

Public Document Pack



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12 September 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 20 September 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 read "Kate Batty-Smith", written over a white background.

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 4)

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

4 **MINUTES** (Pages 5-19)

To confirm the attached Minutes of the meeting of the Committee held on 23 August 2018.

5 **ITEMS DEFERRED**

There are no deferred items.

6 **REVIEW OF THE CONSTITUTION 2018** (Pages 20-28)

To consider the attached report of the Director of Governance.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 29-32)

7 **APPLICATION NO DOV/18/00720 - TIGHNA MARA, PRINCES DRIVE, SANDWICH BAY** (Pages 33-44)

Erection of a replacement roof; two-storey front and rear extensions; balcony with balustrade to front; pitched roofs to existing side and rear and new garage at basement level with external staircase and balcony

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

8 **APPLICATION NO DOV/16/00955 - SITE AT ADELAIDE FARM CAFE, SANDWICH ROAD, HACKLINGE, DEAL** (Pages 45-59)

Erection of a detached building incorporating ten flats, alterations to existing access, provision of twelve car parking spaces and associated landscaping (existing building to be demolished)

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

9 **APPLICATION NO DOV/18/00544 - LAND REAR OF 9 HILL DRIVE, EASTRY, SANDWICH** (Pages 60-67)

Erection of a dwelling

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

10 **APPLICATION NO DOV/18/00535 - CO-OP FOODSTORE, PARK STREET, DEAL**

Demolition of existing foodstore building, associated retail and residential units, and redevelopment of site to provide a new 1,739sqm foodstore with associated car parking and landscaping

To consider the report of the Head of Regeneration and Development (to follow).

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

11 APPEALS AND INFORMAL HEARINGS

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

12 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.
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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, 23 August 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk (Minute Nos 48-54 only)
M R Eddy
B Gardner
D P Murphy
M J Ovenden
P M Wallace

Officers: Principal Planner
Principal Planner
Principal Planner
Senior Planner
Planning Officer
Planning Delivery Manager
Solicitor to the Council
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/18/00687	Mrs Pauline Sonnex	Ms Shelagh Wright
DOV/18/00684	Mr Jay Chamberlain	Ms Sarah Frankland
DOV/18/00110	Mrs Margaret Russell	-----
DOV/18/00139	Mrs Penny Hever	-----
DOV/18/00300	Ms Zoe Horton	Mr Thomas Johnstone
DOV/17/01345	Mr Philip Rawle	Mr Derek Wanstall
DOV/17/00056	Mr Paul Lulham	-----
DOV/18/00201	Councillor J S Back	Ms Vicki Cooke
	Ms Karen Banks	Mr Jules Gomez

41 APOLOGIES

It was noted that there were no apologies for absence.

42 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

43 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 11 (Application No DOV/17/01345 - Land at Churchfield Farm, The Street, Sholden) by reason that he was a trustee of the Mary Hougham Almshouses charity which was looking to buy affordable housing, potentially at this site.

Councillor Gardner also made a Voluntary Announcement of Other Interests in Agenda Items 8 (Application Nos DOV/18/00110 - Land at Warren House, Buckland Lane, Staple) and 10 (Application No DOV/18/00300 - Aylesham Sports Club, Burgess Road, Aylesham) by reason that the applicant for the first application and one of the public speakers on the second application were former councillors who were known to him.

44 MINUTES

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

45 ITEMS DEFERRED

The Chairman advised that the only deferred item was dealt with elsewhere on the agenda.

46 APPLICATION NO DOV/18/00687 - 32 KINSON WAY, WHITFIELD

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought permission to convert a garage to habitable accommodation and to erect a link structure between the garage and the dwelling. The limited changes proposed were sympathetically designed, and Officers had no concerns regarding overlooking. Whilst a condition attached to the original planning permission had required the retention of the garage, the application should be considered on its merits. Even with the loss of the garage, there would be sufficient parking space within the curtilage of the property for at least two cars.

The Principal Planner clarified that the two larger windows proposed would be looking onto the front parking area of the host dwelling and the street. The other window would serve the bathroom and be looking onto the rear area of the host dwelling. In terms of overlooking, there were no concerns in respect of potential harm to the house opposite. The Chairman reminded Members that the existence of a covenant was not a material planning consideration, and therefore not something that the Committee should consider when determining the application.

Councillor B Gardner suggested that, should planning permission be granted, the Committee should note in its resolution that it was only doing so because of the personal circumstances of the applicant in order to prevent others following suit. However, the Committee was advised that if the application was acceptable in its own right, it would be unnecessarily confusing to refer to the applicant's personal circumstances. The applicant's personal circumstances, whilst relevant, did not necessarily carry much weight. The Principal Planner advised against removing permitted development rights as the proposed dwelling could not be extended into the roof and adding more windows was unlikely to cause harm.

RESOLVED: (a) That Application No DOV/18/00687 be APPROVED subject to the following conditions:

- (i) Time;
- (ii) Compliance with plans;

(iii) Use of the accommodation hereby permitted shall remain ancillary to the main house and not used as a separate residential unit of accommodation.

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

47 APPLICATION NO DOV/18/00684 - LAND ADJACENT TO PICA PAU, MOORLAND ROAD, SHEPHERDSWELL

Members were shown drawings, plans and photographs of the application site. The Planning Officer advised that the application site was a triangular plot of land with an area of hardstanding in the northern corner, possibly related to planning permission given for the erection of three garages that had not been constructed. A previous application for the erection of a two-storey, two-bedroomed house had been refused. Two parking spaces had originally been proposed but, following pre-application discussions, amendments had been made and one wider parking space was now proposed. The design was considered sympathetic, and Officers had no concerns about overlooking or harmful impact on neighbouring properties. The proposal was considered acceptable, having overcome the previous reasons for refusal, and approval was therefore recommended.

As an update, Members were advised that a further representation had been received since the report was written. This raised concerns about the accuracy of the drawings, the stability of the land, a discrepancy regarding the drop in land levels, subsidence and overlooking. Officers had worked with the drawings that had been submitted but, in the event that these proved inaccurate, steps would be taken outside the planning process. In respect of land stability and subsidence, it was the applicant's responsibility to ensure that the proposal could be accommodated, and these were technical issues for Building Control to address if necessary. It was clarified that the drop in land levels between the application site and 34 Church Hill was six to seven metres rather than four to five metres.

Councillor M J Ovenden advised that she was very familiar with the application site which was situated on a very steep embankment, on the site of an old chalk pit. Because of its steepness, she had concerns surrounding privacy and overlooking. Councillor Gardner was of the opinion that the site was too small for anything other than garages, and proposed that the application should be refused. In response to concerns raised by Members, the Planning Officer clarified that there was only a slight difference in land levels between the site and Pica Pau. The dwelling would be 0.5 metres from the western boundary of the site, with a 1.8-metre fence erected along the boundary. The existing hedge along that boundary would be retained.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/00684 be REFUSED on the grounds that the development, by virtue of its siting, scale and form and by virtue of the restricted size of the plot, would give rise to a cramped form of development when read in the context of the existing street scene, causing unacceptable harm to the character and appearance of the area, contrary to paragraphs 127 and 130 of the National Planning Policy Framework.

The Committee viewed plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of four dwellings on garden land of 0.4 hectares. Whilst the dwelling known as Warren House was within the settlement boundary of Staple, the large majority of the site lay outside the village confines and was therefore considered to be in the countryside. Policies DM15 and DM16 of the Core Strategy were therefore relevant. In particular, the visual impact of the proposed dwellings and associated paraphernalia on the character and appearance of the area should be considered.

A representation from the applicant had referred to a Planning Inspector's decision to allow a development of four dwellings at the nearby hamlet of Barnsole. However, the site at Barnsole was not elevated and was surrounded by other properties, making it very different to the site under consideration. Officers considered that the proposal would introduce density into an area of open farmland and scattered dwellings. Moreover, it would have an urbanising effect on what was an edge of village location. The Committee was reminded that, as a consequence of the European Court of Justice decision in the 'People Over Wind' case, the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) no longer applied where a development required appropriate assessment because of its potential impact on a habitats site.

Councillor B W Butcher referred to the fact that the proposal would improve highway safety, and that the visual impact of the development would be mitigated by the significant amount of screening around the site. He suggested that a site visit should be held. The Chairman agreed that more details would have been helpful. In his view, the development of four dwellings on a plot of just under half an acre was unlikely to raise concerns about density. In addition, there would be a modest benefit in the provision of four houses close to a village which had been identified in the Local Plan as needing additional housing for community purposes.

In response, the Principal Planner clarified that density concerns were principally due to the location of the site. There were no gardens to the south or the north of the site, and the proposal would undoubtedly have a visual impact on the area. Moreover, whilst village boundaries were not so hard and fast that they could never be changed, this one had been drawn as it was for a reason - so as to exclude the elevated garden from the village confines in order to identify the end of built development and the start of open countryside.

Councillor T A Bond agreed that there was insufficient detail. The proposal was contrary to Policies DM15 and DM16 and he could see no reason for going against the Officer's recommendation. Councillor M R Eddy also lamented the lack of detail and argued that without an indication of where houses would be located, a site visit was pointless. In the absence of more detail, the Committee did not have enough information to make an informed decision on whether there was justification for changing the use of the land.

The Principal Planner (Mr Blaskett) reminded Members that they should consider whether the principle of development on the site was acceptable. Staple was identified as a village in the Local Plan, a tertiary focus for development in the rural area, and suitable for a scale of development that would reinforce its role as a provider of services to its home community. No sites within Staple had been allocated in the Land Allocations Local Plan, but the village confines had been

extended to allow additional housing to be constructed. The site in question was outside the village confines. Staple itself offered a limited number of services. Potential occupiers of the development were unlikely to walk into Staple as Buckland Lane had no footpath and high hedges. The development would thus lead to additional car journeys. Notwithstanding the lack of a five-year housing land supply, the benefit of four dwellings needed to be weighed against the unsustainable nature of the development and its harmful impact on the character and appearance of the area.

It was moved by Councillor B W Butcher and duly seconded that the application should be deferred for a site visit. On being put to the vote, the motion was LOST.

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: That Application No DOV/18/00110 be REFUSED on the grounds that, in the absence of information to demonstrate otherwise, the proposed development, if permitted, by virtue of its siting, would result in an incongruous, intrusive and unsustainable form of development, bringing about significant harm to the character and appearance of the countryside. The proposal would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM1, DM11, DM15 and DM16 of the Core Strategy and paragraph 79 of the National Planning Policy Framework.

49 APPLICATION NO DOV/18/00139 - BRACKNELL HOUSE, 34 HELENA ROAD, CAPEL-LE-FERNE

The Committee was shown plans and photographs of the application site. The Senior Planner advised that the application sought planning permission for the change of use of the building from a residential care home to a single residential dwelling. Since the report was written, two additional representations had been received. The first claimed that the proposal would be detrimental to local residents and raised concerns about the absence of full plans. The second referred to the side hedge being cut back which would allow cars to park at the rear of the property, thus affecting the privacy of a neighbouring property.

Members were advised that the property was a failed care home which, regrettably, had failed to sell when marketed as such. A number of unsympathetic changes/extensions had been made to the property as a care home, and the application for a change of use would allow the building to revert to its former, more appealing, form. Members were referred to paragraphs 3.10 and 3.11 of the report which covered alterations and alternative uses.

Councillor Gardner advised that, whilst he welcomed the notion of reverting the building to residential use, he could not support an application with so little detail. The Chairman reminded the Committee that its first consideration was whether the proposal was acceptable in principle; further detail was not required to make that decision. Councillor Eddy argued that Members' role was to determine the proper use of the building which, in this instance, was acceptable.

RESOLVED: (a) That Application No DOV/18/00139 be APPROVED subject to the following conditions:

- (i) Standard time restrictions;

(ii) Carried out in accordance with approved plans.

(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.

