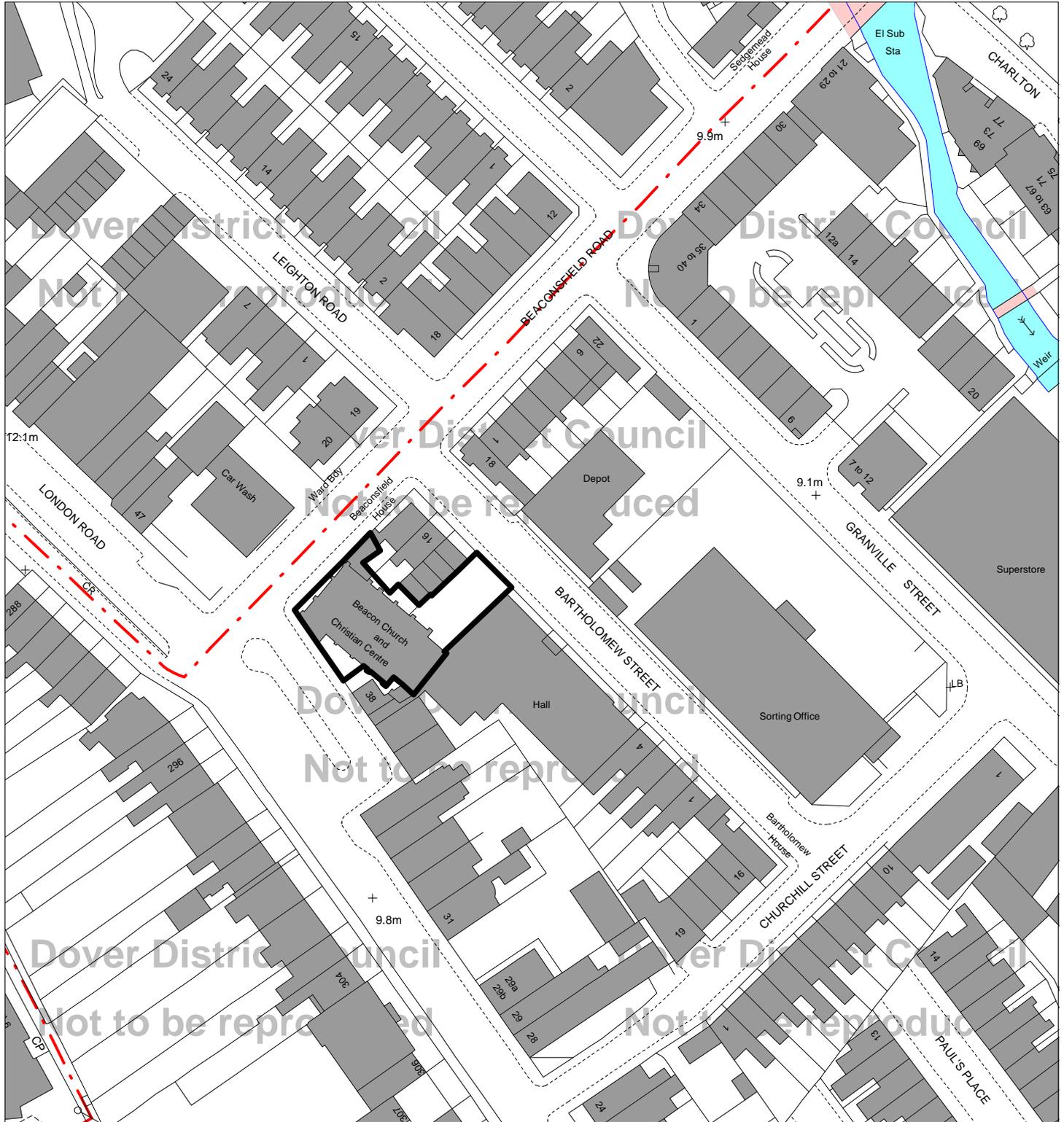
Concerns had been raised about the impact of the development on the local highway network. The applicant had submitted further information in response to comments made by Kent County Council (KCC) Highways and alterations to the surrounding roads had been proposed. These alterations included the extension of the 30-mile per hour speed limit further along Woodnesborough Road to the west, the provision of double yellow lines around the bend in the road, two short stretches of single yellow lines outside the primary school, and a pedestrian crossing to provide a footpath link on the northern side of the road. The development would provide 36 affordable houses which was compliant with the LPA's 30% requirement. A total of £815,000 in financial contributions would be made to deliver infrastructure in the local area to meet the needs of the development. Ecological reports and species surveys had been submitted. The development accorded with the criteria set out in policy LA16 and approval was therefore recommended. Councillor B W Butcher pointed to existing congestion in the town whose roads were not designed for modern-day traffic. Residents of the new development would have no choice but to go through the town if they wanted to travel to Thanet. There had been several accidents around St Bart's Road and on the bend in Woodnesborough Road. Woodnesborough was already a congested village and traffic from the new development heading towards Canterbury would make this worse. He recognised the need for more houses but not without direct access to the by-pass to relieve congestion in the town. With the support of Councillor Gardner, he moved that the application should be refused. Councillor Gardner welcomed the provision of 30% affordable housing. However, he could not support the development with the proposed access which was unacceptable. Councillor P M Wallace noted the level of opposition to the scheme and agreed that providing the access on Woodnesborough Road was wrong.

The Chairman referred to policy LA16 which required that access should be onto Woodnesborough Road. The application complied with this criterion. KCC Highways had also found the access arrangements acceptable. The KCC Highways Development Planner clarified that KCC Highways had initially made a holding objection until further information had been provided. This was standard practice. The projected trip rates were robust given that the development was close to a

railway station, bus services and local schools. There had been no pattern or cluster of accidents on Woodnesborough Road to suggest that improvements needed to be made. The distribution of traffic through the town would depend on where residents went to work. Half of the traffic movements were likely to go via St Bart's Road and the remainder would be split between Woodnesborough Road and Dover Road. It was predicted that the scheme would generate 22 two-way movements during peak hours from Woodnesborough Road through the town. This was not considered to be a severe impact.