50 APPLICATION NO DOV/18/00300 - AYLESHAM SPORTS CLUB, BURGESS ROAD, AYLESHAM

Members were shown an aerial view, plan, drawings and photographs of the application site which was just outside, but adjacent to, the settlement confines of Aylesham. The Principal Planner advised that planning permission was sought for the conversion of a former public house building into nineteen flats and the erection of two-storey side extensions and a three-storey rear extension, along with the provision of a public house, vehicular access and parking. Aylesham Parish Council had submitted a further representation, referring to the long-term retention of the pub and the use of Section 106 monies for a skate park. In response, the Principal Planner advised that any application to change the pub to residential accommodation would need to be tested against policy. No case had been put forward by the parish council for the provision of a skate park, and such a request was likely to be deemed unreasonable in any case.

Members were advised that previous applications for the conversion of the building had been refused due to the loss of the pub. However, at appeal, the Planning Inspector had found the appearance of the proposed scheme acceptable. Unlike the previous applications, this one sought to retain a portion of the building for use as a public house. The conversion of the building into flats was considered acceptable. Following amendments to the scheme, Kent County Council (KCC) Highways had removed its objections. An application to have the building listed had been refused by Historic England, although it was understood that an appeal had been lodged. There would be a contribution towards off-site affordable housing. Approval was recommended, subject to a Section 106 agreement and conditions, including one to safeguard the delivery of the pub.

In response to Councillor Bond, the Principal Planner clarified that the provision of dwellings would be phased to coincide with the provision of sewerage infrastructure off site. In other words, there would be no occupation until the requisite infrastructure had been provided. It was reported that the Council's Head of Strategic Housing had recommended against providing affordable housing on site due to the difficulty in attracting registered social landlords to bid for affordable properties co-located with private properties. The off-site affordable housing contribution was based on an average cost of £140,000 per flat in the new block, reduced by 40% in line with Planning Policy Guidance that sought to encourage the re-use of brownfield land by reducing the amount of affordable housing contribution payable in respect of such developments. Councillor Gardner argued that the contribution should be much higher, and questioned why the Council had not taken the flats on as affordable housing. The Chairman commented that there was a risk of challenge if the Council failed to adhere to the methodologies set out in its planning policies.

It was clarified that there would be four parking spaces for the use of pub patrons and four general visitor spaces. KCC Highways had agreed to a fewer number of parking spaces for the pub due to the site being within walking distance of the village. Councillor Ovenden expressed concern that patrons and residents would

end up vying for parking spaces unless these were clearly marked. Councillor Eddy agreed and raised concerns about the proposed layout of parking within the site. Visibility around the corner of the building was limited, and he envisaged conflict between cars negotiating their way around the site. The Chairman commented that, whilst it was a tight site for car manoeuvring, this in itself would help to keep speeds down. The Principal Planner clarified that a gate had originally been included in the application, and agreed that this would help to designate residential parking.

Councillor P M Wallace argued that a significant amount of new development had taken place in Aylesham in recent years. A pub was an important facility and a focal point for creating new communities. He was disappointed at the size of the new facility and could not therefore support the application.

RESOLVED: (a) That Application No DOV/18/00300 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials
- (iii) Full details of hard and soft landscaping;
- (iv) Scheme of sound insulation;
- (v) Provision and approval of a timetable for the implementation of the residential dwellings and the public house;
- (vi) Provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material);
- (vii) Provision and retention of cycle parking;
- (viii) Provision and retention of access;
- (ix) Provision and retention of visibility splays;
- (x) Construction Management Plan;
- (xi) No gates to access (remove permitted development rights);
- (xii) Full details of foul drainage including a timetable for the works and a maintenance programme;
- (xiii) Full details of surface water drainage including a timetable for the works and a maintenance programme;
- (xiv) Previously unidentified contamination;
- (xv) Ecological mitigation and enhancements;
- (xvi) Provision of refuse storage;
- (xvii) Programme of building recording;

(xviii) Archaeology.

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

51 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.23pm for a short break and reconvened at 8.30pm.

52 APPLICATION NO DOV/17/01345 - LAND AT CHURCHFIELD FARM, THE STREET, SHOLDEN

The Committee viewed an aerial view, plans and photographs of the application site. The Principal Planner advised that the application had been deferred at the July meeting for a site visit in order for Members to: understand traffic movements; assess the proposed access and off-site highway works at the junctions; assess the landscape and visual impact of the proposals on the character and appearance of Sholden; assess whether the proposals would cause any harm to the setting of the church; and, finally, the potential for motorised traffic to use footpath ED56 as a shortcut between Timperley Place/Church Lane and the proposed development.

Members were advised that a number of comments had been received since the report was written from Sholden Parish Council and the applicants. The parish council had raised a number of points about the report, including there being no provision for outline or indicative applications under the NPPF, too many conditions and insufficient information. It had also made reference to the national Inclusive Transport Strategy and the requested suspension of shared space schemes, and argued that the application had been reported to the Committee prematurely. In response, the Principal Planner advised that it was a standard approach to impose conditions where necessary, and that Officers considered that there was sufficient information to determine the application. Referring to paragraph 2.18 of the report, KCC Highways had indicated that the shared space proposal for vehicles and pedestrians was acceptable. Members were also advised that, since its initial comments, the South Kent Coast Clinical Commissioning Group (CCG) had come back with a request for a financial contribution. In the Local Planning Authority's view this was an acknowledgement that the impact of the care home could be addressed. It was clarified that the proposed C2 use of the care home would not incur an affordable housing requirement. This meant that it did not affect the calculation for the provision of affordable housing which was due from the 48 dwellings.

Members were reminded that the proposed development would generate 35 extra vehicle movements in the morning peak and 32 movements in the afternoon peak. There would be an increase in traffic of 2.5% at the London Road/The Street junction which was well below the 5% figure that was considered to represent a material change in the amount of traffic using the junction. Referring to paragraph 2.13 of the report, it was reported that the presumption in favour of sustainable development no longer applied to the application following a European Court of Justice ruling which indirectly required that an appropriate assessment should be carried out in relation to the potential impact of the proposal on the integrity of the European sites at Thanet and Sandwich Bay. Under paragraph 177 of the revised NPPF, the presumption did not apply in these circumstances. However, Officers

still considered that, whilst it was contrary to the Development Plan, the benefits of the proposed development were such that permission should be granted.

Councillor Gardner reported on the site visit which had been very well attended by parish councillors and the public. In respect of traffic movements and the proposed works to the London Road/The Street junction, Members had concerns that large numbers of children and elderly people were likely to make use of the shared space. In terms of assessing the landscape impact, it was feared that opening up vistas of the church to the new development would have a detrimental impact on the church. Members were also of the view that the green wedge separating Sholden from Deal should be retained. Councillor Gardner confirmed that the site visit panel had witnessed congestion at the London Road/The Street junction, particularly for cars waiting to turn right towards Sandwich. The traffic generated by the development would worsen this situation and almost certainly lead to a greater increase in movements than 2.5%. He recommended that the application should be refused.

Councillor Ovenden reported that, whilst the site visit was taking place, a car had been parked on the double yellow lines by the shop. She had also noticed that one of the bollards by the shop had been knocked over. These indicated a congested junction that was already hazardous for vehicles and pedestrians. Councillor Wallace commented that witnessing traffic movements near the site had been very important as it enabled Members to understand how difficult it would be for elderly care home residents, particularly wheelchair users, to visit the nearby shop or move around safely. In respect of healthcare, he referred to the existing pressures on GP surgeries, and expressed doubts that they could cope with the proposed care home. He wished to prevent Sholden, currently a quiet village, going the same way as Maxton and Walmer which were now just extensions of Dover and Deal.

Councillor D G Cronk expressed concerns about the safety of the junction which was a tight one. In his view mixing pedestrians and traffic was hazardous, particularly as there was no lighting or clear right-of-way markings at the junction. Furthermore, there was bound to be a significant increase in traffic movements as a result of deliveries to the care home. Councillor Eddy agreed that turning right out of the junction was a problem. Whilst he expressed appreciation that the applicant was trying to address the situation, he was sceptical that the junction would be able to cope with the increased levels of traffic. Councillor Bond expressed doubts that the full impact of the traffic generated by the care home (laundry trucks, ambulances, etc) had been adequately recognised. He also raised concerns that, as an outline application, there were no guarantees that the remaining undeveloped land between Sholden and Deal could be protected. In respect of education, the local primary school was already full so children would have to travel to north Deal or elsewhere. In his opinion, the potential harm caused by the development far outweighed any benefits.

The Principal Planner clarified that the 35 additional traffic movements predicted in during the morning peak would be two-way movements, i.e. in both directions. He referred Members to the report which explained that care home residents would typically come from within a 10-mile radius of the home, in other words, existing users of nearby GP surgeries. In respect of education, children from the development would gain places at the local primary school in time given that one of the criteria for school intake was the distance between a child's home address and the school. This would therefore, in time, offset the number of traffic movements.

The Principal Planner (Mr Blaskett) made reference to page 71 of the report and KCC Highways' comments about the proposed shared space and how it would

improve upon the current arrangement. The proposal had also passed a highways safety audit. Members were reminded that pages 86, 87 and 88 of the report also set out KCC Highways' views on the proposal in some detail. Members needed to satisfy themselves that, if appealed, they could produce evidence relating to highways that would justify a refusal.

The Chairman agreed that the application was supported by a significant amount of evidence. However, Members with their extensive local knowledge were very familiar with the junction and had significant concerns about its safety. Even without the development, he suspected the improvements would not be beneficial. Along with the overall increase in traffic in Sholden arising from other developments, he shared Members' concerns about the impact on this junction.

The Principal Planner reminded the Committee that the proposed development would provide 48 dwellings at a time when the Council was unable to demonstrate a 5-year housing land supply. Spatially it was a good scheme which was well planned and gave due consideration to the setting of the church. The proposal recognised the separation of Sholden from Deal by retaining an area of public open space, with the intention that this would be protected in perpetuity through a legal agreement. There would be ecological enhancements and no visual harm caused to the landscape in long distance views. The scheme would also help to define and improve this area of land and open up Church Lane. The applicant had agreed to meet all the financial contributions requested, and the proposed highway mitigation works had passed a safety audit. For these reasons, there was justification for going against the Development Plan.

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01345 be REFUSED on the grounds that the proposed development, by virtue of the number of vehicle movements generated by the development, the design of the proposed 'shared surface' on The Street and the geometry of the junction between The Street and London Road, would lead to an unacceptable impact on highway safety and, cumulatively with other existing and committed development, cause a severe impact on the local road network, contrary to paragraph 109 of the National Planning Policy Framework.

53 APPLICATION NO DOV/17/00056 - PHASE 1A OF WHITFIELD URBAN EXTENSION, WHITFIELD

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was located between Napchester Road and Arable Drive. The Principal Planner advised that the application was for reserved matters in relation to Phase 1A of the Whitfield Urban Extension (WUE), for which outline planning permission had been granted under DOV/10/01011. The site had been identified for affordable housing, and the application by Dover District Council sought the erection of 26 affordable dwellings.

As a correction to the report, and in relation to the closure of Napchester Road, Members were advised that, technically, the road would be the subject of a Traffic Regulation Order (TRO) rather than being stopped up. This would restrict the use of the road by vehicles and bollards would be installed. It was clarified that the

archaeological condition attached to the outline planning permission would be carried forward for the reserved matters application.

A number of comments had been received, raising objections on infrastructure grounds. However, the outline planning permission had accepted the principle of the development, and the provision of infrastructure would be controlled by a legal agreement under the outline permission. Langdon Parish Council had also submitted comments which had been circulated to members of the Committee. Issues raised relating to the visual impact and overbearing aspect of the proposed dwellings were covered in the report. The closure of Napchester Road had been advertised a number of times. The timescale for constructing the new spine road and associated infrastructure would be covered by the Section 106 agreement. The revised routeing of Napchester Road via Arable Drive was considered a potential issue. However, it was noted that this would be addressed by condition, with the requirement for a timetable to be agreed that would identify at which time the bollards would be installed on Napchester Road. In relation to 90 dwellings accessing Sandwich Road via Field View Road, it was noted that in time this number was likely to rise, as planned for by the WUE.

74 dwellings had already been built to the south-west of the site. Significant concerns had been raised regarding drainage in Whitfield. It was evident that a number of misconnections had been made over the years, with surface water drainage being connected to the foul sewer. This had resulted in foul sewage flooding residential areas during periods of heavy rainfall. To address this problem, Southern Water was proposing to construct a tank which would hold the foul sewage from 2,000 houses, allowing excess water to be accommodated during periods of heavy rainfall. The water would then be pumped on to the treatment plant. It was clarified that the outline planning permission contained a condition which prohibited any occupation until such time as a drainage scheme was in place. The Principal Planner read out correspondence from Southern Water to this effect.

RESOLVED: (a) That Application No DOV/17/00056 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved drawings;
- (iii) Materials;
- (iv) Landscaping scheme, including means of enclosure;
- (v) Obscure glazing, first floor side elevation, units 26 and 22;
- (vi) Permitted Development Rights removal from houses – classes A and B;
- (vii) Refuse bins;
- (viii) Cycle storage;
- (ix) Parking areas;
- (x) Bound surface;

- (xi) Visibility splays in relation to cycle paths;
- (xii) No surface water onto highway;
- (xiii) Timetable for Traffic Regulation Order works to Napchester Road;
- (xiv) Treatment of highway stopped ends – details.

(a) 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.

54 EXTENSION OF MEETING

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

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

55 APPLICATION NO DOV/18/00201 - MATTHEEUWS TRANSPORT LTD, LAND SOUTH-WEST OF PALMERSTON ROAD, PORT ZONE, WHITE CLIFFS BUSINESS PARK, WHITFIELD

Members were shown an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the extension of an existing transport depot in an area where there were already a number of companies operating. The extension would accommodate an additional 59 lorries and provide 38 car parking spaces.

There was Government support for the growth of businesses and for the provision of lorry parks. The applicant had demonstrated that lorry movements would be spread out through the day and would occur mostly outside peak hours. A noise management plan had been submitted, and the Council's Environmental Health team had raised no objections. Air quality issues were also considered to be satisfactory. There would be a solid boundary treatment, located inside a landscape buffer which would screen the site and, in any case, the site was not prominent in public views. There would be a condition to control lighting. As a correction to the report, conditions xi) and xii) would be amended to ensure that there would be no external lighting or refrigerated lorries on site.

In respect of drainage, Southern Water's comments were awaited and further work was needed to finalise drainage details. KCC's Sustainable Drainage Systems (SuDS) team had maintained its objections to the proposal, but further discussions would be held. Whilst the Environment Agency had objected initially, it had since withdrawn its objection, subject to conditions being imposed. It was clarified that the drainage solution proposed by the applicant was to collect surface water via an impermeable membrane, from where it would be directed to an oil interceptor and then pumped into the existing surface water sewer on site.

In response to Councillor Bond, it was clarified that there would be a solid fence around the site which would provide some noise protection. The proposal had been

reviewed by the Environmental Health team who was satisfied that the proposal would not cause unacceptable noise or disturbance. Accordingly, imposing a condition requiring the installation of an acoustic fence could be deemed unreasonable.

The Principal Planner reassured Members that planning permission could be granted, subject to drainage issues being resolved by Officers, in consultation with the Chairman of the Planning Committee and Councillor Gardner (as Committee Spokesman).

RESOLVED: (a) That powers be delegated to the Head of Regeneration and Development to continue a dialogue with KCC SuDS and Southern Water to address the outstanding matters and settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee, in consultation with the Chairman and Spokesman of the Planning Committee.

(b) That, subject to (a), Application No DOV/18/00201 be APPROVED subject to the following conditions:

- (i) Standard Time;
- (ii) Approved Plans list;
- (iii) Details of landscaping scheme and planting;
- (iv) Development in accordance with the submitted Noise Management Plan;
- (v) Safeguarding land contamination;
- (vi) Site to be used by Romac/Mattheeuws Transportation services only;
- (vii) Details of HGV and car parking layout submitted for approval;
- (viii) Landscaping maintenance plan submitted for approval;
- (ix) Details of a solid means of boundary enclosure;
- (x) Construction Management Plan;
- (xi) No external lighting;
- (xii) No refrigerated lorries on site;
- (xiii) Surface water drainage design submitted for approval;
- (xiv) Details of imported materials submitted for approval;
- (xv) Verification of the above imported materials;
- (xvi) Environmental Management Plan submitted for approval.

(c) 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 Planning Committee.

Informatives:

1. 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.
2. We would draw the developer's attention to the Institution of Lighting Engineers' guidance notes for the reduction of obtrusive light when considering any lighting to the site. This can be at the construction stage or during plans for the occupation of the development. I would ask the developer to pay particular attention when considering any lighted signage at the front of the planned development.
3. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development works and intended for re-use are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA.
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- the Environmental regulations page on GOV.UK

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

(Councillor D G Cronk declared an Other Significant Interest in this agenda item by reason that he worked for a transportation company, and left the Chamber)

56 APPEALS AND INFORMAL HEARINGS

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

57 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 10.27 pm.

Subject:	REVIEW OF THE CONSTITUTION 2018 – GENERAL AND ADMINISTRATIVE AMENDMENTS
Meeting and Date:	Governance Committee – 28 June 2018 Council – 25 July 2018 Planning Committee – 20 September 2018
Report of:	Director of Governance (Monitoring Officer)
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A report has previously been considered in respect of the training criteria for various committees and this report seeks to be cover more general and administrative amendments.

Article 15, paragraph 15.02(a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

Recommendation: That the Planning Committee note the proposed changes in the Review of the Constitution 2018 issue no. 21, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

1. Introduction and Background

- 1.1 Article 15 of the Council’s Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This report forms the second report as part of the Review of the Constitution 2018 following from the report on ‘Training and Development for Members’ which was approved by Council at its meeting held on 23 May 2018.
- 1.2 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty times. The Review of the Constitution 2018, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Democratic Services Manager, will be the twenty-first revision resulting in the proposed draft version 21.
- 1.3 Due to the size of the Council’s Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year’s review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council’s

organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.

1.4 The focus for the Review of the Constitution 2018 has been as follows:

- (a) Consequential amendments arising from changes to the Council;
- (b) General tidying up of areas for clarity or consistency;
- (c) Amendments to the scheme of officer delegations; and
- (d) Other changes.

2. **Approval of Amendments to the Constitution**

2.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Director of Governance/Monitoring Officer to approve and changes requiring Council approval.

2.2 The details of the changes that affect the Planning Committee are set out below.

Amendments to the Scheme of Officer Delegations

2.3 These changes are set out in Appendix 1 and implement a number of changes (a) resulting from restructuring; (b) changes to legislation; (c) previously agreed by the Council; or (d) previously agreed by the Executive (through either Cabinet decisions or delegated decisions). These changes do not grant new delegated powers other than to implement those agreed by Council or the Executive.

2.4 An additional amendment concerns the use of the term ‘operational manager(s)’ which has been replaced with the more accurate term of ‘specified officer(s)’. This change is for clarity and does not change the nature of the delegation.

2.5 Although the full Council is only responsible for delegations relating to Council functions, it is asked to approve the scheme of officer delegations in its totality in the event that there has been an erroneous misclassification of functions.

2.6 The Planning Committee is asked to note the proposed changes, which have already been approved by Council and the Leader of the Council, that relate to planning functions.

3. **Identification of Options**

3.1 Option 1: To note the changes proposed as part of the Review of the Constitution 2018 as submitted.

3.2 Option 2: To not note the changes as part of the Review of the Constitution 2018 as submitted.

4. **Evaluation of Options**

4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.

4.2 Option 2 is not the preferred option. The changes have already been approved by the Council are presented to the Planning Committee for note.

5. **Resource Implications**

There are no resource implications arising from the Review of the Constitution.

6. **Appendices**

Appendix 1 – Scheme of Officer Delegations

7. **Background Papers**

Local Government Act 2000 and the regulations made under that Act

Contact Officers: Rebecca Brough, Democratic Services Manager, ext. 2304

David Randall, Director of Governance and Monitoring Officer, ext. 2141

Harvey Rudd, Solicitor to the Council, ext. 2321

**Delegation to: Head of Regeneration and Development
Planning Enforcement Manager**

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences	
2.	Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the Council	<p>To exercise the powers and functions in relation to town and country planning and development control including</p> <p>(a) Power to determine applications for planning permission.</p> <p>(b) Power to determine applications to develop land without compliance with conditions previously attached.</p> <p>(c) Power to grant planning permission for development already carried out.</p> <p>(d) Power to decline to determine applications for planning permission.</p> <p>(e) Duties relating to the making of determinations of planning applications.</p> <p>(f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</p> <p>(g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> <p>(h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers.</p> <p>(i) Power to issue a certificate of existing or proposed lawful use or development.</p> <p>(j) Power to serve a completion</p>	<p>In relation to the determination of planning applications under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (column 2(a)) referral to Planning Committee will be made where there are more than 5 contrary representations to the officer recommendation</p> <p>Or, at the written request of a Member identifying planning reasons</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>notice.</p> <p>(k) Powers in relation to the display of advertisements.</p> <p>(l) Powers in relation to entry onto land.</p> <p>(m) Power to require the discontinuance of a use of land.</p> <p>(n) Powers to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p> <p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers.</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a</p>	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
		<p>repairs notice.</p> <p>(z) Power to apply for an injunction in relation to a listed building.</p> <p>(aa) Power to authorise stopping up or diversion of highway.</p> <p>(bb) Power to execute urgent works.</p> <p>(cc) Powers relating to the protection of important hedgerows.</p> <p>(dd) Powers relating to the preservation of trees.</p> <p>(ee) Power in relation to complaints about high hedges.</p> <p>(ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.</p> <p>(gg) Power to extinguish public rights of way over land held for planning purposes.</p>	
3.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.		
4.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.	
5.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017	To implement the provisions of the Regulations.	

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
6.	The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990	To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.	<p>The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are objections.</p> <p>The consideration of the recommendation made by the examiner required by paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 shall be referred to the executive for decision.</p> <p>The functions of deciding to make a neighbourhood development plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refusing to make a plan under section 38A(6) of that Act shall be referred to the executive for decision</p>
7.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as “responsible authority”.	
8.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences.	
9.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.	
10.	Planning	To negotiate and enter into Planning	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes	
	Performance Agreements	Performance Agreements.	
11.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.	
12.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies	<p>(1) The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>(2) Approval of any draft of the Statement of Community Involvement or Local Development documents for the purposes of consultation and the making of recommendations to Council of any such documents is reserved to Cabinet</p> <p>(3) Approval of the Authority Monitoring Report is reserved to Cabinet</p>
13.	The Planning Act 2008 (Parts 4 – 8)	To exercise the powers and functions of the Council in relation to develop consent for national significant infrastructure projects	
14.	Planning (Listed Buildings and Conservation Areas) Act 1990	Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be	

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
(Section 57) or the Town Grant Scheme	repaid.	
15. Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58)	To decide upon the recovery of sums paid out in respect of repairs to properties.	
16. The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	

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.