Several Members disputed the projected traffic figures. They also referred to the lack of a footpath on the development side of Woodnesborough Road, as well as the insufficient number of one or two-bedroom homes included in the scheme. There were no shops or other facilities within easy walking distance. Comments were also made that further information was needed in relation to drainage and contamination. The Chairman advised the Committee that if it refused the application it would be going against professional advice and statistics. The KCC Highways Development Planner advised that the number of parking spaces provided did not correlate to trip rates as the latter depended on whether people worked from home or not at all. The provision of a slip road to provide access onto the by-pass had not been considered. In response to concerns raised about drainage, the Principal Planner reported that Southern Water was proposing to install a new pumping station with hydraulic capacity. Sunken crates would be provided to deal with surface water. These would store water in the event of heavy rainfall and were designed to cope with a 1 in 200-year storm event. He reminded Members that the site had been allocated for up to 120 dwellings, and had been subject to scrutiny by a Planning Inspector as part of the Local Plan process. The proposed access arrangements were in accordance with policy LA16. There was a real prospect that the LPA would lose the case on appeal if the Committee refused on highways grounds without providing solid evidential reasons. The Chairman reiterated this advice and suggested that deferring the application for an independent traffic survey would be a better solution as this could potentially provide the Committee with the evidence it needed. With the agreement of his seconder, Councillor Butcher agreed to withdraw his motion to refuse the application.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/17/00876 be DEFERRED for an independent highways assessment, the detail and scope of which to be delegated to Officers in consultation with the Chairman, the three ward Members and Councillor B Gardner (the Planning Committee Spokesman).



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Application: DOV/17/00704

Beacon Church and Christian Centre

London Road

Dover

CT17 0SS

TR31234219



DOV/17/00704 - Change of use and conversion into 9 no. self-contained flats (5 x 2 bed and 4 x 1 bed) - Beacon Church and Christian Centre, London Road, Dover

Reason for report - Number of contrary views (6).

a) **Summary of Recommendation**

Planning permission be granted.

b) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

DM1 - Settlement Boundaries

DM11 - Location of Development and Managing Travel Demand

DM13 - Parking Provision

National Planning Policy Framework (NPPF) (2012)

Paragraph 7 - Identifies the 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.

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 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 - Presumption in favour of sustainable development for decision-taking.

Paragraph 17 - Core planning principles which identify that 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 home 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; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 32 - requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified that affordable housing is needed, set policies for meeting this need on site.

Paragraph 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.

Paragraph 61 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 70 – To deliver the social, recreational and cultural facilities and services the community needs which should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; guard against the loss of valued facilities; ensure established facilities are retained for the benefit of the community; and ensure an integrated approach to considering community facilities.

Paragraph 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.

Paragraph 109 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 120 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 128 - states that local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Kent Design Guide (2005)

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

c) Relevant Planning History

DOV/14/00155 – Outline application with all matters reserved for the erection of 9 self-contained flats (Existing church to be demolished) – Refused.

d) Consultee and Third Party Representations

DDC Environmental Health: Across all floors there are rooms with potentially noisy environments such as kitchens and bathrooms positioned directly above or below rooms such as bedrooms that may be adversely affected by noise migrating from noisier rooms. Where stacking arrangements are poor we would require the sound insulation to be of a higher standard than the requirements of Approved Documents E of the Building Regulations. Conditions should be attached in respect of a scheme of sound insulation, noise mitigation measures and external noise mitigation measures to deal with traffic noise from London Road.

KCC Highways and Transportation - Note no off-street parking is provided. However, the proposals are unlikely to generate a significantly greater demand for parking than the existing and permitted use of the site and parking controls are in place in the immediate vicinity of the site. The site is located close to public transport services and local amenities. Taking all of the above into account I would not recommend refusal on the lack of off-street car parking subject to imposition of conditions regarding no doors or windows to open out over the highway and the provision and retention of 9 covered cycle parking spaces.

KCC Archaeology: Building is a non-designated heritage asset and contributes to the setting of the conservation area. Support the principle of conversion. Provision should be made for the recording of the chapel prior to conversion and provision should be made for a specification and timetable by condition.

Southern Water - Request a condition in respect of details of the means of foul and surface water disposal prior to commencement. The applicant should be advised of the need for a sewer capacity check and the need for a formal application for connection to be made by an informative.

Dover Town Council: Support, need incorporation of proper waste facilities.

Dover Society: Supportive in principle and wish to see the building brought into an alternative use but the proposed development is over intensive and unsatisfactory. Waste needs to be controlled in a suitable and screening area. Will affect local car parking facilities including local shops that will be compromised. Development should be rejected.

Third Party Representations: Five letters of representation have been received; objections have been made on the following grounds:

- Concern about outlook over a bin storage area.

- Concern that there are no elevation details and that the building could reduce light to neighbouring properties.
- Potential for overlooking of gardens and reduction in privacy.
- Parking should be provided on site as without it, existing on-street pressures would be exacerbated.
- No right of access across church car park to building

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

The Site

- 1.1 The site is situated in Dover and therefore within the settlement confines. The application site consists of the Beacon Church & Christian Centre located on the corner of London Road and Beaconsfield Road, extending to Bartholomew Street in the north-east where access to the relocated church and main hall is located. It is comprised of the original church building and the church hall with some very limited space around the exterior of the building. The church was built in 1901 and is now in poor condition, resulting in the congregation moving to the adjacent church hall. The church was formally decommissioned on the 30th June 2013. Adjoining the site to the north-east are residential properties that front onto Beaconsfield Road and Bartholomew Street. Opposite the site on Beaconsfield Road is a former garage, now being used as a hand car wash. The site is less than 20m away from the London Road Conservation Area to the south-east.

Proposal

- 1.2 Planning permission is sought for the conversion of the existing church building to form 9 self-contained flats. 5 x two-bedroom units and 4 x one-bedroom units would be provided over three levels of accommodation. The flats would be accessed from three separate entrances off London Road, Beaconsfield Road and access through the car park on Bartholomew Street. Two areas are provided for refuse and cycle storage, (one space per flat). No on-site car parking would be provided to serve the new flats. The church constitutes an area of 309 square metres.
- 1.3 The following documents have been submitted in support of this application:
- Structural Engineers Report
 - Design & Access Statement
 - Heritage Statement
 - Supporting Statement
 - Clarification of legal access
- 1.4 A number of amendments have been submitted since submission including minor changes which have sought to provide secure refuse storage facilities and cycle parking spaces, repositioning of rooflights, obscure glazing and oriel windows to a number of the units. In addition, due to concerns regarding potential overlooking one of the flats has been changed from a two bedroom flat to a one bedroom flat. Clarification in respect of the loss of the community use and legal access to the site have also been submitted to further support the application.