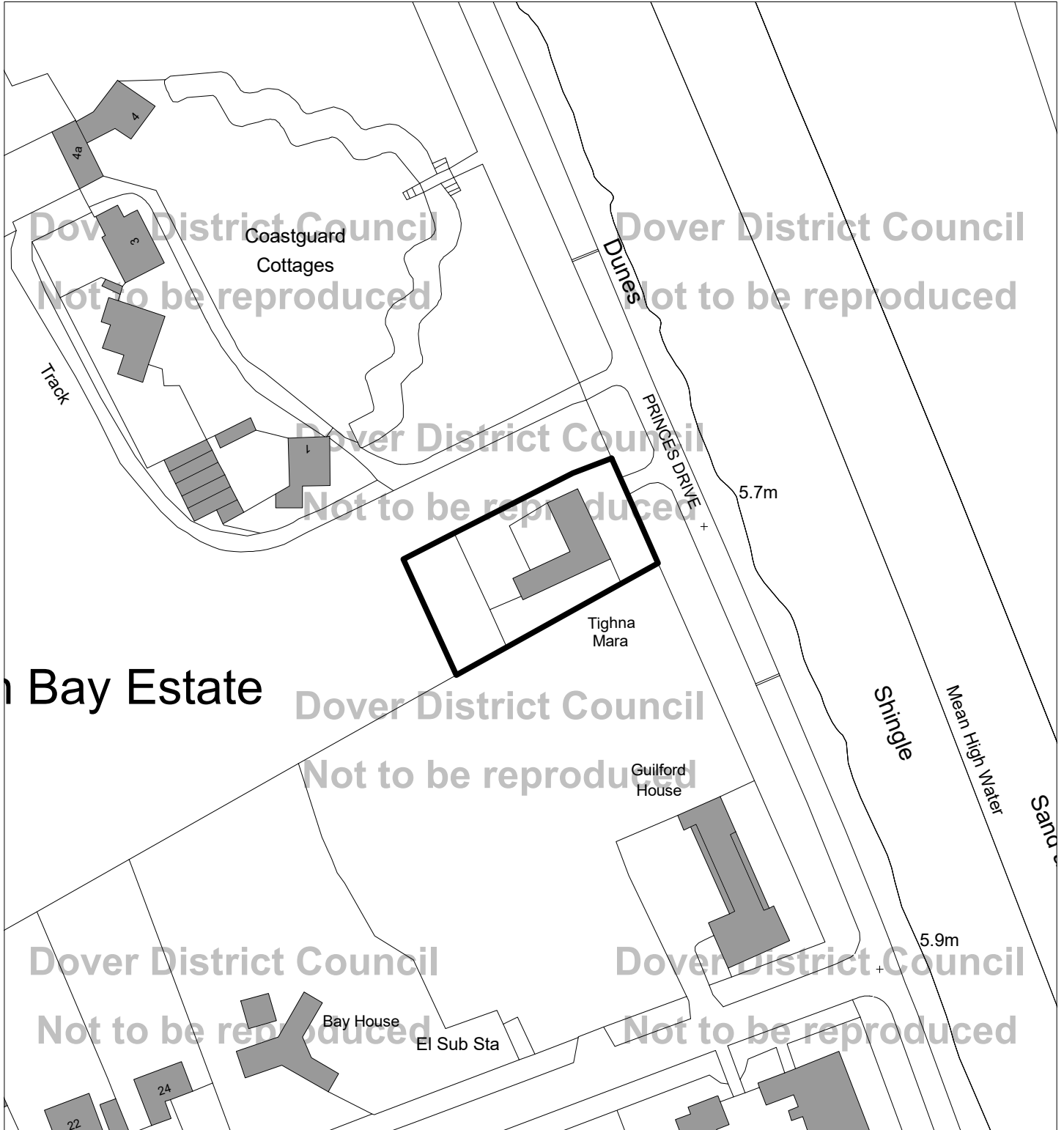
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

This plan has been produced for Planning Committee purposes only. No further copies may be made.



Not to scale

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

Application: DOV/18/00720

Tighna Mara

Princes Drive

Sandwich Bay

CT13 9PZ

TR36405751



- a) **DOV/18/00720 – Erection of a replacement roof; two-storey front and rear extensions; balcony with balustrade to front; pitched roofs to existing side and rear; new garage at basement level with external staircase and balcony - Tighna Mara, Princes Drive, Sandwich Bay, Sandwich**

Reason for report – Number of contrary views (11)

- 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 2018 (NPPF), National Planning Practice Guidance (NPPG), The Conservation of Habitats and Species Regulations 2017, together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement Hierarchy
DM1 – Settlement Boundaries
DM13 – Parking Provision
DM15 – Protection of the Countryside
DM16 – Landscape Character

National Planning Policy Framework (NPPF) 2018

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

Paragraph 175 states that when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

The Conservation of Habitats and Species Regulations 2017

The Wildlife and Countryside Act 1981 (as amended)

Kent Design Guide (2005)

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

Worth Neighbourhood Development Plan (2014)

Paragraph 1.14 states 'Much of the Sandwich Bay part of the Parish is designated as important areas for birds [Sites of Special Scientific Interest (SSSI), Natura 2000, RAMSAR, National Nature Reserve (NNR), Special Area of Conservation (SAC), and Special Protection Area (SPA)]. The area contains two championship links golf courses (Royal St Georges & Princes) and most of the 125 dwellings are on the private Sandwich Bay Estate. The majority of these are modern. Anecdotal evidence suggests up to 50% of the dwellings on Sandwich Bay Estate are second or holiday homes. All the land is poor quality Grade 3 and 4 Agricultural Land. The Sandwich

Bay Residents Association did not wish 'The Bay' to be included in the Worth Neighbourhood Area.'

d) **Relevant Planning History**

CH/7/63/0515 – Erection of house/garage – APPROVAL

DO/85/0523 – First floor ext. and enclosed spiral staircase – APPROVAL

DO/98/00242 – Erection of an entrance porch and alterations to windows and some external finishes – GRANTED

DOV/16/00304 – Erection of a replacement roof, two storey front and rear extensions, balcony with balustrade to front, pitched roofs to existing side and rear, new garage at basement level with external staircase and balcony and alterations to existing vehicular access – REFUSAL

Application DOV/16/00304 was refused for the following reason;

“The proposed extensions, due to an incoherent design strategy, by reason of their form, appearance and prominence would be poorly related to the form, scale and appearance of the existing property, resulting in over-complicated, incongruous and unsympathetic additions and would fail to meet the requirements of good design and would harm the existing character and appearance of the area thereby contrary to paragraphs 56-59, 61 and 64 of the National Planning Policy Framework.”

e) **Consultee and Third Party Responses**

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

Worth Parish Council – no objection

Environment Agency – proposal is covered by flood risk standing advice

KCC County Archaeology – no comment received

Public Representations:

11 Letters of objection have been received and are summarised below:

- Similar to previous (refused) application except for changes to roof and a few cosmetic changes. 2016 refusal stated “This outcome is jarring over complex” – proposal is unchanged.
- Overlooking – balcony would overlook Coastguard Cottages, Coastguard station & the Lighthouse
- Design – larger than historic cottages nearby. Would dominate on seafront. Design lacks cohesive structure, giving jarring effect, altering the appearance of the seafront and ‘conservation area’. Out of keeping with character of the area
- Would affect views & attraction of Sandwich Bay
- Sited in prominent position, with Special Area of Conservation and SSSI dunelands behind

- Proposal is for commercial premises (accommodation for The Open to be held nearby in 2020)
- Would result in additional noise
- Would result in more parking
- Impact on outlook & privacy of surrounding area

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

- 1.1 The site is situated within the private Sandwich Bay Estate. This is located outside of the settlement confines identified in Policy DM1 and is therefore considered to be within the countryside (subject to Policies DM15 and DM16). The site is not within a Conservation Area and is not a Listed Building. Land towards the eastern part of the site is subject to an Article 4 Direction from 1979 restricting some permitted development for the erection of gates, fences, walls, other means of enclosure and the formation, laying out and construction of a means of access to a highway.
- 1.2 The application site comprises a three storey detached dwellinghouse, set back from the private road by a driveway. The site is located on the west side of Princes Drive and is directly opposite the beach. The site slopes downwards towards the west and the driveway runs to the north and west of the dwelling, with parking areas to the front and rear of the dwelling. Access from the front (east) of the property is to the ground floor and from the rear (west) is the basement. The building is 'L shaped' and the section fronting Princes Drive has a pitched metal roof. The two storey rear projection has a flat felt roof set behind a parapet wall. At ground floor level, and as shown on the submitted topographic survey (received 4th July 2018), is an enclosed rear garden/amenity area. This is obscured from view of the wider area by a tall brick wall. The garden to the rear of the dwelling is at lower ground level and is set back from the property by a tarmac parking/turning area. The exterior of the dwellinghouse is finished in white painted render and red facing brickwork with white uPVC windows and a uPVC porch to the front elevation. At first floor on the rear elevation is an enclosed balcony and the property is highly glazed.
- 1.3 The current building shows signs of damage at ground and first floor level, with cracks within the walls, damp and windows which do not close, indicating movement in the building. Furthermore, the rear wall of the ground floor garden bulges. The basement level of the dwelling shows no sign of cracking or water ingress, being part set into the ground.
- 1.4 The dwellinghouse is directly visible within the street scene and wider views across the countryside/landscape area. It is one of several 1970's style properties within the Estate and, whilst set back from the road, is in a visually prominent location. The front part of the site is located within Flood Zone 2 and the rear part is within Flood Zone 1.
- 1.5 Land to the side (north) and rear (west) of the site boundary is designated as a Site of Special Scientific Interest (SSSI Sandwich Bay to Hacklinge Marshes). The land on the opposite side of the private road has several designations; Ramsar (Thanet Coast & Sandwich Bay), SSSI (Sandwich Bay to Hacklinge Marshes), Special Protection Area (Thanet Coast & Sandwich Bay) and Special Area of Conservation (Sandwich Bay). The site itself is not designated.

- 1.6 The site is bounded by private land (SSSI) to the north and west. Beyond this is No. 1 Coastguard Cottages to the northwest. To the southeast of the site is Guilford House.

The Proposal

- 1.7 The applicant seeks consent for the erection of a replacement roof, two storey front and rear extensions, balcony with balustrade to front, pitched roofs to existing side and rear, new garage at basement level with external staircase and balcony.
- 1.8 The proposal, when advertised, included alterations to the existing vehicular access to the site, however this has been removed from the application and a revised proposed site plan showing the existing driveway (to be retained) was received on the 10th September 2018. This has not been advertised, however there will be no change from the existing scenario.
- 1.9 The existing pitched metal roof of the three storey part of the dwellinghouse would be replaced with a new pitched roof with standing seam metal finish. This would result in an increase in ridge height of approximately 0.2m from the existing scenario.
- 1.10 The flat roof of the two storey rear projection would be replaced with a pitched roof, also finished in a standing seam metal finish. The pitched roof would have a ridge height approximately 0.5m greater than the height of the existing flat roof. A solar panel would be installed on the southeast roofslope.
- 1.11 The existing front porch would be replaced with a two storey front extension. This would measure approximately 3.3m in depth and 5.3m in width. It would have a flat roof and at ground floor would be a new oak front door. At first floor level, there would be a study with windows on three elevations and a door on the northwest elevation providing access to the balcony.
- 1.12 A two storey rear extension would be erected between the main dwellinghouse and two storey rear projection. It would have a width of approximately 4.65m and a depth of approximately 4.05m. The extension would create an internal staircase and lift, with access at ground floor level to the rear terrace area. It would have a flat roof with a height of approximately 8.8m from rear ground level.
- 1.13 A balcony would be erected on the front elevation at first floor level, on either side of the two storey front extension. It would have a depth of approximately 1.4m and would be approximately 2.7m from ground level (at the front of the property). The balcony would have a glass balustrade and pull out awnings above, details of which to be submitted by condition.
- 1.14 There would be a number of alterations to the basement of the dwelling, including the erection of an integral garage beneath the ground floor terrace to the rear of the property. This would provide two parking spaces and additional space for bicycle storage. The northwest wall of the basement would be rebuilt and re-aligned to widen the driveway to the side of the dwellinghouse. The height of the retaining wall would be lowered by approximately 2.3m and a new 1.7m high screen would be erected on the northwest elevation of the ground floor terrace area directly above the garage. An approximately 1.3m high

balustrade would be erected on the rear (southwest) elevation of the terrace. A new staircase, also with balustrade, would be erected to the rear of the terrace providing access to the rear (external) parking area of the site.

- 1.15 There would be a number of other external alterations, including the installation of new and replacement windows and finishing sections of the external walls in contrasting coloured render (details to be submitted by condition).

2. Main Issues

- 2.1 The main issues for consideration are:

- * The principle of the development
- * The impact on the character and appearance of the area
- * The impact on residential amenity
- * Other Material Considerations

3. Assessment

Principle of Development

- 3.1 The site is located on a Private Estate, outside of the settlement confines. Policy DM1 allows development which is ancillary to existing development within the countryside. Policy DM15 seeks to avoid development which would result in the loss of, or adversely affect the character or appearance of the countryside. Policy DM16 seeks to conserve the open countryside. The principle of extensions to the dwelling is acceptable and the impact of the proposal is discussed as follows:

Impact on the Character and Appearance of the Countryside and Landscape Area

- 3.2 Due to the siting of the dwellinghouse, in a prominent location on the seafront, the proposals would be directly visible from the wider countryside. The Sandwich Bay Estate is private land, however public access is allowed and takes place along the seafront and roads which lead to it. As such, the development would be visible to the public from Princes Drive and Waldershare Avenue to the south.
- 3.3 The proposed extensions and external alterations would result in a change in the appearance of the dwellinghouse, however, comments from the previous proposal (planning application DOV/16/00304 – Refused) have been taken into account in the consideration of the current scheme. The 2016 proposal included a taller, grey slate tiled pitched roof with a large overhang above the first floor balcony. The two storey front projection included a gable roof with an eaves height greater than the eaves of the main roof proposed. The ridge height of the pitched roof above the two storey rear projection was also taller than the current proposal. The two storey rear extension of the 2016 scheme had a gable roof with the same eaves height as the proposed roof and together, these extensions and alterations were considered to be ‘jarring, over-complex’ and lacking ‘a suitable reflection of the existing design context’. The Officer found that the 2016 scheme had a lack of ‘a coherent design strategy’, ‘lack of cohesiveness through the component parts of the proposal, no common

thread, resulting in a more pronounced, prominent and incongruous outcome'. The Officer Report identified that the 2016 scheme poorly related to the existing building, in particular the window proportions, eaves height and design of the front extension.

- 3.4 The proposed development would replace the main pitched roof of the existing dwellinghouse with one approximately 0.2m taller, maintaining a similar eaves height to that of the existing roof. The proposed front and rear extensions would have flat roofs, both lower than the eaves height of the roof of the main dwellinghouse. These, together with the proposed balcony, screening and balustrade, would preserve the existing linear character of the dwelling. The proposed pitched roof to the existing two storey rear projection would have a lower ridge height than that of the 2016 scheme and, being finished in the same material as the roof of the main dwellinghouse, would preserve the character of the building. The proposed windows of the dwellinghouse are smaller than existing, however these reflect the residential character of the property. Furthermore, the 2016 scheme included a window with apex glazing on the front elevation of the two storey front extension, which was a noticeable difference in the window proportions of the dwellinghouse and this has been removed from the current proposal. Whilst the proposal includes extensions and alterations in the same locations as those previously refused, it is considered that the current design overcomes the reasons for the refusal of the previous scheme.
- 3.5 Policy DM15 seeks to avoid development which would result in the loss of, or adversely affect the character or appearance of the countryside. As stated, the dwellinghouse is within a cluster of residential dwellings in Sandwich Bay, which have a range of scales and architectural styles. The proposed extensions would have flat roofs, set lower than the eaves height of the main roof of the dwellinghouse (visible from Princes Drive). Consequently, they would appear subservient additions to the main dwellinghouse. The proposals would be finished in similar materials to those of the main dwellinghouse and, in order to preserve the character and appearance of the countryside, it is considered appropriate to include a condition that samples/details be submitted. Therefore, the proposals are considered unlikely to result in the loss of, or adverse effect on the character and appearance of the countryside and the development would accord with Policy DM15 of the Core Strategy.
- 3.6 Policy DM16 seeks to avoid development which would harm the character of the landscape. Whilst the application site is in a prominent location on the sea front, the works would appear subservient to the main dwellinghouse. The property is at a slightly lower level than the private roadway and is set back behind a paved parking area. The open space surrounding the site gives the appearance of separation from surrounding properties, and this would not be affected by the proposals, which are to the front and rear of the dwellinghouse. As mentioned, a condition would be included for samples/details of the proposed materials to be used in the construction of the external surfaces to be submitted. Consequently, the proposal is considered unlikely to result in significant harm to the character of the wider landscape area, in accordance with Policy DM16 of the Core Strategy. The development therefore accords with the aims and objectives of the National Planning Policy Framework, in that it would function well and add to the overall quality of the area and would be visually attractive as a result of good architecture. The proposals would be sympathetic to local character and would maintain a sense of place, in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 3.7 The proposals would be visible from a number of surrounding properties due to the low level boundary fence to the rear (west) of the site and the open land (SSSI) also to the rear. This includes the properties of King's Avenue, North Road and Waldershare Avenue. However, due to the separation distance and scale of the proposals, the development is only considered to potentially affect the residential amenities of No. 1 Coastguard Cottages and Guilford House. All other residential dwellings are in excess of 40m from the site and the proposals are unlikely to affect the residential amenity of these properties in respect of overshadowing, overbearing or privacy. Whilst concerns have been raised regarding the impact on outlook from neighbouring properties, due to the separation distance and limited height of the proposed replacement roofs, the development is considered unlikely to result in significant harm to outlook.

No. 1 Coastguard Cottages

- 3.8 Located to the northwest of the site, at its closest point, there is a separation distance of approximately 18m between the gardens of the two properties. The cottage is set at a slightly lower ground level than the application site, being set back further from the private road to the east of the site.
- 3.9 The two storey dwellinghouse has a number of windows at ground and first floor level on the southeast elevations, from which the site would be visible. The internal configuration of the property is not known, however it is likely that these windows serve habitable rooms. There is a separation distance of at least 40m between these windows and the application property. Consequently, the dwellinghouses are far enough from each other to prevent direct views into the rooms of No. 1 Coastguard Cottages.
- 3.10 The garden of this property also has a low level boundary fence and therefore anyone in the garden would be visible from the application site. The proposed works to Tighna Mara would result in the removal of part of the brick wall at ground floor level surrounding the terrace. This would be replaced with screening on the northwest elevation (approximately 1.7m in height) and a glass balustrade on the rear (southwest) elevation. Therefore, the garden of the neighbouring property would be visible, at a distance, from this terrace. However, the existing property (Tighna Mara) has a number of large windows on the rear elevation from which the neighbouring property is partially visible, especially at first floor, where there is an enclosed balcony. The proposals would reduce the size of these windows and whilst the terrace would provide some views of the neighbouring property, this is likely to be no more harmful than the existing scenario. Consequently, whilst there would be some overlooking, there is already overlooking from the application property and, on balance, the proposals are considered unlikely to result in further harm to the privacy of neighbouring occupiers.
- 3.11 Due to the separation distance between the two properties, the proposals are considered unlikely to result in overshadowing or a reduction in daylight or sunlight to the neighbouring property.
- 3.12 The proposed rear extension would have a flat roof, lower than the eaves height of the main roof, and would appear subservient. Whilst the roofs of the main

dwellinghouse and two storey rear projection would be replaced, due to the limited increase in height, these would be unlikely to have an overbearing impact on the residential amenity of the neighbouring property. The existing retaining wall on the northwest elevation (surrounding the terrace) would be re-aligned and reduced in height and a screen installed above. Whilst directly visible from the neighbouring property, these works would be unlikely to result in an overbearing impact on the neighbouring amenity. Consequently, the proposals are considered unlikely to result in significant harm to the residential amenities of the neighbouring property and are acceptable in this regard.

Guilford House

- 3.13 This three storey detached building, located to the southeast of the site, comprises a number of flats with windows on the front and rear elevations. There is an area of grassland between this building and the application site and there do not appear to be any windows on the flank (northwest) elevation of the building. As such, the proposal would be unlikely to result in harm to the privacy of the occupants of this building.
- 3.14 Whilst the proposed extensions and alterations would be visible from the land to the side of Guilford House, the development would be unlikely to have an overbearing impact on the residential amenity of this building due to the separation distance.
- 3.15 In respect of overshadowing, as mentioned, there are no visible windows on the flank elevation of Guilford House and the development would not result in a reduction in daylight or sunlight to the rooms of the neighbouring building. Due to the siting and scale of the proposals, as well as path of the sun, the extensions and alterations would be unlikely to result in overshadowing to the neighbouring residential amenity. Consequently, the proposals would be unlikely to result in undue harm to the residential amenities of the neighbouring occupiers in respect of overshadowing, overbearing or loss of privacy and the proposals are acceptable in this instance.

Other Material Considerations

Impact on Parking

- 3.16 The proposals would result in a number of internal alterations which include changes to the room configuration. However, the number of bedrooms (five) would remain the same as the existing scenario and would therefore be unlikely to result in a significant increase in vehicle traffic or noise. For a dwelling in this location, Policy DM13 identifies that at least two independently accessible parking spaces are required per unit, with additional visitor parking also necessary. The proposals show that three vehicles could be parked on site, with two additional spaces within the integral garage of the property. Consequently the development accords with Policy DM13.

Impact on Ecology

- 3.17 Due to the location of the site within Sandwich Bay, it is necessary to discuss appropriate assessment. All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is

the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. (The development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy).

3.18 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3.19 As stated, the site is adjacent to the Sandwich Bay SSSI (to the west of the site). On the opposite side of the private road, the beach is also designated as SSSI, Ramsar, SPA and SAC. Information on the protection of these areas is included in the NPPF (paragraphs 175-177), The Conservation of Habitats and Species Regulations 2017 and The Wildlife and Countryside Act 1981 (as amended).

3.20 However, the site itself is not within one of these designated areas and no details have been submitted which indicate any proposed change to the boundary treatments of the site or any changes/works to the area of grassland to the rear part of the site. Due to the scale of the proposals, the development is considered unlikely to have an adverse effect on the SSSI and would therefore accord with Paragraph 175 of the NPPF. Nonetheless, the Principal Ecologist has verbally confirmed that an informative to the applicant to have regard to the protection of any wildlife and species on site would be appropriate.

3.21 Impact on Flood Risk

The applicant has submitted a flood map which identifies that the road to the front of the site is a Flood Defence. Part of the front of the site is located within flood zone 2 and the remainder of the site is within flood zone 1 (an area with a low probability of flooding). The Environment Agency has been consulted and state that the proposal is covered by their standing advice document. The proposed extension to the front of the dwellinghouse would have the same internal ground level as the existing dwelling and would create a porch. Given that this is a non-habitable room, and there would be an internal door between the porch and hall of the dwellinghouse, the proposals would be unlikely to result in increased risk to life from flooding. Therefore, the development is considered acceptable in respect of flood risk and would accord with Paragraph 163 of the NPPF.

3.22 Impact on Archaeology

The site is located within an area of archaeological potential surrounding a 1790's battery. The County Archaeologist has been consulted however no response has been received. The proposed front extension and re-alignment of part of the wall of the basement level on the northwest elevation would involve groundworks and it is considered appropriate to include a condition for an archaeological watching brief, to record any items of historic interest.

4. Conclusion

- 4.1 The proposal is considered acceptable, overcoming the reasons for refusal of application DOV/16/00304. The proposed development would be ancillary to the dwellinghouse and is acceptable outside of the settlement confines in accordance with Policy DM1. Whilst the proposals would be visible from the Sandwich Bay Estate, the development would appear subservient and would be unlikely to result in the loss of, or significant harm to the character and appearance of the countryside and wider landscape area, in accordance with Policies DM15 and DM16. Due to the high level of glazing on the existing property, the proposals would be unlikely to result in significant further loss of privacy and, due to the separation distance, siting and scale of the works, the proposals would be unlikely to result in overshadowing to neighbouring residential amenity. Due to the limited increase in roof heights and use of flat roofs on the front and rear extensions, the proposals would appear subservient and would be unlikely to have an overbearing impact on the residential amenities of neighbouring property.