2. Main Issues

- 2.1 The main issues to consider are:
- Principle of Development
 - Loss of Community Facility
 - Heritage Considerations
 - Impact on Residential Amenity
 - Highways Issues
 - Other Material Considerations

Assessment

Principle of Development

- 2.2 The application site is located within the settlement confines of Dover, as identified on the policy proposals map. The Settlement Hierarchy as set out by Policy CP1 of the Core Strategy identifies Dover as being the major focus for development in the District, suitable for the largest scale developments. Policy DM1 of the Core Strategy (CS) states that development will not be permitted on land outside the urban boundaries and rural settlement confines. In this instance, due to the location of the site within Dover, the principle of residential development is accepted and it would be an appropriate land use subject to site specific considerations.
- 2.3 The NPPF confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that sustainable development which accords with the development plan should be approved without delay. In terms of sustainability, the site is within the urban confines and is well located to the town and local facilities, with amenities all within walking distance. It is therefore considered to be an appropriately located site for residential development.
- 2.4 Nine residential units would also contribute to the provision of housing accommodation within Dover and add to the supply of housing accordingly. A further nine units would therefore add to the housing supply figures and contribute towards the Council's Five Year Supply of Housing which should be encouraged for a sustainable site in a central location.
- 2.5 The proposed conversion would also bring back into use a currently disused building in a prominent location which would add to and enhance the character of the local area. The NPPF attaches great importance to the design of the built environment and indicates that good design is indivisible from good planning and should contribute positively to making places better for people and respond to local character and history of the area. It is considered that the proposed development would achieve these aims by bringing a historic building back into use and could potentially encourage other investment in the immediate area.
- 2.6 The principle of the conversion is therefore in line with the NPPF and the re-use of an existing unused building into a residential use is acceptable in principle subject to the assessment of other material considerations and the impact on residential amenities.

Loss of Community Facility

- 2.7 In terms of the loss of a community facility, paragraph 70 of the NPPF requires that planning decisions should deliver the social, recreational and cultural facilities that the community needs and that they should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The proposal would result in the loss of a social, recreational and cultural facility but one that no longer serves the local community.
- 2.8 The applicant has submitted supporting information to demonstrate that there is no demand for the use of the building for a community facility. Marketing information has been provided and the site has been on the market for a community or commercial use for a number of years but with limited interest. There had been interest from a gym group who pulled out due to lack of car parking. Furthermore, the title deeds of the building have imposed a number of restrictions including any consumption of alcohol and that the church cannot be used as a place of worship by another user. This further restricts the use of the building for a number of community uses.
- 2.9 In addition, a comprehensive options study has previously been undertaken which has concluded that the church building is no longer financially viable and surplus to requirements for worship in the area due to a lack of maintenance and the need for a large capital investment in order to bring the church back into operation. The previous Methodist church occupiers therefore built a new church hall adjacent and moved into this building. Since this date the church building has been closed and was decommissioned in 2013 and has not been in use. The proposal involves the provision of nine self-contained flats, however the car park and access on Bartholomew Street are retained for the adjacent church/community use. Due to the size of the building and the need for considerable repair, the costs associated with bringing the building back into good repair can therefore only be justified by a conversion into nine flats.
- 2.10 As a result it has been sufficiently demonstrated that there is no longer a demand for this church building, and that there is no interest to take it forward to provide alternative uses that could ensure its long-term retention. The proposal would therefore be considered to accord with the core sustainability objectives of the NPPF including, following the above submission, paragraph 70.

Heritage Considerations

- 2.11 The property has clearly suffered from a lack of maintenance expenditure over many years, partly due to ongoing discussions regarding the future of the building and whether it should be refurbished or redeveloped which has prevented major expenditure. Despite this, some ongoing maintenance has taken place which has prevented significant deterioration. The conclusion being that the building is now semi-derelict but structurally sound and therefore it is appropriate to convert it to a residential use.
- 2.12 The date of the building is circa 1902, a plaque confirms this. Externally the very steeply pitched roof dominates and the external walls are rendered. Formerly the frontage was to London Road and was built right back up to the

back of pavement where there is now a lay-by. Photographs of the church show a more Gothic style roof and facades, all contemporary, which were destroyed in the war. The former church building is what remains of a larger complex. A two-storey flat roofed extension projects at the west end of the church facing the main road which is in poor condition. The tall single space interior is of architectural interest having slender timber pseudo-hammer beam roof trusses (with steel tie rods). At the east end is a first floor gallery fronted by three plain Gothic arches. The original complex timber alter, pulpit etc. were contemporary with the rest of the building and designed for it. (These have since been removed prior to the sale along with the stained glass windows.) At the west end is a small first-floor projecting gallery. Taking all these factors into consideration, it is felt that this building would qualify as a non-designated heritage asset.

- 2.13 It is also considered that the church contributes to the setting of the nearby London Road Conservation Area. If brought back into good external order its architectural contribution would be enhanced. It already makes an historical contribution to that setting as a result of its location. The character of the lay-by and space in front has the long term potential for streetscape improvements and this could further contribute to the setting of the conservation area.
- 2.14 Annex 2 of the NPPF defines a heritage asset as a building, monument, site, place or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority, including local listings. Paragraph 128 of the NPPF states that the applicant should describe the significance of any heritage asset affected, including any contribution made by their setting. The site lies adjacent to the London Road Conservation Area, which is also a designated heritage asset, and the impact of any proposals on its setting must take this into account. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 2.15 The site and church building is in a prominent corner location and currently makes a positive contribution to the setting of the adjoining conservation area, it is a landmark historic building and would be classed as a non-designated heritage asset in its own right. The principle of conversion to a residential use is accepted and will result in the renovation of the building and its long-term protection which are a benefit to this non-designated heritage asset, the immediate area and street scene and the setting of the nearby conservation area. Such a proposal is therefore supported and is in line with the NPPF, although will need to be subject to conditions in respect of further details of all external alterations to ensure the long-term protection of this landmark building.
- 2.16 In terms of Archaeology, the site lies in an area of archaeological potential associated with the historic development of Dover. The site lies adjacent to London Road, which approximately follows the line of the main Roman road from Dover to Canterbury. However the conversion of a building would not

normally have implication for buried remains and no further archaeological work or conditions are required in relation to this proposal. KCC Heritage have however requested that provision is made by condition for the recording of internal features of the chapel prior to its conversion, although it is appreciated that a number of the original features have already been removed by the previous owners. Nevertheless, a record of the key features that remain in the building should be undertaken and can be addressed by a condition.