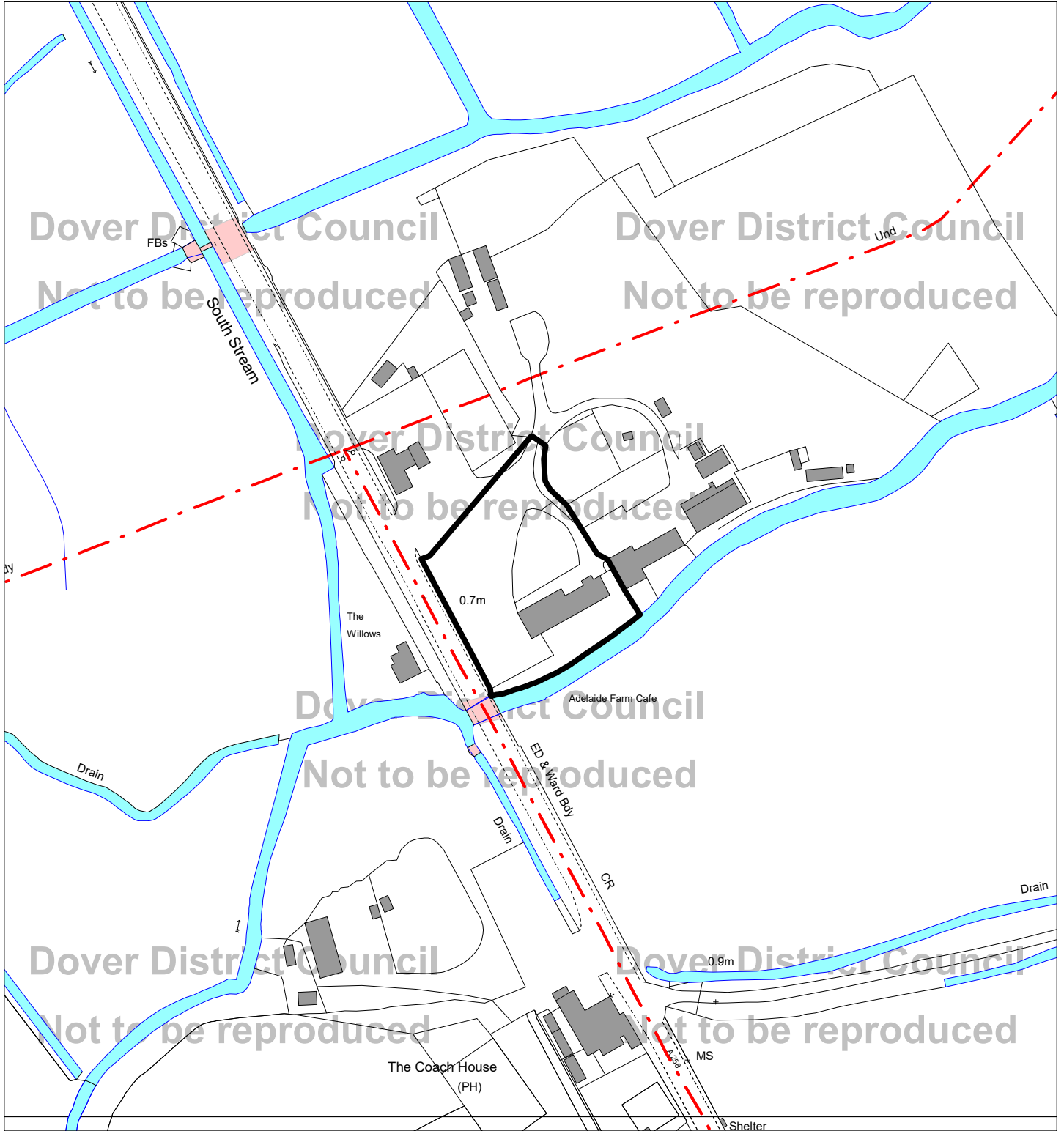
5. Recommendation

- I PERMISSION BE GRANTED subject to conditions which include:
- i) Standard time condition
 - ii) A list of approved plans
 - iii) Samples/details of the materials for the external surfaces of the building to be submitted (roof, windows, render, balcony, balustrade & awnings)
 - iv) Archaeological watching brief (if required by KCC archaeology)
- II Informative to be sent to applicant to be aware of ecology with respect to the grassland to the rear part of the site.
- III Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan

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Application: DOV/16/00955

Site at Adelaide Farm Cafe

Sandwich Road

Northbourne

CT14 0AT

TR34235418



- a) **DOV/16/00955 – Erection of a detached building incorporating 10 flats, alterations to existing access, provision of 12 car parking spaces and associated landscaping (existing building to be demolished) - Site at Adelaide Farm Cafe, Sandwich Road, Hacklinge, Deal**

Reason for report – number of contrary views.

- b) **Summary of Recommendation**

Refuse permission.

- c) **Planning Policy and Guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.
DM1 – Settlement boundaries.
DM11 – Location of development and managing travel demand.
DM13 – Parking provision.
DM15 – Protection of the countryside.
DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF) (2018)

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective...
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

127. Planning policies and decisions should ensure that developments:

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

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents...

155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) ...
- c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

160. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) ...
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

177. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

OTHER CONSIDERATIONS

Flood zone 3.

Adjacent to Thanet Coast and Sandwich Bay Ramsar site, and Sandwich Bay to Hacklinge Marshes SSSI.

d) **Relevant Planning History**

None.

e) **Consultee and Third Party Responses**

DDC Heritage – considered, no comment.

DDC Ecology – considered, no objection to ecology report. Comments that Natural England defers to the Environment Agency regarding water voles.

DDC Environmental Health – no objection – subject to land contamination condition.

DDC Strategic Housing – no contribution required.

KCC Highways – no objection – subject to standard highways conditions, closure of existing access, and provision and maintenance of visibility strip.

KCC Local Lead Flood Authority (LLFA) – no objection subject to conditions –

We provided a consultation response on this development proposal on 9 October 2017 requesting further information to support the utilisation of infiltration in this development.

Though a revised Flood Risk Assessment (January 2018) has been submitted it does not appear to address our comments specifically in relation to ground investigation to confirm infiltration rates.

There is a major concern that the drainage proposal as presented will not be feasible but as this development is a brownfield development we will accept that conditions can be applied to manage the risk associated with development of the drainage design.

If your authority is minded to approve this application, we would recommend inclusion of the following conditions:

1. No development until a surface water drainage scheme has been submitted to and approved by the local planning authority (LPA).
2. Infiltration drainage to be agreed by the LPA.
3. No occupation of buildings until an operation and maintenance manual of the drainage system has been submitted to and agreed by the LPA.
4. No occupation of buildings until a verification report from a suitably qualified professional has been submitted to and agreed by the LPA.

Please note:

If infiltration is found not to be viable at this location then discharge to the ordinary watercourse at the boundary of the site will be required. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require formal flood defence consent (including culvert removal, access culverts and outfall structures).

Natural England – no objection – based on appropriate assessment for principle of residential development and the impact of drainage of the proposed drainage systems.

Environment Agency – objects –

Thank you for re-consulting us on the above planning application. We have reviewed the additional information and retain our objection as explained below.

The revised plans will pose unacceptable risk to groundwater.

The information submitted on drainage confirms foul drainage would be to a number of sealed cess pits with 30+day capacity. In this area, we are concerned about the number of cess pits and possible leaks from the units or pipework, given local groundwater levels which could fluctuate and pose risks of floatation or disconnection. There is also no detail on the proposed units in terms of near capacity/overflow alarms.

Additionally, no further information has been submitted to support the proposals for surface water discharges to an infiltration blanket, in terms of the contamination status of underlying ground and local, flow paths and adjacent land status.

Due to the above, we are unable to remove our objection to the proposal.

River Stour IDB – observations, based on originally submitted scheme and comments of others at that time – Please note that this site is directly alongside the South Stream, which is designated as Main River and therefore under the Environment Agency's jurisdiction. In accordance with the Land Drainage Act and EA Byelaws any

proposed works which might affect this watercourse, including any works within 8 metres of it, will require the EA's prior written consent (Flood Risk Activity Permit).

The applicant has acknowledged that the site is within Flood Zone 3 (high risk) but has provided very little information to support a flood risk assessment (I note KCC's Sustainable Drainage Team Leader's holding objection) **[now superseded]**. The applicant appears to have set floor levels based on local ordnance survey bench marks. You will no doubt be aware that past mining activity has resulted in significant land subsidence, so the applicant should check the accuracy of this information. Details of flood risk, including the risk of ground-floor sleeping accommodation and site evacuation arrangements, should be developed in accordance with EA guidance.

It is stated on the application form that the site measures 300 square metres, which is the size of the proposed building, whereas the site actually measures around 3000 square metres. It is also stated on the application form that surface water will be disposed of by soakaways, but in the FRA that "drainage will as existing discharging rain water into the South Stream." The applicant should be requested to develop details of proposed surface water drainage, including pollution control measures, in direct consultation with the Environment Agency (as the EA's consent is required for the final discharge and the adjacent watercourse is pumped by Hacklinge Pumping Station, an EA asset).

Southern Water – there is a public water main within the vicinity of the site – the exact position must be determined by the applicant before the layout of the site is finalised.

"There is no public foul sewer in the area to serve this development. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness."

Crime prevention design advisor – no objection – subject to comments about boundary treatment, security of ground floor windows and referral to the Kent Design Initiative for crime prevention and community safety purposes.

Sholden Parish Council – no objection – suggests addition of windows in gable end facing A258.

Public comments – 8 x support, 1 x objection.

Support

- Brownfield development.
- Provides needed rental accommodation in area.
- Landscaping will be a benefit to visual amenity.
- Will make a dangerous stretch of road safer.
- Café no longer a viable concern.
- On bus route, easy access to trains.
- Proposed building will be energy efficient.
- Opportunity for people to downsize.

Objection

There is a risk to biodiversity downstream as a result of possible pollution on South Stream and Delf water courses, which are in special conservation zones and provide habitats for vertebrate and invertebrate species, including rare dragonflies, breeding birds and a range of aquatic flora.

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

The Site

- 1.1. The site is located on the eastern side of the A258 Sandwich Road in Hacklinge. It comprises a building formed of multiple sections, which is currently used as a café. A building has existed in this location since the early 1900s. In front of the building (west) is an area formed of loose stone and some hard standing, which is used as car parking for the café.
- 1.2. The wider setting of the site to its north and east is flat and open marshland, stretching approximately 3.2km to the sea. Some screening is provided by a mix of deciduous and evergreen plants and trees.
- 1.3. Adjacent to the north of the site is a car wash. Adjacent south of the site is the South Stream and immediately beyond that is the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). On the stream bank is some vegetation consisting of a grassed area and trees, some of which overhang the stream.
- 1.4. West of the A258 is a dwelling and south along the A258 is The Coach and Horses pub and centre of the Hacklinge hamlet. East of the site is Adelaide farm house.
- 1.5. Dimensions of the site are:
 - Width – 64 metres.
 - Depth – 53 metres.
 - Café set back from highway – 24.5 metres.

The Proposal

- 1.6. The proposal is to demolish the existing building containing the café and erect a single, two storey building, on a south west/north east axis, containing 10 flats. 12 parking spaces would be provided as well as amenity space surrounding the building, to its north and south. The car park would be surfaced in shingle.
- 1.7. The building would be comprised of a single block, with a pitched roof, composite weatherboarding and a composite grey tiled roof. Five flats would be located on the ground floor and five flats would be located on the first floor. One of the gable ends would face the highway.
- 1.8. A boardwalk is proposed to be constructed north and south of the building, providing access.
- 1.9. Dimensions of the building are:
 - Width – 29.2 metres.
 - Depth – 10 metres.
 - Ridge height – 8.7 metres.
 - Eaves height – 4.7 metres.
 - Set back from highway – 17.5 metres.

2. Main Issues

2.1. The main issues to consider are:

- Background to the item
- Principle
- Ecology
- Street scene, design and countryside impact
- Residential amenity
- Flooding and drainage
- Highways

3. Assessment

Background to the Item

- 3.1 This application was on the agenda for the 27 July 2017 meeting of planning committee, with a recommendation to refuse permission. It was, however, not considered at that meeting following the applicant's request to address technical matters within the report, relating to drainage and ecology.
- 3.2 Since that time, the applicant has submitted three revisions, seeking to address the technical matters. Each of these technical revisions has been consulted on with the relevant bodies – Natural England, Environment Agency and KCC in its role as the lead local flood authority (LLFA).
- 3.3 The report below shows that a number of the issues have been addressed and objections have been removed, however, even after three revisions, there remains an outstanding objection from the Environment Agency.
- 3.4 It is considered that adequate opportunity has been afforded to the applicant to address these technical matters in full, and subsequently this application is again being reported to planning committee.

Principle

- 3.5 The site is located far outside of the settlement boundaries. The nearest boundaries are at Worth, 1.2 miles to the north (in a straight line), and Sholden (Deal urban boundary) 1.15 miles to the south east (in a straight line).
- 3.6 Policy CP1 defines Hacklinge as a hamlet. The policy states that hamlets are, "not suitable for further development unless it functionally requires a rural location". Policy DM1, which defines the settlement boundaries, states that, "development will not be permitted... outside the... rural settlement confines... unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses".
- 3.7 It is considered that the proposed development does not meet the criteria of either policy CP1 or policy DM1, with no other justification provided by development plan policies elsewhere in the Core Strategy or Land Allocations Local Plan. Residential development in this location, as proposed, would normally therefore be considered unacceptable in principle.
- 3.8 The local planning authority (LPA) is currently in a position where it cannot demonstrate a five year supply of deliverable housing land, although this is currently being reviewed in the light of the further definition that has been provided by the 2018 NPPF in relation to how the supply figure is calculated.

- 3.9 Further to this, the LPA has accepted in public inquiry that its housing supply policies contained in the Core Strategy at CP2 and CP3 are out of date. This is following the LPA update of the evidence base that underpins these policies – the Strategic Housing Market Assessment (SHMA) in 2017.
- 3.10 Where such policies are out of date, this would normally mean that the presumption in favour of sustainable development is engaged. Where engaged, the weight given to DM1 is reduced, and the proposal is assessed in the context of the NPPF taken as a whole.
- 3.11 The ruling of the European Court of Justice (ECJ) in the case of the People over Wind and Sweetman concluded that ecological mitigation measures could not be factored in at the habitats screening stage. This was the approach that the LPA had been using in relation to the assessment of whether residential developments would have a likely significant effect on the European sites at the Thanet Coast and Sandwich Bay. The correct approach has been determined that if a likely significant effect cannot be ruled out then an appropriate assessment must be undertaken, which will consider the effect of the development, or otherwise, on the European sites.
- 3.12 The result of this approach is that under paragraph 177 of the 2018 NPPF, due to the need for an appropriate assessment to be undertaken, the presumption in favour of sustainable development does not apply.
- 3.13 Accordingly, it is the position of the LPA that significant weight is to be afforded to policy DM1, and that the proposed development is unacceptable in principle.

Ecology

- 3.14 As addressed, the proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at Thanet Coast and Sandwich Bay, and in relation to the potential for water quality thresholds to be breached within the North and South Streams and the nearby Delf Stream, as a result of the proposed drainage arrangements – both foul and surface.
- 3.15 The following appropriate assessment has been undertaken in relation to the potential for recreational pressure to arise from the proposed development.

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

- 3.16 *All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.*
- 3.17 *Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.*

- 3.18 *Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.*
- 3.19 *The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.*
- 3.20 *Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.*
- 3.21 *Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that any harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.*
- 3.22 In relation to the potential effect on water quality, the following conclusion has been reached:
- Treated effluent will no longer be discharged into the Ramsar site as indicated by the Foul and Surface Water Drainage Strategy Plan dated 5 July 2018, and therefore the previous impact has now been avoided.*
- 3.23 The Environment Agency has previously commented that the submitted scoping survey was inadequate in relation to water voles (these are the responsibility of the Environment Agency). However, subsequent correspondence indicates that this can be dealt with under a planning condition if necessary.
- 3.24 The DDC Ecology officer has otherwise concluded that the submitted ecology information is adequate.

Street Scene, Design and Countryside Impact

- 3.25 The site is located within an area of primarily flat and open marshland, adjacent to the A258. It is open to long range views particularly from the north and east. Some screening is provided by existing buildings and vegetation, however, it is considered that the proposed scale, form and finish of the building means that the development would be of a significant mass.
- 3.26 It is considered that the siting, scale, form and finish of the building would result in a freestanding and monolithic addition to the locality, which is not clearly informed by its context. The location of a freestanding residential block at this location and sited in relatively close proximity to the highway would appear out of context and obtrusive as seen within the street scene.
- 3.27 Individual elements of the proposal may be acceptable in alternative locations,

however, with all elements taken in combination, the proposal is considered to represent poor design, in line with paragraph 130 of the NPPF. The proposal is considered unacceptable in design terms.

- 3.28 Policy DM15 of the Core Strategy concerns the protection of the countryside. Development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if: it is in accordance with allocations made in the local plan; justified by the needs of agriculture; or justified by a need to sustain the rural economy or a rural community. The proposal is not on allocated land nor is it an agricultural development. No information has been presented that suggests this proposal will help to sustain the rural economy or a rural community. Accordingly, the proposal is considered contrary to policy DM15.
- 3.29 Policy DM16 of the Core Strategy concerns landscape character. Development that is considered to harm the character of the landscape will only be permitted if it is in accordance with allocations made in the local plan and incorporate necessary mitigation; or it can be sited to avoid/reduce harm and incorporate mitigation measures which reduce impacts to an acceptable level. The proposal is not in accordance with allocations in the local plan, so the question becomes one of siting. The siting of the proposal in combination with its design details is considered to be a key aspect in what makes the proposal unacceptable in more general design terms, and there are no mitigation measures presented which would reduce its impact. The proposal is therefore considered also to be unacceptable assessed against the criteria of DM16.

Residential Amenity

- 3.30 The site is relatively isolated from existing residential development except the farmhouse behind (east) it. In terms of the functioning of the site, any overlooking or overshadowing, the proposal is unlikely to cause undue harm to the amenity of existing residents.

Flooding and Drainage

- 3.31 The site is located in flood zone 3, and accordingly a site specific flood risk assessment is required, as well as the undertaking of the sequential test and, if passed, the exceptions test also.
- 3.32 Having reviewed the submitted information, the Environment Agency has objected to the scheme on the following ground:

“The revised plans will pose unacceptable risk to groundwater.

The information submitted on drainage confirms foul drainage would be to a number of sealed cess pits with 30+day capacity. In this area, we are concerned about the number of cess pits and possible leaks from the units or pipework, given local groundwater levels which could fluctuate and pose risks of floatation or disconnection. There is also no detail on the proposed units in terms of near capacity/overflow alarms.

Additionally, no further information has been submitted to support the proposals for surface water discharges to an infiltration blanket, in terms of the contamination status of underlying ground and local, flow paths and adjacent land status.”

- 3.33 The Environment Agency also originally objected to the application in relation to the level at which sleeping accommodation would be located, given that the site is located in flood zone 3 and that no information was originally submitted in relation to this. The revised flood risk assessment notes that the ground floor of the building to be demolished is 0.8m AOD, whereas the predicted fluvial 1% + climate change level is 0.43m AOD, with a local precautionary allowance of 0.85m – equalling a predicted flood level of 1.28m AOD. The Environment Agency has accepted this data, but has stipulated that in the case of permission being granted sleeping accommodation should be set at 0.6m above the predicted flood level, that is 1.28m plus 0.6m – or 1.88m AOD.
- 3.34 The proposed development is considered to be unacceptable in principle, and as such, no design revisions have been sought from the applicant which would illustrate how this requirement might be accommodated. The applicant has not indicated the ground level of the proposed building, but taking a reasonable assumption that before any requirements from the Environment Agency that the ground level of the existing building is brought forward, it could ultimately be the case that were permission to be granted, the height measurements of the proposed building would need to be raised by approximately 1.08 metres.
- 3.35 Kent County Council as the LLFA has indicated a concern that the submitted drainage design does not adequately address their concerns about infiltration rates, and the capacity of the ground to accommodate the rates, however, they have accepted that conditions can be applied to manage the risk associated with the drainage design. Accordingly, the concerns raised by the LLFA are considered to have been addressed.
- 3.36 In relation to the sequential test and the exceptions test, paragraph 161 of the NPPF explicitly states:
- "Both elements of the test will have to be passed for development to be allocated or permitted."*
- 3.37 The purpose of the sequential test is in the first instance to direct development towards areas of lowest flood risk. Paragraph 158 of the NPPF states that:
- "Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding..."*
- 3.38 The applicant has submitted a revised flood risk assessment, following earlier comments from the Environment Agency, which contains an updated sequential test. However, the test incorporated concludes that due to the site being previously developed land, the test is passed. This is not considered to be an adequate approach to the test. It is considered that under paragraph 158, quoted above, there would need to be a proportionate assessment of alternatively available land, to be able to reasonably conclude that the sequential test has been passed. It is considered that insufficient information has been included and the conclusion therefore is that the sequential test has not been passed.
- 3.39 In accordance with the paragraph 161, the development is therefore not considered acceptable in this regard.

Highways

- 3.40 The highways officer has not objected to the scheme, subject to the use of

standard conditions, as well as securing the visibility splay and permanently closing the existing access.

- 3.41 The scheme provides 12 parking spaces, two for each flat and 0.2 per flat for visitors (equating to an extra two spaces). This is in accordance with the standards set out in policy DM13.
- 3.42 Policy DM11 directs that development outside of settlement boundaries which would generate travel will not be permitted. While mindful of the fact that the existing use does have associated travel movements and that there is a bus service that runs along the A258, the nature of the proposal is likely to be different to that of the existing use, with a more sustained travel period spread across 24 hours. No consideration of this aspect has been submitted with the proposal and on the balance of considerations; it is considered that the scheme is contrary to policy DM11.
- 3.43 The proposal is considered to be acceptable on highways technical grounds, i.e. layout, visibility etc. However, it is contrary to policy DM11 and is therefore unacceptable on that basis.

4. Conclusion and Sustainability Overview

- 4.1 For the reasons addressed above, the presumption in favour of sustainable development is not considered to be engaged. Nevertheless, it is considered prudent to conclude on the relative sustainability, or otherwise, of the proposal. There are three dimensions to sustainable development: economic, social and environmental. Planning therefore needs to perform roles in respect of these, and consider each development proposal on that basis.

Economic

- 4.2 The proposed development represents the loss of an existing business use, which is negative. This is balanced by the proposed development, which would provide for a degree of economic benefit in its construction and could bring more people to the area. However, given that Hacklinge is a hamlet with limited economic activity/facilities, the economic support arising from new residents is considered itself to be limited. The development is considered to be neutral in economic terms.

Social

- 4.3 The proposed development represents the loss of a communal facility, which is negative. This is balanced by the potential arrival of new residents (subject to where these residents might originate from) that could help to maintain and play a part in the local community. The development is considered to be neutral in social terms.

Environmental

- 4.4 The proposed scheme is unacceptable in principle, it is located far outside of settlement boundaries and is in a countryside location, adjacent to a Ramsar site and SSSI. The design of the proposal would have an unacceptable impact on the street scene and local character appearing as an obtrusive and monolithic form. In addition, the Environment Agency has objected to the scheme, based on risks to groundwater and insufficient details relating to contamination. The submitted information is considered to be insufficient to be able to determine if the proposal

passes the sequential test, and therefore, it is considered that the test has not been passed. Any environmental benefits that might arise from the site are considered to be significantly outweighed by the adverse effects of the proposal.