Impact on Residential Amenity

- 2.17 The church building retains a two-storey form but with a tall pitched roof. No extensions or alterations are being proposed to the external size and form of the building, other than cycle and bin storage areas. The proposed building therefore is only being altered in terms of the insertion of rooflights to the roof form and some amendments to the existing window openings. However, the use is changing from a church to nine residential units that increases the potential for overlooking and a loss of privacy to adjacent residential properties in particular those along Bartholomew Street that back onto the existing building No. 16 and Beaconsfield House (the corner property).
- 2.18 To ensure there is no direct overlooking of adjacent residential properties and their garden areas resulting in a reduced level of privacy, following negotiations six windows have now been obscured glazed and will need to have restricted openings, four rooflights has been repositioned above cill level and two oriel windows are now proposed (one to each flank elevation). In addition a window has been added to the rear elevation to enable a view from the bedroom window of Unit 5. This will overlook commercial properties only.
- 2.19 The proposed changes to the window openings and the insertion of (Conservation style) rooflights are considered to be appropriate to enable the conversion of the building to a residential use with the minimum number of changes to the elevations. The proposed windows and rooflights would be unlikely to significantly change the character of the existing building when viewed from neighbouring properties to a degree that would significantly affect their existing residential amenities and would not be significantly greater than the impact of the existing church as all existing openings at ground and first floor have been retained. Whilst outlook would be altered, I do not consider that it would be unacceptably compromised and it is felt that the amended window treatments have been sympathetically designed so that windows are positioned to not result in a significant loss of privacy. I am satisfied that the proposal would not be significantly detrimental to residential amenities and would be acceptable on the restricted site and to enable the building to be brought back into an active use.
- 2.20 Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook are anticipated for either existing or future occupiers of the existing and proposed dwellings respectively. Therefore the juxtaposition of the proposed units suggests no adverse amenity issues. However, to ensure this relationship is retained and the impact on the amenities of the occupiers of the adjacent flats is maintained it is considered reasonable to include a condition to ensure all windows identified as obscure glazed/high level or oriel are implemented and retained in the form proposed. In addition details of all joinery including rooflights has been included as a

condition to ensure the character of the building is maintained.

- 2.21 The plans therefore demonstrate that the proposed development can be accommodated in a manner which would ensure a reasonable relationship between windows for existing dwellings and their respective rear gardens and the proposed residential units and therefore a reasonable standard of accommodation can be achieved. Given the above, it is not considered that the living conditions of any residential properties would be directly or significantly harmed by the proposed development.
- 2.22 In respect of the future living conditions of the proposed new flat units, the layout and size of the proposed units is more than sufficient to demonstrate that a reasonable standard of living accommodation is being proposed and would be acceptable. It would be necessary, so that the future residents have a degree of safeguarded amenity from noise and disturbance, for enhanced noise mitigation measures and insulation to be higher than normal standards. This aspect is discussed further below but with such a scheme the future amenities of residents is considered to be acceptable and in line with current government technical standards.

Highway Matters

- 2.23 The relevant Core Strategy policies are DM11 and to a lesser degree DM13. DM11 requires planning applications for development that increase travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. Although a transport statement has not been provided due to the size of the development being proposed, it is considered that the increased traffic impact of 9 units is limited overall and the site is already situated in a sustainable location with easy access to local facilities and public transport.
- 2.24 KCC Highways note no off-street parking is provided. However, they consider that the proposals are unlikely to generate a significantly greater demand for parking than the existing and permitted use of the site (Church use) and parking controls are in place in the immediate vicinity of the site. The site is located close to public transport services, bus stops and local amenities and would be environmentally sustainable as it is unlikely for there to be a reliance on private modes of transport. Taking all of the above into account KCC would not recommend refusal on the lack of off-street car parking subject to imposition of condition regarding the provision of 9 covered cycle parking spaces. I concur with their conclusions and consider that the proposal would not be detrimental to highway safety as a result.
- 2.25 Concerns have been raised by third parties that the development would significantly and detrimentally increase traffic and have an impact on the local highway network which is identified as struggling to cope with existing levels of traffic locally. However KCC Highways have not raised an objection and the proposal would not result in a severe highway impact and would therefore accord with paragraph 32 of the NPPF. It is therefore considered that the highway aspects of this proposal are in accordance with all the relevant

standards, the NPPF and policies DM11 and DM13.

Other Material Considerations

2.26 Noise Mitigation

With regard to potential noise this needs to be assessed in respect of the transmission of internal noise paths between existing floors and dwellings and also external noise due to the close proximity of London Road. Environmental Health have confirmed that the residential amenities of future occupiers could be acceptable in this regard, subject to conditions relating to noise mitigation schemes to address the internal stacking/transmission of noise between floors and external noise sources due to the proximity of London Road to ensure that the living conditions of the occupiers of the future dwellings are safeguarded to a reasonable degree.

- 2.27 During negotiations on the application the matter of noise issues associated with poor stacking arrangements were discussed and amended where possible. However due to the unique building design the ability to stack living, kitchen or bedrooms spaces was limited. The applicants were already aware of this potential issue and have advised that it is the intention to provide noise mitigation above the requirements of Approved Document E, however these details are limited and a more detailed scheme would need to be provided in respect of the imposed condition. The proposed schemes of mitigation would sufficiently address these concerns and safeguard the amenities of future residents.

2.28 Landscaping

It is not entirely clear from the plans the extent of the curtilage along London Road. Although very limited there could be small areas of land that have the potential for some soft landscaping or would be hardsurfaced. Nevertheless, there is a strip of land running along the Beaconsfield Road boundary and enclosed by a low wall. This is currently shown to be hardsurfaced and could benefit the building, site and surrounding area if it provided an area of soft landscaping. It is considered that these matters could be addressed by a landscaping condition for further details to be submitted for approval.

2.29 Drainage and Flooding

The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. It is however appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. The conversion of an existing building with very limited curtilage does not provide the scope to provide a SuDS drainage system as all existing drainage is already in place. It would therefore be unreasonable to request such details in respect of this development. Southern Water have raised no objection in principle to the proposed development. However, as no details of drainage measures have been submitted with the application it would not be unreasonable to request these details are dealt with through the imposition of a suitable condition to ensure that the site is adequately drained to avoid localised flooding. The proposal is therefore acceptable in this regard.

2.30 Bin Store/Refuse Storage

Details of the bin/refuse storage areas is shown although full details of the materials enclosing these stores and their size to be sufficient to accommodate the refuse and recycling needs the number of flats, would need to be submitted by condition. Such a condition would ensure their provision and retention.

3. Conclusion

- 3.1 Development of this site within the settlement boundaries is acceptable in principle and is in accordance with Policies DM1 and CP1 of the Core Strategy and the NPPF. Paragraph 14 of the NPPF identifies a presumption in favour of sustainable development and identifies the need to approve development proposals that are sustainable or accord with the development plan without delay. The views expressed by residents have been taken into account in the determination of this application and on this basis the proposal safeguards existing residential amenity, whilst enabling the re-use of a semi-derelict historic building. It is considered that the proposed scheme would have a beneficial impact on the character and visual amenity of the street scene and the setting of the adjacent conservation area and would not detract from the amenities of the future occupiers. The proposed conversion is unlikely to give rise to any significant adverse impact on residential or visual amenity, heritage or highway considerations subject to conditions. The proposed development is therefore an acceptable form of sustainable development for this site, in line with paragraph 14 of the NPPF and accords with relevant development plan policies. Accordingly, it is recommended that planning permission be granted, subject to conditions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to the following conditions to include:
- 1) Standard Time
 - 2) Approved plans list
 - 3) External materials to match
 - 4) Provision and retention of cycle parking
 - 5) Provision and retention of refuse storage
 - 6) Scheme of noise attenuation/insulation to be submitted for approval
 - 7) Landscaping scheme submitted for approval
 - 8) Details boundary treatment
 - 9) Meter boxes
 - 10) Obscure glazing
 - 11) Joinery details
 - 12) Recording of building features
 - 13) Foul and surface drainage details submitted for approval
- 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
Lucinda Roach



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Application: DOV/17/00879

Access & 105 Lewisham Road

River

CT17 0PA

TR29304320



- a) **DOV/17/00879 – Erection of a detached dwelling, formation of parking area, demolition of existing garage, demolition of existing conservatory and extension of existing driveway (Amended description, amended drawings, re-advertisement) - Access and 105 Lewisham Road, River**

Reason for report - Number of contrary representations (14)

This item was deferred for a site visit to take place on 19th June 2018 at 09:30hrs.

- 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 14 states that 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 proposal that accord with the development plan without delay, and where the development plan is absent 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 or as taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 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 32 sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 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.

d) **Relevant Planning History**

- DOV/75/0131 – Erection of a conservatory: Permission Granted
- DOV/76/0432 – Extension at the rear of existing bungalow: Permission Granted
- DOV/79/0461 – Extension on side elevation of existing bungalow: Permission Granted

e) **Consultee and Third Party Responses**

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

DDC Arboriculturist: “No objection to the removal of trees in this location.”

DDC Environmental Health: No objection but would recommend a condition relating to the reporting of any contamination found during the development.

Southern Water: “No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.” “Should this application receive planning approval; an informative is attached to the consent relating to the connection to the public sewer.”

River Parish Council: “The council cannot support this application. There is a lack of proper access to the proposed property and the development would lead to additional traffic movements along a narrow and unsurfaced lane...” An updated comment from River Parish Council was received after the last re-advertisement of the proposal. Their response reads “The parish notes the administrative corrections... and maintains the comments previously made.”

Public Representations:

Objections

There have been 15 letters of objection from the public consultation of the application, summarised as following:

- Not in keeping with large back gardens in the area
- Concerned about the means of access
- Would set a precedent for other neighbours to do the same
- It would cause overlooking and a loss of privacy, the building would be intrusive, inappropriate and insensitive
- It would increase overcrowding
- Hedges and trees would be removed
- Pollution, noise and light would increase and air quality would be affected
- It would increase the chance of damage to boundary walls and to cars parked on the hard standings
- It would have a detrimental effect by driving wildlife away from this location due to the increase of traffic, noise and fuel emissions from vehicles
- The access track (off of Cowper Road) would become a sole means of access which is unsuitable.
- Building materials could not be delivered to the project without causing disruption

Support

There was one letter of support received during the public consultation of the application, which summarised that the proposal would add to housing stock in an area.

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

1.1 This application was previously considered by the Planning Committee at the meeting held on 24th May 2018, where it was deferred for a site visit. The site visit is due to take place on 19th June 2018. Since the report was last presented at the meeting held in May, there have been no further third party representations and no further submissions by the application. As such, the following report is a replication of the report that was presented at the meeting held in May.

1.2 The application site comprises a detached single storey dwellinghouse located on Lewisham Road, River. The site includes a detached garage at the rear (south-west end) of the site. Access to this garage is via a track off Cowper Road which is also used to access the rear entrances, garages and parking spaces of numbers 85-105 Lewisham Road. The width of this access track varies along its length; however it is approximately 2.5m in width along most of its length.

1.3 The main dwellinghouse is visible within the streetscene. It is finished in red brickwork, has two bay windows on the front (north east facing) elevation and a plain tiled roof. There is a small white uPVC conservatory to the side (north) of the dwellinghouse. Off street parking is also available for one vehicle.

1.4 The majority of dwellinghouses along this portion of Lewisham Road are two storey semi-detached pairs; however the application dwelling (No.105) and No. 91 (to the east of the application site) are both single storey detached dwellings.

- 1.5 To the rear of the application site, the garden area is laid to grass. There are a number of small outbuildings and structures in the rear garden and tall, mature trees. The boundary treatment on both the south-eastern and north-western boundaries is close-boarded timber fencing, approximately 1.8 metres high.
- 1.6 The approximate dimensions of the site are:
- Width – 15 metres
 - Depth – 61 metres.
- 1.7 Proposal: Permission is sought to erect a single storey dwellinghouse in the rear garden of No. 105 Lewisham Road following the demolition of the existing garage to the south-west of the application site. The proposed dwelling would be accessed via the track off of Cowper Road. Permission is also sought to demolish the existing conservatory on the side of the existing dwellinghouse and to extend the existing front (north-eastern) driveway to increase the off street parking provision for No. 105 Lewisham Road.
- 1.8 The plot would be subdivided and 1.8m high close-boarded timber fencing with concrete posts and gravel boards would be erected along the south-eastern and the north-western (side) boundaries and the north-eastern dividing boundary between the proposed dwelling and the existing dwelling. New hedgerow would also be planted along the north-eastern subdividing boundary.
- 1.9 Off street parking for the proposed dwellinghouse would be provided on the south west corner of the site for two vehicles with additional room for turning. These parking spaces would be accessed via the track off of Cowper Road.
- 1.10 The dimensions of the proposed subdivided plot are:
- Width – 15m
 - Length – 37m
- 1.11 The dimensions of the proposed dwellinghouse are:
- Width – 10.8m
 - Depth – 15.6m
 - Height to eaves – 2.4m
 - Maximum height – 5.2m
 - Gap between dwelling and south-east boundary: 2m
 - Gap between dwelling and north-west boundary: 2m

2 Main Issues

- 2.1 The main issues to consider are:
- Principle
 - Visual Amenity and Design
 - Residential Amenity
 - Access, Parking and Highways
 - Other matters

3 Assessment

Principle

- 3.1 The site is located within the urban boundaries of River and the erection of a new dwellinghouse is considered acceptable in principle, subject to its design details, amenity considerations, highway matters and any other material considerations. As the site is situated within the settlement confines, the 'tilted balance' as referred to in Paragraph 14 of the NPPF would not need to be applied in this case. However, Paragraph 14 states that development that accords with the development plan should be approved without delay.

Visual Amenity and Design

- 3.2 The existing dwelling (NO. 105 Lewisham Road) is visible within the streetscene. The removal of the existing side conservatory and extension to the front driveway are not considered to materially or adversely impact the character or appearance of the dwellinghouse and it is not considered that this would detract from the visual quality or amenity of the wider area. As such, the removal of the existing conservatory and extension to the driveway are considered to be acceptable in this regard, subject to details being submitted relating to the material proposed for the extended driveway.
- 3.3 The rear of the application site is not readily visible from Lewisham Road due to surrounding trees, outbuildings within the application site and the close-board boundary fencing. Further, the topography of the site is such that the site level is higher than road level. It is considered that the erection of a dwelling to the rear would have a limited visual impact on the streetscene as it would only be partially and obliquely visible through the gaps and spaces between some of the dwellings on Lewisham Road, and as such, would not detract from the quality or visual amenity of the wider area.
- 3.4 In terms of design and materials, the proposed single storey dwelling includes a hipped roof over the main part of the building. There would be a projecting glazed gable end on the south-west facing (front) elevation and a projecting gable finished in brickwork on the north-east facing (rear) elevation. The dwelling would be finished in red brickwork and weatherboarding with a slate roof. Windows and doors would be framed in uPVC.
- 3.5 The proposal has been amended since its original submission, and 1m has been taken off of the overall height which helps to reduce its mass and prominence. The scale and form of the proposed building are considered to be acceptable for this type of location being a 'back land' setting. The spaces of 2m between the side elevations and the neighbouring boundaries, along with the proposed hedgerow would help to retain the verdant setting of the immediate area and adjacent gardens. The proposed materials, design, scale and form are therefore considered to be sympathetic and traditional and would not result in an adverse visual impact.
- 3.6 The proposed dwelling would be visible from the rear gardens of neighbouring properties. The proposal includes the erection of 1.8m tall close-boarded timber fencing with concrete posts and gravel boards on the rear and both side boundaries of the plot, along with hedgerow on the dividing boundary between

the proposed dwelling and the existing dwelling (No. 105 Lewisham Road). The boundary treatment would help to screen the proposed dwelling to an extent and would reduce the visual impact caused to neighbouring occupiers. It is also considered that the dwelling is sufficiently distanced (approximately 20m) from the rear elevations of No.'s 107, 105 and 103 Lewisham Road so as to not cause any significant or adverse visual impact.

- 3.7 The simple design solution is considered acceptable in this location given the proposed dwelling would be only partially visible from neighbouring properties. As a result it is considered that it would not cause an adverse impact on the visual quality of the character and appearance of the local area.

Impact on Residential Amenity

- 3.8 The application site shares a boundary with No. 107 Lewisham Road, which is to the north-west of the site and No. 103 Lewisham Road, which is to the south-east of the site. The impact on both dwellings will be assessed separately.
- 3.9 107 Lewisham Road: The proposed dwelling would be sited at a distance of approximately 24m from the rear elevation of No. 107. This neighbouring property has a large outbuilding sited on its south-eastern boundary that it shares with the application site, which would further screen the proposed dwelling. Having regard for the separation distance and the existing outbuilding in the garden, no significant overbearing or sense of enclosure would result from the proposal, particularly given the proposed hipped roof. Due to the orientation of this property in relation to the proposed dwelling, a limited amount of overshadowing may occur to some of the end of the rear garden area, however the impact is considered to be negligible and therefore acceptable. The proposed dwelling is single storey and the plot would have a 1.8m high boundary fencing, as such, it is considered that no significant overlooking or loss of privacy would occur.
- 3.10 103 Lewisham Road: The proposed dwelling would be sited at a distance of approximately 18m from the rear elevation of No. 103. Having regard for the separation distance, no significant overbearing or sense of enclosure would result from the proposal. Due to the orientation of this property in relation to the proposed dwelling, some overshadowing may occur in the late afternoon/evening in the summer months to some of the rear garden area; however the impact is considered to have a limited material impact and would therefore be acceptable. The proposed dwelling is single storey and the plot would have 1.8m high boundary fencing as well as hedgerow on the north-eastern boundary, as such, it is considered that no significant overlooking or loss of privacy would occur.
- 3.11 105 Lewisham Road: If permission is granted, then the garden belonging to 105 Lewisham Road would be subdivided and a dwelling erected in the separate plot. As such, a smaller garden would be retained for 105 Lewisham Road. The screening of the proposed dwelling by fencing and also hedgerow on the dividing boundary would minimise interlooking between dwellings and privacy standards would be retained. Any future buyer would have the decision of whether a smaller garden would be acceptable to them.

Wider Amenity Impact

- 3.12 The proposed dwelling would be accessed via the existing track off Cowper Road; as the residential amenity of the occupiers of dwellings along Cowper Road and dwellings that are also served by the access track, has the potential to be impacted by increased noise and disturbance. However, the use of the track by a single dwelling is not considered to significantly increase, as the existing access track is already in use by many of the properties along Lewisham Road, including the application site. There may, on occasion, be deliveries and other vehicle movements along Cowper Road and the access track specifically for the proposed dwelling; however this is considered unlikely to have a significantly adverse impact on the residential amenity enjoyed by these neighbouring occupiers.
- 3.13 Due to the siting of the dwelling to the rear of existing properties, it is considered reasonable to restrict permitted development rights for any further extensions, enlargements or alterations to the dwelling and to the roof, to further protect the residential amenity and privacy of neighbouring occupiers. As such, the proposal is considered to adequately protect the residential amenity enjoyed by neighbouring occupiers and is therefore acceptable in this regard.

Access, Parking and Highways

- 3.14 The proposal includes the demolition of the existing side conservatory on No. 105 Lewisham Road as well as the extension of the existing front driveway. The proposal would result in the addition of one onsite parking space to serve 105 Lewisham Road to provide a total of 2 spaces, which meets the requirements of policy DM13 of the Core Strategy.
- 3.15 The proposed dwelling would be accessed via the track off Cowper Road. The track runs along the rear of numbers 85-105 Lewisham Road and allows rear access to these properties as well as access to their garages and rear off-street parking spaces.
- 3.16 Concerns were raised during the public consultation relating to highway safety and visibility at the point where the access track joins the highway in Cowper Road. However, this is an existing access point serving a number of garages and parking areas including the garage to be demolished on the application site. Additionally, Cowper Road is a no through road, so passing traffic at the point of access would be relatively limited.
- 3.17 A number of objections have also been received against the proposal to use this track as the sole access to the proposed dwelling. The objections outline that the proposal would result in a significant increase in the use of the track. However, there is currently a detached garage and parking space that is accessed via the track, for the occupiers of No. 105, which could be used rather than parking on the road or on their front driveway. The replacement of the existing garage/parking area with a single dwelling is therefore unlikely to generate a significant increase in the use of the existing access point or a level of traffic that will have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds. Although outside of the KCC Highways Protocol,

an informal discussion took place with the Highways Officer who raised no objection or concern regarding the proposal.

- 3.18 In terms of the proposed parking, policy DM13 requires that two independently accessible parking spaces are provided in this location. The application shows space for two vehicles as well as sufficient turning space so that no vehicle would have to enter the site in a reverse gear or leave the site and enter the highway in a reverse gear. The proposal is considered acceptable in terms of parking and complies with policy DM13 of the Core Strategy as well as Paragraph 32 of the NPPF.

Other Matters

- 3.19 A number of other issues were raised during the consultation period. These are discussed below:

Trees and Hedges

- 3.20 The proposal would result in the removal of trees and hedges within the application site to allow for the erection of a dwelling. The site is not within a Conservation Area and the trees are not protected by any TPOs. DDC's Arboriculture Officer has raised no objections to the loss of trees and hedges on this site and did not attach any particular amenity value to these trees. Their loss would therefore be appropriate in this location.

Fire Safety

- 3.21 Due to the narrow width and the length of the access track, objections have been raised during public consultation relating to the safety of any future occupiers as a fire engine would not be able to access the proposed dwelling due to there being a 45m maximum distance for a fire hose. Therefore a sprinkler system is required and could be controlled by a condition. Furthermore, the insertion and inspection of a sprinkler system would principally be addressed by Building Regulations and therefore would not be a reason for refusing such a proposal.

4. Conclusion

The proposal is considered acceptable. The design solution is considered to be sympathetic and it would not significantly detract from the character and appearance of the streetscene. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking, access and highway safety. The proposal is considered acceptable in all other material aspects. Accordingly the development would comply with the aims and objectives of the NPPF, and is considered to represent sustainable development bringing with it the benefit of additional housing in an area with limited supply in line with Paragraph 14 of the NPPF.

g) Recommendation

- I. PERMISSION BE GRANTED subject to the following (summarised) conditions:
- (1) Standard time condition (2) Approved plans (3) Samples of the materials for the external surfaces of the building to be submitted (4) Hard and soft landscaping scheme to be submitted and approved (5) Restriction of PD rights for alterations, enlargements and extensions (6) Contamination safeguarding (7) Details of refuse storage and collection to be submitted (8) Details of cycle parking to be submitted (9) Retention of parking spaces (10) Construction Management Plan to be submitted (11) Ground levels, sections and details of earthworks to be submitted (12) Sprinkler system to be installed (13) Drainage details to be submitted.
- 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

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Application: DOV/18/00209

63 Lewisham Road

River

CT17 0QG

TR29494308



- a) **DOV/18/00209 – Erection of two-storey and single storey side extensions following the demolition of the existing lean-to structures and demolition of single storey rear extension - 63 Lewisham Road, River**

Reason for report - Number of contrary representations (9).

- 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.

d) **Relevant Planning History**

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

e) **Consultee and Third Party Responses**

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

River Parish Council: “No comments”

Public Representations:

There have been 10 letters of OBJECTION from the public consultation of the application, saying in summary:

- The proposal would create a terracing effect with little or no separation between the two properties
- The site location plan is misleading
- It would give rise to overlooking and a loss of privacy
- It will adversely affect the character of the road and would impact neighbouring houses
- Work has already started on site

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

1.1 The application site comprises a two storey semi-detached dwellinghouse set back from the public highway by a front driveway and garden area. The dwelling is finished in red brickwork on the lower portion with a pale render over the exterior of the first floor. Windows and doors are framed in white uPVC. There is a single storey lean-to timber structure that has been erected to replace the single storey garage that was attached to the neighbouring dwelling (number 65).

1.2 The main dwellinghouse is visible within the streetscene. It has a two storey bay window on the front elevation and appears symmetrical with its pair, number 61 Lewisham Road. This part of Lewisham Road includes mainly two storey pairs of semi-detached dwellings, some of which have two storey side extensions with pitched roofs and some with flat roofs, such as number 65 to the north-west of this site which has a two storey flat roof side extension. There is no uniformity in the width of the gaps between each dwellinghouse.

1.3 To the rear of the application site, the garden area is laid to grass. There is a small single storey rear extension finished in red brickwork and there are a number of small outbuildings and structures in the rear garden. Due to the topography of the site, the rear garden slopes up towards the rear (south-west) and as such, the very rear of the garden is much higher than the ground level of the dwellinghouse. The boundary is made up of close-boarded fencing along the north-west side boundary which is approximately 1.8m in height with a tall brick

wall along the south-east boundary. There are a number of hedges and trees as well as outbuildings that help form the boundary treatment.

1.4 The approximate dimensions of the site are:

- Width – 10.5 metres
- Depth – 56.5 metres.

Proposal

1.5 Permission is sought to erect a two storey side extension and a single storey side/rear extension. The proposal includes a pitched roof over the two storey side extension which would be hipped. The single storey rear/side extension would have a mono-pitched and hipped roof over. Materials are proposed to match those used on the host dwelling including; brickwork, pebble-dash, matching roof tiles and white uPVC to frame windows and doors. The two storey extension would replace the single storey side garage. A gap of 1 metre would be retained along the north-west boundary of the site, in between the application site and number 65 Lewisham Road.

1.6 The dimensions of the proposed two storey side extension are as follows:

- Width of extension– 2.9 metres.
- Depth of extension – 5.5 metres.
- Height to eaves – 5.2 metres.
- Maximum height – 7.5 metres.

1.7 The dimensions of the proposed single storey rear/side extension are as follows:

- Width of extension – 6.2 metres.
- Depth from proposed rear of two storey side extension – 7.2 metres.
- Height to eaves – 2.4 metres.
- Maximum height – 3.3 metres.

2 Main Issues

2.1 The main issues to consider are:

- Principle
- Visual Amenity and Design
- Residential Amenity
- Parking and Highways

3 Assessment

Principle

3.1 The site is located within the urban boundaries of River and the erection of an extension is considered acceptable in principle, subject to its design details and any material considerations.

Visual Amenity and Design

3.2 By virtue of its siting, the application site is visible from public vantage points

along Lewisham Road, River. Many other dwellings along Lewisham Road have undertaken development, similar to that proposed. The neighbouring property (no. 65 Lewisham Road) has undertaken a flat roofed two storey extension, for instance.

- 3.3 In terms of design, the NPPF seeks to secure high quality design for all proposals, attaching great importance to the design of the built environment. In Paragraph 56, the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. The proposal includes a pitched/hipped roof that projects from the side roof slope of the host dwelling with eaves that match the host. The ridge height is set down and the roof slope would project slightly over the front elevation of the proposed extension. The integral garage door at ground floor level would be set back from the main front elevation. Overall, it is considered that the two storey side extension would appear as a subservient feature which is in keeping with the design and appearance of the host dwellinghouse. The materials proposed would match those used on the host dwelling, which would blend well. The design detailing of the existing brickwork would be copied onto the proposed extension which helps to increase the design quality and visual appearance of the extension. In terms of scale and proportions, the extension would not dominate the host property. This is assisted by the ridgeline of the extension being below ridgeline of the existing dwelling. The windows match the proportions, fenestration and detailing of those on the host dwelling so as to not detract from the character of the host dwelling.
- 3.4 The NPPF sets out that new development 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. Due to the sympathetic form and scale of the proposal, the wider visual amenity and quality of Lewisham Road would be preserved. For the reasons set out above, it is considered that the design solution is acceptable in this location and would cause no undue harm to the character or appearance of the streetscene. As such, the proposal is considered to comply with the aims and objectives of the NPPF and is therefore acceptable in this regard.

Impact on Residential Amenity

- 3.5 The application site shares a boundary with number 65 Lewisham Road (to the north-west) and number 61 Lewisham Road (to the south-east).
- 3.6 65 Lewisham Road: This residential neighbour is located nearest to the proposed extensions and is sited to the north-west of the application site. This property includes a flat roofed two storey side extension and single storey rear extension which adjoins the boundary with number 63. This neighbouring property has no windows at ground floor level on its side (flank) elevation, however does have three roof lights in its single storey rear extension that serve the kitchen and shower room. Currently, a single storey garage/lean-to structure on the application property is attached to this neighbouring dwelling.
- 3.7 In terms of the proposal, there are no windows proposed on the side elevation of

the two storey extension, as such, no direct overlooking into this neighbouring site would occur. There are two new windows proposed at first floor level on the rear elevation of the two storey extension, serving the proposed bedroom, however, both windows would be fitted with obscure glazing and only have fanlight openings 1.7m above the finished internal floor level. As such, no overlooking would occur. The proposed development would not protrude past the rear elevation of this neighbouring dwelling, and given the orientation of the application site in relation to the neighbouring property (being sited to the north-west); it is considered the proposal would not lead to any significant level of overshadowing or loss of natural light. Given that the application proposes to leave a 0.5 metre gap along the side boundary of the site (the north-west boundary) and that there are no windows on the side elevation of this neighbouring dwelling; the proposal would not result in an overbearing impact. Furthermore, the proposal would not infringe the 45-degree line if drawn from the ground floor windows of the neighbour's rear elevation; it's considered that no loss of light would occur to the living accommodation of no. 65. Concerns have been raised that from the first floor rear window at no.65, views would be possible directly into the proposed ground floor extension at no. 63. It is not considered that this arrangement would be harmful to the occupants of no.65 and in any event, where properties sit in such close proximity (as here) some degree of interlooking is likely to be inevitable.

- 3.8 61 Lewisham Road: This residential neighbour is the other half of the semi-detached pair with the application property. The proposed two storey extension would be located on the opposite side to the location of the proposed extensions at 63 Lewisham Road (to the south-east). There is a tall (approximately 2.5 metres in height) brick built wall that forms the boundary treatment along the shared boundary between this residential neighbour and the application site.
- 3.9 The two storey element of the proposal would be set well back (3.6 metres) from the rear elevation of the host dwellinghouse. This arrangement would preserve the privacy, natural light and outlook enjoyed by the neighbouring occupiers of 61 Lewisham Road. The single storey rear/side extension would project out 3.5 metres from the original rear elevation of the existing dwelling and would be 3.2 metres from the shared boundary. Given the dimensions, the low eaves height, the gap between the boundary wall and the side of the proposed rear extension, together with the tall brick built boundary wall itself, it is considered that the rear/side extension would cause no demonstrable harm to the residential amenity enjoyed by these neighbouring occupants by way of increased overshadowing or by creating an overbearing effect. As there would be no windows on the south-east facing elevation of the single storey extension, no overlooking would occur. Due to the gap that would be left between the side elevation or the proposed single storey rear extension and the neighbouring property, the proposal would not infringe the 45-degree line (taken from the nearest ground floor window of no. 61), as such; no unacceptable loss of light would occur to the living accommodation of no.61.
- 3.10 The NPPF sets out in paragraph 17 that planning should enhance and improve the places in which people live their lives, and that new development should preserve a good standard of amenity for all existing and future occupants of land and buildings. For the reasons set out above, it is considered that a good

standard of amenity would be preserved for the neighbouring occupiers. It is considered that no undue harm would be caused to the residential amenity they enjoy. Overall, it is considered that that the proposal complies with the aims and objectives of the NPPF and is acceptable in terms of residential amenity.

Parking and Highways

- 3.11 The application site is currently served by one off street parking space and a garage. The dwelling currently has three bedrooms. The proposal includes the creation of one additional bedroom on the first floor, making it a four bedroomed dwellinghouse, and would retain the one off street parking space and proposes an integral garage. As only one additional bedroom would be created, and no parking would be lost, it is considered that the proposal would not cause significant or adverse parking pressure on the street. In any case, on-street parking is not restricted here and although Lewisham Road can be busy at times, it is not considered that the pressures associated with one additional bedroom would give rise to a planning objection. It is considered that the proposal would not unduly impact parking or highways, and is therefore considered acceptable in this regard.

4. Conclusion

- 4.1 The proposal is considered acceptable. The design is considered to be sympathetic and it would not unduly detract from the character and appearance of the streetscene or the host dwellinghouse. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking and highway safety. The proposal is considered acceptable in all other material aspects. 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 match those used on the existing dwelling (4) Restriction of PD Rights for openings on first floor on north-west elevation (5) Obscure glazed windows that are fixed shut below 1.7m above internal finished floor level to be inserted on south-west elevation.
- 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