- 4.5 In sustainability terms, the proposed development is considered to be neutral in economic and social terms. In environmental terms it is considered to be negative. Overall, the proposed development is considered to be unsustainable.

g) **Recommendation**

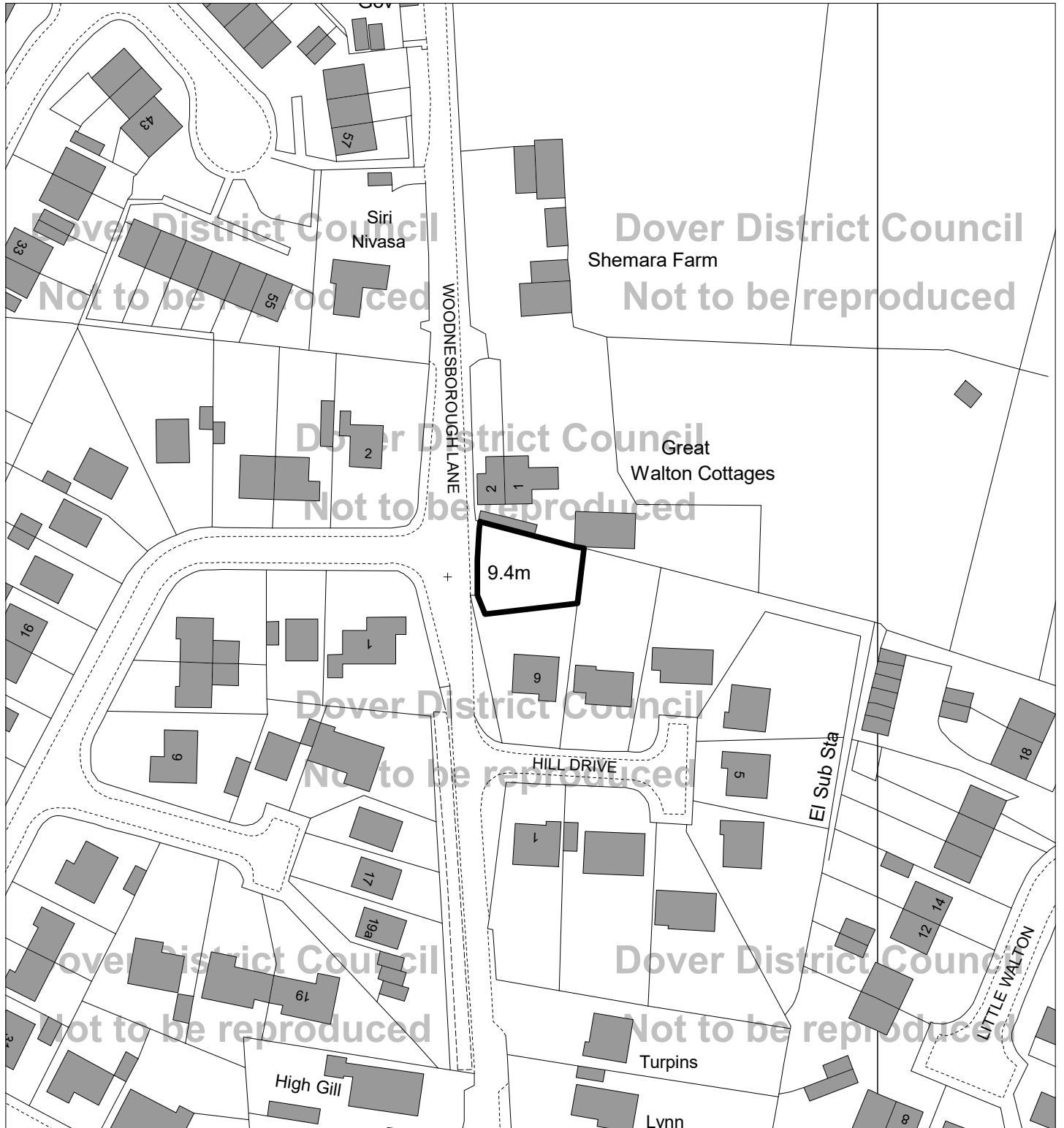
I. Planning permission be REFUSED for the following reasons:

- 1) The proposal, if permitted, by virtue of its location outside of settlement boundaries in a countryside location, would represent an unjustified, unsustainable form of development well beyond any urban boundary or settlement confines, and would give rise to travel movements outside of settlement confines, contrary to policies CP1, DM1 and DM11 of the Core Strategy, and the aims and objectives of the NPPF at paragraphs 2, 8 and 78 in particular.
- 2) The proposed building, by virtue of its location, siting, mass, orientation and finish, would if permitted, give rise to an incongruous and obtrusive form of development, which would result in harm to the quality and visual amenity of the street scene and local landscape, and would represent poor design, contrary to policies DM15 and DM16 of the Core Strategy, and the aims and objectives of the NPPF at paragraphs 127 and 130 in particular.
- 3) The proposed development, if permitted, would give rise to an unacceptable risk of contamination to groundwater in a sensitive location, and the submitted documentation relating to foul sewerage and surface water drainage does not adequately demonstrate that these contamination risks can be satisfactorily managed, contrary to the aims and objectives of the NPPF at paragraphs 163 and 170.
- 4) The submitted documentation relating to flood risk, including the flood risk assessment and the planning statement, does not adequately undertake the necessary sequential test, which is required by virtue of the site being located in flood zone 3, meaning that Dover District Council is unable to assess if more suitable development sites exist in areas which are at less risk from flooding in accordance with paragraphs 159, 160 and 161 of the NPPF which state explicitly that the sequential test will have to be passed for development to be permitted. The proposal is contrary to the aims and objectives of the NPPF at paragraphs 155, 157, 158, 159, 160, 161 and 163 in particular.

- II. That powers be delegated to the Head of Regeneration and Development to settle the precise reasons for refusal and/or planning conditions, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Darren Bridgett



Not to scale

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Application: DOV/18/00544

Land rear of 9 Hill Drive

Eastry

CT13 0DU

TR30925529



a) **DOV/18/00544 – Erection of a dwelling - Land rear of 9 Hill Drive, Eastry, Sandwich**

Reason for report: Number of contrary views (6)

b) **Summary of Recommendation**

Planning permission be granted.

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

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM13 – 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. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 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 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway

safety, or the residual cumulative impacts on the road network would be severe.

- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter five 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.
- Paragraph 177 states 'The presumption in favour of development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.'

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 for the site.

e) **Consultee and Third Party Responses**

Eastry Parish Council – object to the planning application for the following reasons:

This section of the road is narrow, and often blocked by parked cars. The proposed driveway is opposite Peak Drive junction, the sight lines of Peak Drive are often blocked by parked cars making it difficult to turn onto Woodnesborough Lane, an additional driveway opposite the junction will add to the problem.

County Archaeologist

Views not received.

County Highways

KCC Highways have not raised any objections however, following conditions have been recommended to be attached in the event of grant of planning permission.

- 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.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion and maintenance of the access shown on the submitted plans including the necessary vehicle crossing in the highway verge, prior to the use of the site commencing.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.

Southern Water

No objection subject to informatives.

Public Representations:

Six (6) representations received objecting to the planning application and raising the following concerns:

- garden is too small
- difficulties with access and egress
- unacceptable increase in parking demand
- impact on local environment
- impact on local services
- the drainage in Woodnesborough Lane is already poor with flooding occurring
- impact on highway safety
- overdevelopment
- reduce visibility splays
- increased noise and disturbance

One (1) representation received supporting the planning application and making the following comments:

- plenty of room for such a project
- small individual developments like these should be encouraged

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

1.1 The application relates to the garden land of no. 9 Hill Drive which forms a prominent corner plot and lies at the T-junction formed by Woodnesborough Lane and Peak Drive. The site lies within a wholly residential area of Eastry. The application site is sandwiched between nos 1 and 2 Woodnesborough Lane (two storey) to the north

and no.9 Hill Drive (chalet bungalow) to the south. The topography is influential in the street. The site slope falls from south to north.

- 1.2 The properties fronting Woodnesborough Lane comprise bungalows, chalet bungalows and two storey detached houses with separation distances between the properties ranging from 5m to 8m. The properties have varying architectural styles and the materials palette in the immediate area includes brown/red brickwork, painted render, white UPVC fenestration and concrete tiled roofs.
- 1.3 The proposal seeks full planning permission for the erection of a two bed chalet bungalow. The dwelling would have a hipped roof with a velux roof light within the rear roofslope and gabled dormer within the front roofslope. The dwelling would be finished in red multi-stock brickwork, concrete tiled roof and white UPVC fenestration. Two offstreet car parking spaces have been proposed within the southern corner of the site. The western and southern boundaries of the application site would have a 1.8m high close boarded wooden fence.
- 1.4 Originally, the proposed dwelling was sited closer to the edge of the road with little landscaping within its frontage. Concerns were raised regarding the visual impact of the proposed dwelling on the street scene and the scheme was later amended which included setting back the dwelling by a total of 4.2m from the edge of Woodnesborough Lane.

2. **Main Issues**

- 2.1 The main issues are:
 1. The principle of the development
 2. The impact on the character and appearance of the area
 3. The impact on residential amenity
 4. The impact on the highway network
 5. The impact on ecology

ASSESSMENT

Principle of the Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the settlement confines of Eastry. It is considered that the principle of the development is acceptable, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

- 2.4 The proposed dwelling would sit on a prominent corner plot and at a T-junction which forms a prominent gap between no.9 Hill Drive and nos 1 and 2 Woodnesborough Lane. Therefore, it would be highly visible from public viewpoints in the street. It is noted that there is dense mature vegetation including hedges and other trees along the boundaries of the existing properties fronting Woodnesborough Lane generally which gives it a strong rural character. However, the application site lacks such a character and instead has a solid 1.5-1.8m close boarded wooden fence along the edge of Woodnesborough Lane.

- 2.5 Whilst highly visible from the street vantage points, the proposed dwelling would share similar architectural features and would utilise materials to match the existing properties. The overall scale and height of the proposal would resonate with the properties in the area. It is acknowledged that the existing gap between the properties retains a sense of spaciousness in the street and whilst the development would reduce that gap, it is not considered that, on balance, it would cause sufficient harm to the character and appearance of the street scene to justify withholding permission. Furthermore, a suitably worded condition could be attached to the permission with a view to secure a high quality landscaping scheme to mitigate any visual impacts from the proposal. Finally, it is recommended that a suitably worded condition be attached for the removal of PD rights for Classes A, B and E with a view to minimise any visual impact on the streetscene.
- 2.6 In conclusion, it is considered that the development would relate well to the neighbouring buildings and the local area more generally and would successfully integrate into the existing built environment. As such, the proposed development would be accordance with paragraphs 7, 124 and 127 of the NPPF.

Impact on Neighbours

- 2.7 The finished dwelling would lie at a distance of approximately 7.6m from the side elevation of nos 1 and 2 Woodnesborough Lane (to the north) and 10.8m from no.9 Hill Drive (to the south). Having regard for the separation distance and in particular, the limited scale and height of the proposed dwelling, it is not considered to cause sense of enclosure, loss of light or overshadowing. Furthermore, no windows have been proposed to the side elevations facing the neighbouring properties on either side. Therefore, no loss of privacy to the neighbouring occupiers would result from the proposal. However, it is recommended that a suitably worded condition be attached to the planning permission requiring removal of PD rights to restrict any new window openings to the side elevations with a view to prevent any loss of privacy to the neighbouring occupiers.

Living Conditions of Future Occupiers

- 2.8 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Highways/Travel Impacts

- 2.9 The development would provide a new vehicular access onto the site from Woodnesborough Lane. The application site falls within the 30mph zone. Having regard for the geometry of the road and the location of the access, the visibility splays which could be achieved would comply with those recommended for roads of this type (approximately 43m x 2m x 43m).
- 2.10 Table 1.1 of the Core Strategy suggests that a minimum of one independently accessible car parking space be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two open car parking spaces for the dwelling, meeting the needs generated by the occupiers of the

dwelling. Therefore, the proposed development would comply with policy DM13 of the Core Strategy.

- 2.11 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Other Matters

Ecology

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

- 2.12 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.13 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.14 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.15 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.16 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Archaeology

- 2.17 The site lies in an area with archaeological potential. Given the scale of the proposed development, it is considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, it is considered that it would be reasonable to require an archaeological watching brief in this instance.

Drainage

- 2.18 The application site lies within flood zone 1 which indicates that the site is at a lowest risk of flooding. Therefore, no flood risk harm is envisaged from the proposal. Concerns have been raised regarding foul drainage provision. Southern Water have not raised any concerns in this respect and it is noted that the application is for one dwelling only. As such, it is not considered that the development would cause any material harm regarding increased risks of localised flooding. It is, however, considered that it would be proportionate to attach a condition in relation to a detailed scheme for the disposal of surface water.

3. Conclusion

- 3.1 It is concluded that no significant harm would arise in respect of the character and appearance of the area and the proposal would therefore comply with the aims and objectives of the Framework. Furthermore, in the absence of a five year supply of housing in the District and given the aim of the Framework to boost significantly the supply of housing, the application is strongly supported by the NPPF. It is therefore recommended that planning permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to the following conditions: (i) Timescale of commencement of development, (ii) A list of approved plans (iii) details of the access prior to commencement (v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; measures to prevent the discharge of surface water; Use of a bound surface for the first 5 metres of the access from the edge of the highway; Completion and maintenance of the access; Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter; Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing (vi) Samples of materials (vii) Soft and hard landscaping details (viii) Details of surface water disposal (ix) Archaeological watching brief (x) removal of PD rights (Classes A, B and E) and boundary treatments (xi) restricting PD rights for the insertion of new windows to the side elevation. (xii) bin storage details.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi