

Public Document Pack



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14 November 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 22 November 2018 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on 01304 872304 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a horizontal line.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
P M Beresford
T A Bond
D G Cronk
M R Eddy
B Gardner
D P Murphy
M J Ovenden
P M Wallace

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES**

To confirm the attached Minutes of the meetings of the Committee held on 20 September 2018 and 25 October 2018 (to follow).

5 **ITEMS DEFERRED**

There are no deferred items.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6 - 9)

6 **APPLICATION NO DOV/18/00940 - 32 KINSON WAY, WHITFIELD, DOVER**
(Pages 10 - 15)

Variation of Condition 2 (approved drawings) of planning permission DOV/18/00687 to allow design changes (application under S 73)

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

7 **APPLICATION NO DOV/18/00786 - LAND TO THE SOUTH OF STABLE END, JUBILEE ROAD, WORTH** (Pages 16 - 25)

Erection of a detached dwelling and formation of associated parking (existing outbuildings to be demolished)

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

8 **APPLICATION NO DOV/18/00308 - LAND REAR OF 54, 56 & 58 BLENHEIM ROAD, DEAL** (Pages 26 - 39)

Erection of three 2 bedroom houses and associated parking

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

9 **APPLICATION NO DOV/17/00398 - 45 EYTHORNE ROAD, SHEPHERDSWELL, DOVER** (Pages 40 - 55)

Outline application for the erection of two pairs of semi-detached dwellings, two detached dwellings and the creation of a vehicular access (existing dwelling to be demolished)

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

10 **APPLICATION NO DOV/18/00643 - LAND ON THE WEST SIDE OF MOAT LANE, ASH** (Pages 56 - 66)

Erection of a dwelling

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

11 **APPLICATION NO DOV/18/00282 - THE WHITE HOUSE, 3 ST. MARGARET'S ROAD, ST. MARGARET'S BAY** (Pages 67 - 84)

Erection of a detached dwelling, associated landscaping works, creation of pedestrian access and associated parking provision

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

12 **APPLICATION NO DOV/18/00592 - LAND R/O STATION ROAD, WALMER** (Pages 85 - 100)

Outline application for the erection of 5no. detached dwellings with visitors car park and turning head (with appearance, landscaping, layout and scale reserved)

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

13 **APPLICATION NO DOV/16/01450 - LAND ADJACENT TO FERNFIELD LANE, HAWKINGE** (Pages 101 - 127)

Outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved

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

14 **APPLICATION NO DOV/18/00242 - SUMMERFIELD NURSERY, BARNSOLE ROAD, BARNSOLE, STAPLE** (Pages 128 - 153)

Erection of 10no. detached and 6no. terraced dwellings, detached garages, formation of a vehicle access and parking (existing buildings to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

15 **FEES AND CHARGES 2019/20** (Pages 154 - 172)

To consider the attached report of the Chief Executive.

16 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

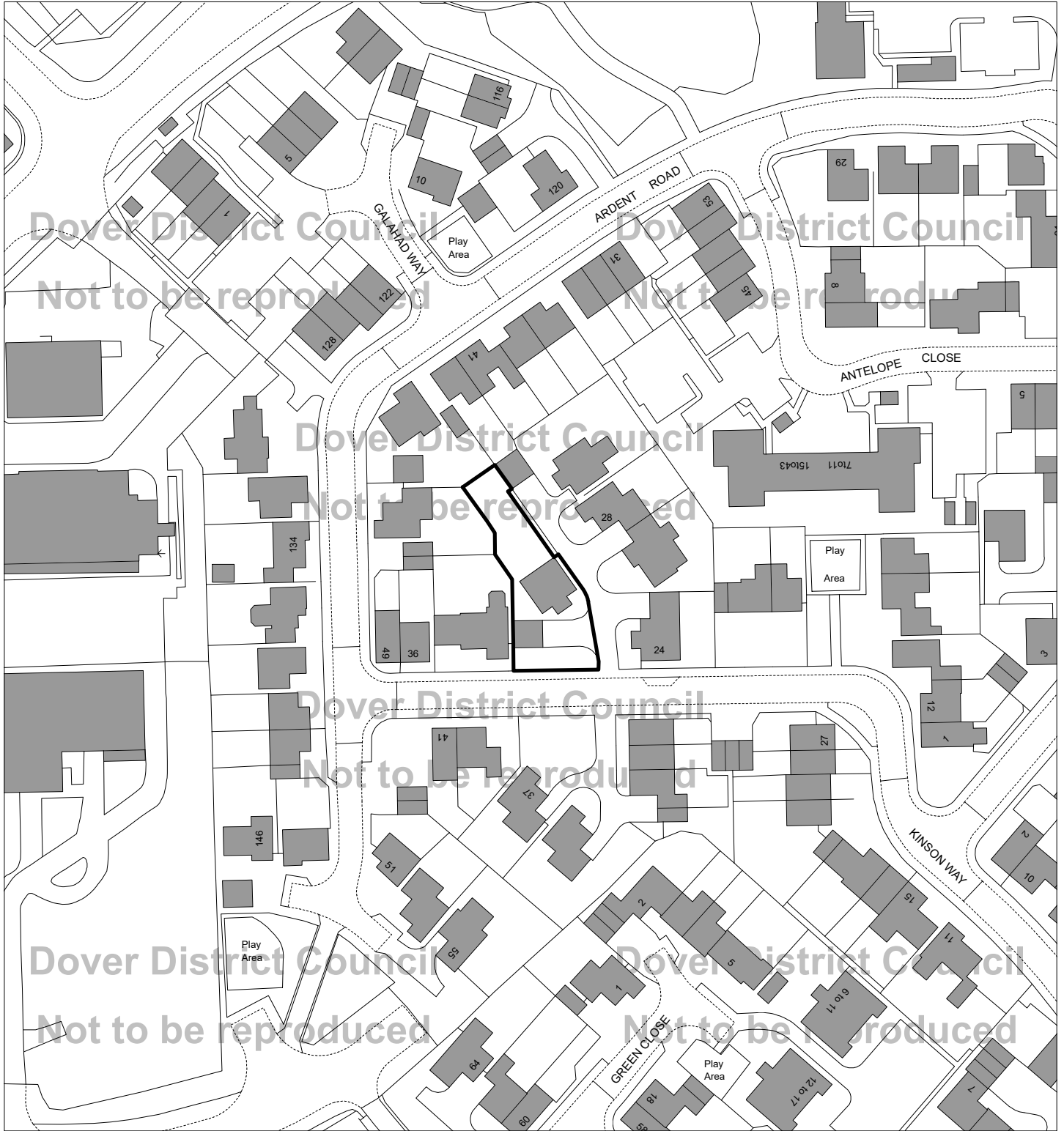
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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

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Application: DOV/18/00940

32 Kinson Way

Whitfield

CT16 2FB

TR 3035 4423



- a) **DOV/18/00940 – Variation of Condition 2 (approved drawings) of planning permission DOV/18/00687 to allow design changes (application under S 73)**

32 Kinson Way, Whitfield, Dover, CT16 2FB

Reason for Report: Number of contrary views

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

Policy DM1 supports development carried out within the urban confines

National Planning Policy Framework (NPPF)

NPPF 2018 Achieving sustainable development (paras 7 – 14)
Achieving well designed places (paras 124-132)

- d) **Relevant Planning History**

DOV/06/850 granted planning permission for ‘Residential development comprising 123 houses and 54 flats with associated garaging and car parking and infrastructure’. The Permission was subject to condition number 19 of which requires *inter alia* that parking be retained as such. Reason: In order to ensure that adequate parking or garaging is provided and maintained in the interest of road safety and visual amenity

DOV/18/00687 granted planning permission for ‘Conversion of double garage into habitable accommodation and the erection of a linked porch to connect the existing house and garage’. The permission was subject to a number of conditions including condition 2 which required *inter alia* that the development be built to the approved plans, and (3) That the use of the accommodation shall remain ancillary to the main house and not used as a separate residential unit of accommodation

- e) **Consultee responses**

Whitfield Parish Council objects to this revised application saying: “Having attended the site, there appears to already have been some alterations to the property, which are not in keeping with the surroundings. The proposed new wall is indicated to be at least 3 feet above the existing fence. This will block light to the neighbouring property, which would be detrimental and cause overshadowing to the property and garden. Indications are that there will be a flat roof to the development, which raises concerns regarding drainage, possibly affecting the bordering property. Windows inserted to the new structure, will directly overlook a neighbouring property, causing an invasion of privacy”

f) Third Party representations

Nine local residents and the Estate Management Company object to the proposal as follows:

- Reiterate objections to original planning permission for the conversion of the garage, link extension and alterations
- Inadequate parking within the curtilage potentially leading to more on road parking now and in the future leading to inconvenient to other road users
- Alleged breaches of planning control including the erection of a decking platform and tent in rear garden
- Loss of privacy due to overlooking from the proposed new windows in the front elevation of the garage
- Enlargement of corridor to room would be overbearing, create overshadowing and loss of sunlight.
- Proposal would change the single-family dwelling into two flats.
- Installation of a kitchen upstairs
- Allege intention to use accommodation as residence for daughter
- Potential drainage issues (a Building Control issue)
- Noisy air conditioning unit (an Environmental protection issue)

1 The Site

- 1.1 The site comprises a modern detached brick and tile house set at the entrance to a small private close off Kinsen Way within the confines of Dover. The house benefits from a detached double garage of brick and tile which is set forward of the dwelling and at about 45 degrees to it which is currently undergoing alterations pursuant to the recent grant of planning permission.
- 1.2 Forward of the house and between the garage and the main driveway of the close is a tarmacked forecourt on which it is possible to park three cars (two in parallel and one at an angle) without impeding access to other properties. Between the forecourt and the highway is a small garden area enclosed by a low wooden picket fence.

2 The Proposal:

- 2.1 The applicant seeks to vary to plans approved under DOV/18/252 by:
- a) Enlarging the previously approved ground floor extension linking the main house to the former garage which would provide an enlarged kitchen/dining room with a flat roof and lantern skylight. The extension as enlarged would be slightly less than three metres high and would run just inside the existing boundary fence with the neighbour to the west and be to an overall height of less than three metres.
 - b) Amendments to the front (east facing) elevation of the converted garage by the reduction in size of one of the two windows and the use of obscure glazing on this

window which would serve an en-suite and the reduction in depth of the second window which would serve a bedroom. The south east facing elevation would now have a single glazed door rather than a door and a window

- 2.2 At least two parking spaces and potentially three including one in tandem would be retained on the existing driveway which is no change from the approved scheme.

3 Main issue for consideration:

- 3.1 The main issue for consideration is whether the proposal amendments would cause harm to:

- The principle of the development
- Residential amenity
- Street scene and character of the area

The issue of car parking at the property and the surrounding area raised by local residents were addressed in the original planning permission (18/00687) and would not be affected by the proposed amendments.

4 Analysis

4.1 The Principle of the development

- 4.1.1 Core Strategy Policy DM1 supports and encourages development within the confines, accordingly the principle of this proposal is acceptable

- 4.1.2 The proposal is application under Section 73 of the Act to amend a condition that requires the previously approved scheme be built to the specified plan. Only the impact of the proposed amendments falls to be considered in the determination of this application

4.2 Residential amenity - Privacy

- 4.2.1 The proposed amendments to the windows in the east facing (front) elevation of the converted garage would potentially reduce interlooking by the reduction in size of the windows and especially by one of the windows being obscure glazed (which can be retained by condition). These windows are in any case about 19 metres from the windows of the neighbour opposite across the courtyard and access roadway to the remainder of the close effectively overlooking the public realm.

- 4.2.2 This S73 application, as originally submitted, included rear patio doors in the extension had the potential to intrude into the privacy of the neighbour to the west. Following discussions with the agent, amended plans were submitted deleting the patio doors and replacing with a single obscure glazed rear door.

4.2.3 The result is that there would be no significant intrusion into residential privacy of the neighbour to the west occasions by the amended scheme.

4.3 Residential Amenity – Massing and overshadowing and sunlight

4.3.1 The proposed amendment, which envisages the enlargement of the link extension to a kitchen/dining room would bring the structure closer to the common boundary with number 34 Kinson Way which lies to the west of the application site. The common boundary comprises a standard close boarded fence and the proposal would be about 0.86 of a metre higher than this boundary fence. The structure would run along the common boundary for a distance of about six metres. About half of this length would extend to the rear of the rear wall of the neighbour's property - which in any case has a conservatory running parallel to this boundary. Because of these factors, and the relatively low height of the extension of less than three metres, I do not consider that the proposed extension would have a significant massing effect on the boundary and would not unduly interfere with outlook from the neighbouring property. Additionally, because of this neighbour's orientation to the west of the proposal, there would be minimal overshadowing, loss of natural light or sunlight.

4.4 Visual Amenity

4.4.1 The proposed variations from the previously approved scheme would have no significant impact on the visual amenity and character of the street scene or surrounding area.

4.5 Other matters raised through public participation

4.5.1 The status of the original permission – A number of local residents have objected to the original grant of permission. This does not fall to be considered in this application. The application under consideration deals only with the amendments to the approved drawings and the effect such amendment will have on material planning consideration

4.5.2 Car Parking – This was rehearsed and considered in the previous application; however for the avoidance of doubt current Highway Authority Residential Parking Standards which for a 4+ bedroomed house in a suburban area require 2 parking spaces be provided. It should also be pointed out that the Highway Authority have now recognised that domestic garages are in reality rarely used for the garaging of cars. Rather, they are used for other domestic purposes including storage, gyms, domestic workshops etc. and accordingly such spaces are not 'counted' by KCC as parking spaces as such. In summary therefore, parking spaces available on the forecourt meet current parking standards

4.5.3 The alleged sub-division of the dwellinghouse – A number of residents have alleged that the house is being sub-divided stating that a kitchen has been installed upstairs and that the current owner's daughter and her family will live upstairs and the applicant downstairs. Such an arrangement, whereby an extended family lives in a single-family dwelling with different elements using different sections of the house,

would not in itself constitute a material change of use of the dwellinghouse to two dwellings or flats. The previous planning permission was the subject of condition 3 which requires the use of the accommodation shall remain ancillary to the main house and not used as a separate residential unit of accommodation. That condition can be carried forward to any new permission.

5 Conclusion

5.1 Overall, the proposed amendments to the approved scheme would have no significant adverse impact on adjacent residential amenity or other interest of planning importance

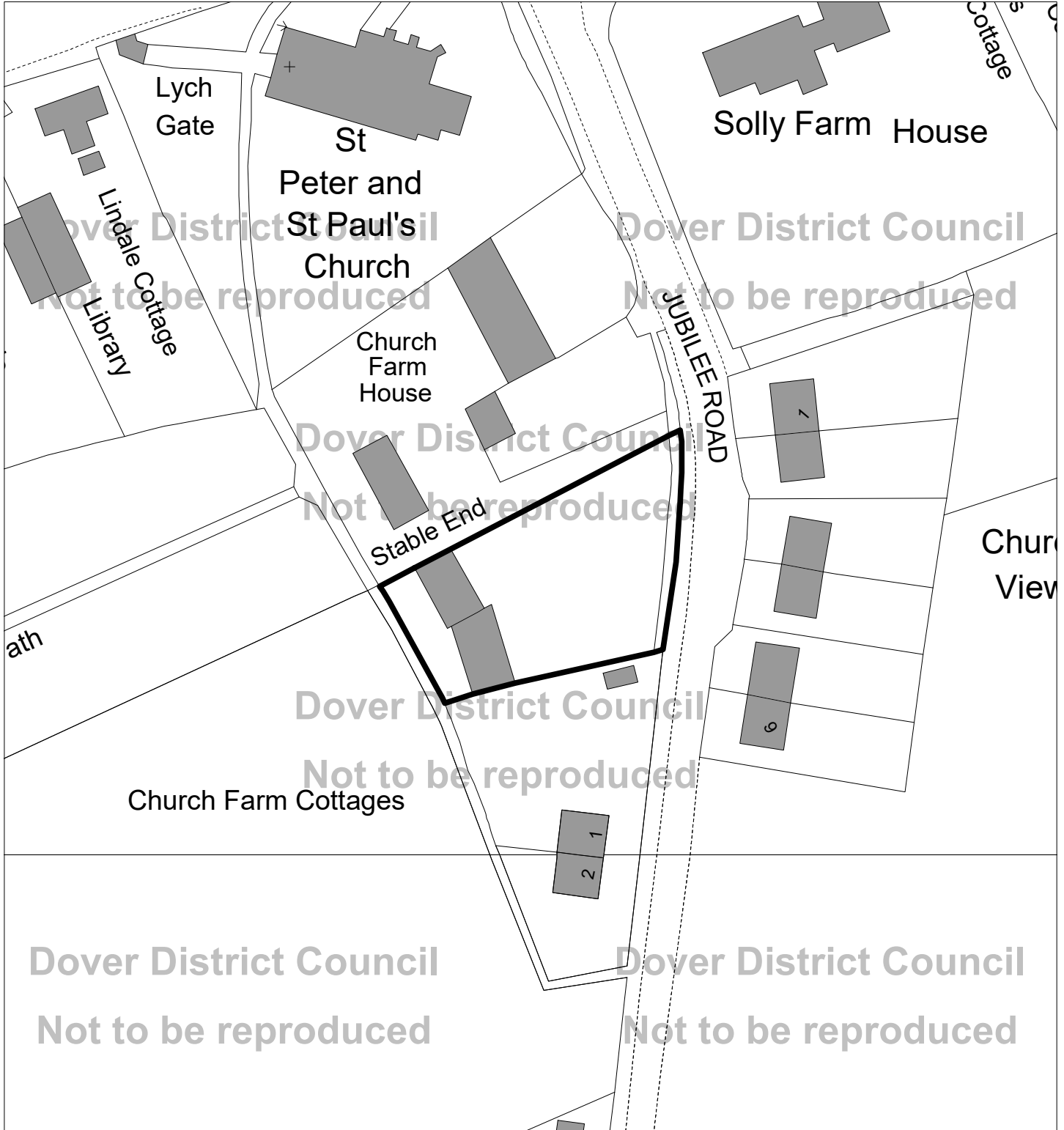
5.2 I therefore recommend planning permission be granted.

g) RECOMMENDATION

- (i) Planning permission **GRANTED** subject to conditions to include (1) time, (2) compliance with plans and (3) The use of the accommodation hereby permitted shall remain ancillary to the main house and not used as a separate residential unit of accommodation, and (4) obscure glazed window for the ensuite window in the east facing elevation. (5) Obscure glazing for the rear door, and
(6) no additional opening on the west facing elevation.
- (ii) Powers be delegated to the Head of Regeneration and Delivery to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

Case Officer
Tony Jarvis

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Application: DOV/18/00786

Land to the south of Stable End

Jubilee Road

Worth

CT14 0DN

TR 3370 5603



- a) **DOV/18/00786 – Erection of a detached dwelling and formation of associated parking (existing outbuildings to be demolished) at Land to the south of Stable End, Jubilee Road, Worth, CT14 0DN**

Reason for Report: Number of contrary responses.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines
- DM13 – Parking provision
- DM15 - Protection of the countryside
- DM16 - Protection of the landscape
- CP1 – Settlement Hierarchy

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 – the three objectives of sustainability
- Paragraph 11 – presumption in favour of sustainable development
- Paragraph 61 – size type and tenure of housing provision for all sections of the community
- Paragraph 127 – seeks high quality design
- Paragraph 170 – decision should contribute to and enhance the natural and local environment where possible.
- Paragraph 177 – presumption in favour of sustainable development does not apply to development requiring an appropriate assessment

Worth Neighbourhood Plan (2014)

- WDP02 – Additional Housing developments would be supported within settlement confines provided they are sensitive to the prevailing character and historic assets of the village

d) **Relevant Planning History**

DOV/18/00043 – Erection of a detached dwelling and formation of associated vehicle parking. – Refused (Delegated decision)

e) **Consultees and Third Party Responses**

Worth Parish Council: Object as the site is immediately adjacent to the conservation area and the local sewerage does not have the capacity. Would be contrary to Worth Neighbourhood Plan.

Southern Water: request an informative be added advising need to seek a separate permission to connect to sewerage and to ascertain method for surface water drainage.

Ecology Officer: confirmed a bat survey would not be required at the time of the pre-application enquiry.

Kent PROW: no objection but note the need to not block the footpath at any time without seeking permission from KCC.

Third Party:

7no. Objections which raised the following concerns –

- sewerage system in Worth cannot handle more dwellings, resulting in the sewers backing up in the lower part of the village
- increase parking and traffic pressures locally
- contrary to the Worth Neighbourhood Plan
- construction period results in interruptions to traffic flow, parking problems, unacceptable levels of noise and unsafe access to properties
- village is becoming congested with new build properties, changing the historic character of the village
- site is located on a sharp bend in the road
- development erodes a Kentish village and alters it irretrievably for future generations

1no. Support which raised the following –

- site has been derelict for 22+ years and leaving it undeveloped could lead to issues with vermin
- one more house is unlikely to worsen the sewerage issues in the village

f) 1. Site and the Proposal

1.1 The application site is a largely undeveloped piece of land, in the 'open countryside'; outside of but immediately adjacent to the confines of Worth. It is located to the west side of Jubilee Road and has an area of 0.1ha. Outbuildings lie to the rear of the site and the land is largely grassed. To the immediate south of the site are two semi-detached new-build properties with an existing brick and flint wall enclosing the boundary, and to the north is Stable End and its detached garage immediately adjacent the boundary. The west boundary faces onto open countryside with views to and from the cemetery of St Peter and St Paul's Church, a protected Open Space however the application site is densely screened with mature hedging and trees the full length of the western boundary. The front (east) boundary is currently enclosed by a post and wire fence with a timber gate. This boundary had been overgrown with vegetation but this has been cleared, retaining 2no. existing trees to the front (and the hedgerow to the rear) but it is otherwise open to the highway. There are limited views, from within the site, of the tower

to the church, a grade II* listed building. It is outside of, and largely screen from, the Worth Conservation Area.

- 1.2 Jubilee Road has an edge of village/semi-rural character which is typified by loose-knit, modest buildings which are well-related to the surrounding countryside and the applicants have confirmed in the application form that the land is currently farm land/agricultural land. It is noted that this part of Worth has a variation of architectural styles and varying scales of built form/dwellings. The west side of Jubilee Road, the same side as the application site, is characterized by mainly two storey dwellings, in detached, semi-detached and terraced forms, with gaps between the buildings allowing views through to the countryside beyond. The eastern side of the road is only partially built up and is characterized by bungalows within the village confines, and two storey dwellings further towards the A258. Jubilee Road is almost entirely residential in nature.
- 1.3 The application seeks permission for the erection of a two storey, 4-bedroom detached dwelling and associated vehicle parking space and would include the demolition of the existing derelict outbuildings. The dwelling would be set back within the site, closer to the rear boundary than the front, with the front elevation set behind the semi-detached dwellings to the south and forward of Stable End to the north.
- 1.4 The proposed dwelling would be roughly 'Z'-shaped in plan with projecting wings to the front and the rear. It would measure approximately 13.2m by 10.3m in depth, with the front 'wing' forward of the principal elevation by approximately 1.7m and the rear projection approximately 1.2m behind the rear elevation. The dwelling would have an eaves height of 5.0m and a ridge height of 8.7m (0.15m higher than the permitted semi-detached dwellings to the south).
- 1.5 The proposed dwelling would be sited approximately 5m away from both the northern and southern boundaries, and set back from the highway by approximately 16m (this would vary across the length of the highway boundary). The existing boundary treatments (1.8m close boarded fencing to the north and a mixture of close boarded fencing and flint wall to the southern boundary) would be retained and new fencing would be erection on site to separate the garden area to the rear from the vehicle parking area to the front.
- 1.6 The materials proposed include brick and weatherboarding to reflect the materials typical to the area. The roof would be tiled and the windows would be timber-framed and painted white.
- 1.8 Two allocated, independently accessible parking spaces have been shown of the submitted plans as well as an area for visitor parking. There would appear to be sufficient space for the parking and turning of up to 5no. vehicles within the site. Vehicles would use the existing vehicle access/dropped curb and the existing vehicle access gate would remain.
- 1.9 The current application differs from the previously refused scheme in a number of ways. The two most significant are in the perceived scale of the development which has been significantly reduced, and the landscaping to the front which retains the semi-rural character rather than appearing overly urbanized as the previous scheme was likely to appear. Design (including

scale, materials, bulk and urbanized landscaping) was the main reason leading to the previous refusal.

2. Main Issues

- Principle of Development
- Impact on the visual amenity, countryside and landscape
- Impact on residential amenity
- Highways, Parking and travel

3. Assessment

Principle of Development

- 3.1 The application site is outside of, but adjacent to, the settlement confines of Worth. As such, it would be contrary to Policy DM1 of the DDC Core Strategy (2010). However, given the proximity to the settlement confines, all material considerations need to be assessed. An appropriate assessment will need to be carried out which overrides the presumption in favour of sustainable development having regard for Paragraph 177 of the National Planning Policy Framework (2018).

Impact on the visual amenity, countryside and landscape

- 3.2 In the previously refused application (DOV/18/00043), the proposed dwelling was refused due to the impact the design would have been likely to have on the countryside and landscape. It was considered that “the harm that would be caused results from the scale, form and urbanising nature of the development that would result by introducing a development which would introduce a bulk, scale and materiality which would be out of keeping with and insensitive to the surrounding dwellings, edge of village character, and semi-rural pattern of the street scene and adjoining development.”
- 3.3 When compared to the previously refused application, the amended proposal has overcome the majority of design-related concerns. The scale is in keeping with the neighbouring dwellings (albeit forming a single family dwelling rather than two semi-detached dwellings) as is the overall form, design and materials (red brick, dark-stained weatherboarding and brown/red roof tiles). The landscaping scheme would help to retain the semi-rural nature of the street scene and overcome the previous concerns with regards to an over-urbanised site through the retention of existing trees and hedging to both the front and back boundaries and the proposed materials and overall area of the driveway.. The position of the proposed dwelling within the site mitigates between the different building lines of the semi-detached dwellings to the south and Stable End to the north and is well away from either side boundary retaining some of the openness of the site. The dwelling would appear to be a sensitive and appropriate addition to the existing row of dwellings and would not be likely to result in a visually incongruous development. Overall, it is considered that the design solution is acceptable and would not result in any undue harm to the visual amenity of the street scene in this part of Worth. It would be compliant with Paragraphs 127 and 130 of the National Planning Policy Framework (2018).

- 3.4 The introduction of a building onto an undeveloped site within the countryside has the potential to have an impact on the character and appearance of the countryside and the surrounding landscape. Paragraphs 170-175 of the National Planning Policy Framework (2018) refers to the protection of the intrinsic character and beauty of the countryside and landscape. Policies DM15 and DM16 of the DDC Core Strategy (2010) seek to resist development which would result in the loss of the countryside, and which would adversely affect the character or appearance of the countryside and harm the character of the landscape.
- 3.5 The current proposal has made use of materials typical to the area, has respected the overall scale of the built form in this part of Jubilee Road, and the landscaping, through the retention of a number of existing features (trees and hedgerow) and the re-designed driveway, planting and hedging scheme would be likely to retain the semi-rural character of the site without resulting in an over-urbanised form of development. The proposed finish materials would visually relate the proposed dwelling to the existing dwellings to the north whilst the positioning of the materials on the elevations (brick ground floor and weatherboarding at first floor) would reflect both buildings to the north and the south of the application site.
- 3.6 As previously noted, some of the existing vegetation would be retained and integrated into the proposed landscaping scheme. This would include 2no. trees to the front boundary with the highway, and the mature hedgerow to the western/rear boundary. Between the retained trees and the post and rail fence to the front boundary, a hedge would be planted and maintained at 1.2m in height, behind which would be areas for planting, car parking spaces, and grassed areas. The driveway itself would be laid to gravel. The rear garden space would be laid to lawn and would provide the location for both the bin store and a bicycle shed. The front and rear gardens would be separated from one another by fencing. This proposed landscaping scheme would retain the 'greenness' of this existing undeveloped gap site (which is of some importance as it demarcates the settlement confines as does another vacant site to the south of the bungalows opposite). When compared to the openness of the site to the immediate south, it would remain very green and enclosed. Given this, it is therefore considered the proposal would overcome the previous concerns and would comply with Policy DM15 of the DDC Core Strategy (2010).
- 3.7 DM16 seeks to avoid development which would result in harm to the character of the landscape. The application site is located within the Preston and Ash Horticultural Belt (Dover District Landscape Character Assessment 2006) which is characterised by a flat landscape with much of the land given over to farming, with a more enclosed character due to the hedgerows, tree clumps and narrow winding lanes. As noted above, the amended proposal would have a much more limited impact on the surrounding countryside and would not be likely to result in any undue harm. The village itself is enclosed somewhat from this flat farmland by mature vegetation in the form of trees and hedging. This would not change as a result of this proposal. The same amendments which overcame the reasons for refusal of the previous application, have overcome the concerns with regards to impact on the landscape. The proposal is therefore considered to comply with Policy DM16 of the DDC Core Strategy (2010). Overall, the proposal is considered to comply with Paragraphs 127-130 and 170-175 of the National Planning Policy Framework (2018).

- 3.8 It should be noted that the Heritage Team verbally confirmed that the proposed development would not have any impact on the setting of the nearby listed buildings nor the conservation area in the previously refused application. The current proposal would not change this advice.

Impact on residential amenity

- 3.9 The application site has residential neighbours to the south (semi-detached dwellings permitted under DOV/16/01317), Stable End to the north, and several bungalows on the opposite site of Jubilee Road to the east. There would be approximately 30m between the front of the proposed dwelling and the front of the dwellings opposite, and any views are likely to be screened by the existing vegetation and retained trees on both the application site and those opposite. The separation of 30m between the fronts of dwellings is considered sufficient to be unlikely to result in any harm to existing residential amenities.
- 3.10 The front elevation (east facing) of the proposed dwelling would sit just behind the building line of the semi-detached dwellings to the south. There are two small windows in the north-facing elevation of the nearest dwelling; one at ground floor level and one at first floor level. The first floor window is obscure glazed and serves an en-suite bathroom whilst the ground floor window serves a utility room. The proposed dwelling would have a glazed side door on the south-facing elevation which would be roughly in line with these existing windows. However, this would have no impact on the first floor window and the ground floors would be largely screened from interlooking or loss of privacy by the 1.8m high close boarded fence on the boundary.
- 3.11 The first floor rear windows of the proposed dwelling would increase the opportunity for overlooking towards the garden spaces of the dwellings to the south however, given the orientation of the proposed dwelling, any views would be either into the very rear part of the gardens, or across the top of the fencing/flint walls on the boundaries. It is considered therefore that the proposal would be unlikely to result in any undue impact on existing residential amenities as a result of overlooking or loss of privacy.
- 3.12 The proposed dwelling is set in front of the front elevation of Stable End to the north. There are no openings/windows in the south gable end of Stable End at first floor level and any ground floor windows in this elevation would be screened by the roof of the garage between Stable End and the boundary shared with the application site. There are windows at first floor level proposed in the rear elevation of the proposed dwelling however these would only afford oblique views towards Stable End and would be unlikely to result in any undue loss of existing residential amenity with regards to privacy, interlooking or overlooking.
- 3.13 The proposed dwelling would be sited to the south-east of Stable End at a distance of over 13m. With a ridge height of 8.7m, it is unlikely to result in any loss of light to any habitable spaces within Stable End and the bulk of the shadow resulting from the proposed development would fall within the application site itself. As such, it is considered that the proposed dwelling would not result in a loss of light or outlook, have an overbearing impact or result in a sense of enclosure to Stable End. Overall, it is considered that the proposed development would be unlikely to result in any undue harm to

existing residential amenities and as such, would comply with Paragraph 127 of the National Planning Policy Framework (2018).

3.14 Highway Safety, Parking and Travel

The existing vehicle access from Jubilee Road (including the existing dropped curb) would be retained. Whilst it is noted that the application site is near a bend in the road, the development would re-use an existing vehicle access and whilst vehicle movements to and from this junction may increase it is not considered that the movements from one dwelling would be unacceptably harmful to highway safety. There is a 30mph limit to Jubilee Road in both directions. A visibility splay of over 43m can be achieved to the south (to see traffic coming from the A258) and can almost be achieved to the north. As such, the existing access is considered to have adequate visibility in highway safety terms and the provision of the visibility splays which can be achieved should be secured by condition.

3.15 It is proposed to have 2no. independently accessible parking spaces on the application site with the capacity to station another 3 or more vehicles on site whilst still retaining the space to turn vehicles on site. Policy DM13 of the DDC Core Strategy (2010) states that a minimum of 2no. independently accessible parking spaces would be required for a new residential development of 4 or more bedrooms in a village/edge of village location. As such, the proposal would be compliant in this regard.

3.16 The application site, whilst beyond the settlement confines, would be as close or closer than some of the existing dwellings within the settlement confines to the services in the village and there is a pavement running into the village from in front of the application site. The village is also served by a bus route. It is not considered that the site would be wholly dependent upon private cars and would support the existing facilities and services in the village.

3.17 Footpaths

Public footpath EE250 runs along the western boundary of the application site. The existing hedging would be retained and as such, the development would be largely screened from views from the footpath and would have no physical impact upon the footpath. KCC Public Rights of Way do not object to the proposal.

Flooding and Drainage

3.18 **Flooding:** The application site is not within a Flood Risk Zone but does form part of the flood warning area for areas along the coast. It is considered that the risk of coastal flooding on this site is low and no measures would be required.

3.19 **Drainage:** It is acknowledged that there have been instances of localised flooding in the village. However, the addition of one dwelling would not have a material impact on the likelihood or severity of flooding. Southern Water have not raised any concerns regarding sewer capacity.

3.20 The Conservation of Habitats and Species Regulations 2017, Regulation 63: 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.

- 3.21 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.
- 3.22 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.
- 3.23 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.
- 3.24 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.

Other Matters

- 3.25 The development would result in the loss of agricultural land. However the site does not appear to have been used for agriculture for a significant period and is of limited sized. As such, the loss of agricultural land is not determinative.
- 3.26 Regard has been had for the ecological impacts of the development. The Principal Ecologist has advised that bats are not likely to be affected by the development and whilst having regard for Natural England's Standing Advice, it is not considered that any other protected species would be harmed.

Conclusions

- 3.22 It is not considered that the proposed dwelling would result in undue harm to the visual amenity or street scene of the area nor to the character of the countryside or the scenic beauty of the landscape and would be compliant with Paragraphs 127 and 170 of the National Planning Policy Framework (2018) and Policies DM15 and DM16 of the Core Strategy (2010).

- 3.23 It is not considered that the proposed dwelling would result in any undue harm to the residential amenities of the adjacent dwellings and would comply with Paragraph 127 of the National Planning Policy Framework (2018).
- 3.24 Whilst contrary to Policy DM1 of the DDC Core Strategy (2010) being beyond the settlement confines, the location of the application site immediately adjacent to the confines within a row of existing dwellings both within and beyond the settlement confines of Worth, is considered a sustainable location for this type of development. The proposal would bring a largely abandoned site into use and help (albeit in a minor way) with the 5 year housing land supply target without result in any demonstrable harm. It is acknowledged that the requirement to apply an appropriate assessment to this application overrides the presumption in favour of sustainable development (Paragraph 177 of the National Planning Policy Framework 2018), that the proposal is otherwise in line with the requirements of both the National Planning Policy Framework (2018) and the DDC Core Strategy (2010). As such, on balance, in this instance, this application is recommended for approval.

g) Recommendation

- I Planning Permission BE GRANTED subject to the following conditions:
- 1) 3 year time commencement; 2) in accordance with approved plans; 3) material samples to be submitted; 4) remove PD for openings/extensions at first floor and roof level; 5) construction management plan; 6) retention of trees and hedges as shown on approved drawings; 7) refuse/recycling facilities to be provided as shown on approved drawings; 8) cycle storage facilities to be provided as shown on approved drawings; 9) parking spaces to be provided as shown on approved drawings; 10) no discharge of water to highway; 11) landscaping scheme to be submitted including hard landscaping; 12) no obstructions over 0.9m in height within visibility splays.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace



Not to scale

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

Application: DOV/18/00308

Land rear of

54, 56 & 58 Blenheim Road

Deal

CT14 7DD

TR 3755 5227



- a) DOV/18/00308 Erection of three 2 bedroom houses and associated parking. - Land rear of 54, 56 & 58 Blenheim Road, Deal CT14 7DD

Reason for report: No of objectors

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policies and Guidance**

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Deal is described as a District Centre, which is the secondary focus for development in the District; suitable for urban scale development.

- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.

- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

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

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

Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter five of the NPPF confirms that the Government's objective as to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. 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.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms 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. 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.

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.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding. All development in areas which are at risk from flooding should be subjected to the sequential test, which seeks to steer new development to areas with the lowest risk of flooding. Development should not be granted in areas at risk from flooding if there are reasonably available sites in areas which have a lower risk of flooding. Development should also be subjected to the exception test which requires that the development provides wider sustainability benefits to the community that outweighs flood risk and that the development will be safe over its planned lifetime.
- Chapter fifteen requires that biodiversity is protected and enhanced by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursuing opportunities for securing measurable net gains for biodiversity. Paragraph 177 states that “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”.
- Chapter sixteen requires that development conserves and enhances the historic environment. An assessment should be made as to whether the development would cause harm to the significance of a heritage asset and, if so, whether this harm would be substantial or less than substantial. Any harm must be weighed against the public benefits of the scheme. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The Kent Design Guide (KDG)

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

S38(6) of the Planning and Compulsory Purchase Act 2004 - all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 & 66

d) **Relevant Planning History**

17/01087 Erection of two detached dwellings, two self-contained flats and detached four bay garage Withdrawn

09/00674 Erection of two semi-detached dwellings Refused

08/01311 Erection of two semi-detached town houses Refused

Adjacent to the site: 16/00510 – reduction from 24 to 18 flats within Norman Tailyour House comprising refurbishment and fenestration alterations.

e) **Consultee and Third Party Responses**

Deal Town Council:

Object to over development of the site, restricted access for emergency vehicles, close proximity to Norman Tailyour House, Health and Safety concerns regarding the limited access from existing house (on Blenheim Road) onto narrow alleyway, lack of satisfactory Construction Management Plan, site notice place inaccessibly.

Officer comment: 3 site notices were placed around the site (Hope Road, Blenheim Road, & Beaconsfield Road)

Environment Agency: Due to the most recent flood data they consider that the site is now outside the flood zone and therefore have no comments to make.

Southern Water: No objection. A formal application for a connection to the public foul sewer will need to be made at the appropriate time.

Public Representations: 15 letters of objection (8 letters as a result of re-advertising the amended application).

The reasons for objection are summarised as follows:

- No.s 50 & 52 Blenheim Road are not mentioned. Would like assurance that the right of way will be maintained to the rear of these properties
- Inaccessible site notice – site notices removed
- Overdevelopment of the site
- Limited access onto a one-way street
- Cramped development
- Development too close to properties in Hope Road, Beaconsfield Road and Norman Tailyour House
- Loss of privacy and light

- Site should be used for garages
- No access for emergency vehicles
- Disregards the conservation area
- The proposal will exacerbate existing on street parking problems
- Existing tenants of no.s 54 & 56 will lose their parking
- Inadequate parking
- Noise and disturbance to neighbouring properties
- Development too close to private right of way serving Hope Road
- The workshop is still in use
- Development should be single storey only

Previous comments reiterated after re-consultation

Non-material objections

54 Blenheim Road is to be converted to an HMO – surely this needs pp
54 & 56 Blenheim Road are in a serious state of disrepair – issues associated
with these properties should be addressed before further development is
considered

The site is an eyesore

If the new dwellings are offered for rent then they will fail to be maintained

Lack of access for delivery vehicles

Abandoned car on site frontage

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

The Site

- 1.1 The application site is approximately 0.05 hectares in size and is situated in the confines of Deal. The site has historically fallen within Flood Zone 3.
- 1.2 The site is surrounded on all sides by residential development due to its backland location. To the north of the site is Beaconsfield Road, to the east Norman Tailour House, to the south is Hope Road and to the west Blenheim Road.
- 1.3 The sites falls within the designated conservation area (Victoria Road and Wellington Road) and is characterised by housing development largely comprising two storey housing of varying ages and architectural styles. These range from Victorian terrace cottages to 1930s, and later, family houses.
- 1.4 The site is described as being derelict land, but it is noted that it has been used as an allotment, for car parking and also a workshop. The site is relatively level within and in relation to adjoining land uses. The access is off Blenheim Road, is 3m wide and is bordered by no.54 Blenheim Road to the north and no. 56 to the south. No.s 54, 56 & 58 are all within the ownership of the applicant. No.s 56 & 58 previously formed a public house. All these properties are in a state of general disrepair.
- 1.5 No.50 & 52 Blenheim Road have a pedestrian right of access to the rear of their properties and also back onto the site. The dwellings in Hope Road have a rear pedestrian access which runs adjacent to part of the southern boundary of the site.

The Proposal

1.6 The application seeks permission for the erection of three 2 bedroom storey and a half dwellings. The application has been submitted with the following supporting documents:

- Design and Access Statement
- Flood Risk Assessment
- Photographs of the site
- Plans including sections through the site

1.7 After a number of amendments to the scheme, the scheme subject to this recommendation comprises the following:

Houses A & B

These dwellings have been reduced in scale from 3 bedrooms. They now comprise a pair of semi-detached two bed dwellings, staggered to each other by 2metres. The mansard roof brings the height to 6.3m from ground level. The dwellings are orientated towards Blenheim Road with the rear elevation to Norman Tailyour House. Dormer windows feature on the front elevation. Small gardens are provided to each dwelling at the rear.

House C

A detached two bedroom chalet bungalow with barn hip roof with dormer windows at the front and velux windows on the rear. This dwelling is orientated at a right angle to the proposed houses A &B, with its rear elevation backing on to the garden of no.39 Beaconsfield Road. It is approximately 5.8m in height from ground level. The primary garden area is to the rear, although there is also some side garden to this proposed dwelling.

1.8 Parking is provided within the site; there is one car parking space for each of the proposed dwellings and two spaces are retained for no.s 56 & 58. A right of way is indicated on the drawings to be retained for access to no.s 50 & 52 Blenheim Road.

2. Main Issues

2.1 The main issues for determination are as follows:

- The principle of the development
- The design/Impact on the character and appearance of the locality (including conservation area)
- Residential amenity
- Highway Impact
- Drainage/flooding issues
- Other material considerations

3. Assessment

The Principle of Development

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This advice is reiterated in paragraph 12 of the NPPF.
- 3.2 The site is located within the urban boundary of Deal. Under Policy CP1 of the Core Strategy, Deal is identified as a District Centre - a Secondary focus for development in the District; suitable for urban scale development. Policy DM1 has a general presumption against development outside the settlement boundaries and therefore, in turn, presumes in favour of development within. The proposal therefore accords with Policies CP1 and DM1 and is acceptable in principle.
- 3.3 Policy DM11 seeks to manage travel demand. As the site is located within the urban boundaries and has the full range of travel types available (walk, cycle, car, public transport) the principle of development in this location would be in accordance with policy.
- 3.4 At present, the Council is unable to demonstrate a deliverable five year housing land supply. It is considered that the site would be well linked to the existing built up area of Deal and would be well linked to the facilities and services of the town, including bus stops, the train station, and the town centre (Policy DM11 above). Having regard to policies CP1, DM1, DM11, the need for housing and the sustainability of the sites location it is concluded that, subject to matters of detail, the principle of residential development on the site is acceptable.

The Design/Heritage Impact

- 3.5 The design of the proposed dwellings has evolved in part through the challenges that the site has presented. Due to its location amidst existing residential dwellings, the precise siting, scale and height of the dwellings has been a key consideration. In 2008 and 2009 planning permission was refused on two schemes that were of substantial bulk and scale to provide a pair of semi-detached dwellings in the centre of the site. The schemes failed to respect the neighbouring uses and were wholly unacceptable on a number of grounds including impact on the character and appearance of the Conservation Area.
- 3.6 The proposed dwellings would be finished using traditional materials including slate roofs, timber windows and doors, yellow stock brick at ground floor and timber weather boarding at first floor. Examples of these materials can be found elsewhere in the Conservation Area. Gutters and down pipes would be cast iron.
- 3.7 The general character of the area is Victorian era dwellings – predominantly terraced. Views into the site are limited from the top of the access from Blenheim Road and from the rear of existing properties. Norman Tailour House can be viewed from Blenheim but will become obscured from the careful siting of the proposed dwellings.
- 3.8 Paragraph 124 of the NPPF attaches great importance to the built environment and requires design to take account of the different roles and character of different areas. As stated, this is backland development with both

traditional dwellings and the somewhat underwhelming Norman Tailyour House to the rear. It is therefore hoped that any development on this site is able to form a sensitive link between the existing adjacent buildings.

- 3.9 Previous concerns in 2008/2009 related to the sheer scale of the residential development and the view that this would cause harm to the character of the area as would be visible from within the Conservation Area. The proposed scheme is significantly lower in height.
- 3.10 The scheme has still been subject to revision since the more recent 2017 application that was withdrawn. The 2017 scheme filled the majority of the site and would have been intense overdevelopment. The new dwellings have been reduced in scale and carefully sited to respect the existing adjacent dwellings. Plot B has been sited so as to improve the existing view from Blenheim Road. The design of all the dwellings has seen a reduction in their overall height through the introduction of mansard roofs or a barn hip (in the case of plot C).
- 3.11 Due to the reduction in height, this has resulted in a more compromised first floor in all the dwellings, which is not ideal. The volume of unrestricted floor space has been reduced therefore as there will be areas with limited head height– to address this dwellings A & B have been amended to 2 bed. The amended design has helped minimise the bulk of the dwellings when viewed from all angles. It is therefore considered that the bulk, scale and mass of the dwellings do not reflect the previous concerns from 2008/2009 regarding the impact on the Conservation Area. Such concerns have, therefore, been overcome.
- 3.12 The Design and Access Statement also assesses the potential Heritage impact of the proposal. Consideration has therefore been given to the level of harm, if any, that would be caused to the significance of the heritage asset (CA). The impact of the development when assessed under paragraph 196 of the NPPF is therefore considered not to cause harm.
- 3.13 Having discussed the site with the Principal Heritage Officer no concerns are raised from this development with regard heritage issues. Accordingly the development is suitable and appropriate in terms of appearance, layout, scale and detailing and would be an appropriate form of development in this location compliant with the aims and objectives of the NPPF.
- 3.14 It is therefore concluded that having paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, the impact on the heritage asset is considered to be neutral.

Residential Amenity

- 3.15 As stated earlier in this report, this site has been subject to a number of variants of schemes for residential use. Having assessed the most recent amendments the impact on existing residents is assessed below.

- 3.16 Norman Tailyour House is a category 2 sheltered housing development purpose built scheme for older people usually with communal facilities and a scheme manager) built in 1980, the accommodation is predominantly bedsit flats (24 in number) with shared bathrooms. However, planning permission 16/00510 granted consent to reduce the accommodation from 24 to 18 flats providing each flat with its own bathroom facilities. The application also secured a number of other enhancements. Of the most relevance to this application are the proposed Juliette balconies serving two living rooms on the western elevation. Whilst the scheme has not yet been implemented, it is understood that the works will be taking place imminently.
- 3.17 In terms of impact on the residents of Norman Tailyour House it is noted that the existing openings on the western elevation will essentially remain but may be adapted to accommodate full length windows and/or ground floor French doors. The applicant has provided sections which illustrate that the proposed dwellings will sit approximately 2m lower than the roof height of this western wing of Norman Tailyour House. In terms of the siting of the proposed dwellings,
- Plot A is 10m from the western wing and there are no openings on this part of the façade. There are no first floor windows that overlook the site.
 - Plot B is just under 10m from the western wing where there is a communal hallway served by a window and part of a dining window/proposed full length with Juliette balcony at first floor level. The occupiers of the dining area of this one bed flat will have angled views from this window across the site. There are no first floor windows in Plot B that overlook the site.
 - Plot C has its blank side elevation onto this western wing. The occupiers of the flat have a dining window/proposed full length with Juliette balcony at first floor level. Due to the lesser height of plot C and the reduced bulk from the barn hip there will still be some level of natural light afforded to the dining area.
- 3.18 On balance it is considered that the impact of the proposed dwellings on the existing Norman Tailyour House is acceptable. With regard to the reverse impact i.e Norman Tailyour on the proposed dwellings, of the 3 plots, plot B is slightly more compromised in the sense of the dining window at the rear of the garden; however as this is a proposed dwelling the future owner/occupier can choose not to take up residence should this be a concern.
- 3.19 To the north of the site is located Beaconsfield Road. Plot C will back onto the garden of no. 39. No.39 is a traditional two storey dwelling with an 'L' shaped configuration. The rear garden therefore varies from 10 to 15m in length. Together with the rear garden proposed for plot C there would be a distance of between 15m to 20 depending where the measurement is taken. To account for the proximity between the rear of these dwellings, Plot C would take the form of a storey and a half dwelling with only velux roof lights at the rear in addition to ground floor openings.

- 3.20 The western side elevation of plot C straddles the boundary between the rear of no.s 50 & 52 Blenheim Road. The roof hips away from the rear boundary of these dwellings and there are no windows proposed on this elevation. The eaves are 4m in height before the roof angles away. It is considered that on balance there is sufficient distance (12m to the nearest point) such that the building will not appear oppressive to the existing Victorian terraces. The existing right of way is shown to be retained by bollards on the plans.
- 3.21 Plots A & B face onto the rear of the applicants properties no. 56 & 58. It is proposed to maintain very small pockets of amenity to each of these dwellings. There will be 3 parking spaces between the dwellings. This again is a compact arrangement but the NPPF supports maximising the use of brownfield sites where possible.
- 3.22 The gardens in Hope Road vary in length but are in excess of 10m. There is a path which leads to the rear of these properties and separates the site from these gardens. Plot A would maintain 1m from the boundary with this path which will increase the separation distance. There is a proposed obscure glazed fixed shut bathroom window on the first floor elevation of this dwelling. An extractor fan would be required as an alternative means of ventilation.
- 3.23 The proposed development of this site has required much thought to achieve a design and layout that would work without being wholly unacceptable to existing residents. It is a balanced application whereby some aspects are not ideal, yet it is not considered they cause such harm to warrant a different recommendation. Whilst previous applications were deemed to be too harmful to existing and proposed residents, it is considered that this scheme is a compromise that, with the benefits of making good use of a brownfield site and providing small scale housing, could be acceptable.

Flood Risk/drainage

- 3.24 The site has previously been identified as being within Flood Zone 3 on the Environment Agency's flood map and as such the application has been accompanied by a Flood Risk Assessment. In response to this application the EA has stated that the site now falls outside this area, however the application has considered flooding through the submission of its FRA.
- 3.25 In accordance with the NPPF and the NPPG, it is necessary for development in areas identified to flood to pass both the sequential and the exception test. The sequential test seeks to guide development into less vulnerable areas. However, in the case of Deal a substantial part of the urban area falls within Flood Zone 3 with a 1 in 200 year or greater annual probability of sea flooding.
- 3.26 In recognition of the threat from flooding, new flood defence works were undertaken and completed in June 2014. Works to the Deal sea frontage and

other coastal defence works now provide a 1 in 300 year standard of protection against coastal flooding and wave overtopping.

- 3.27 With regard to the sequential test, there are no other obvious sites within the town centre which would pose less risk. Given the sustainability advantages that this site offers, it is considered to be acceptable with regard to the sequential test.
- 3.28 The two key components of the exception test relate to sustainability benefits and the outcome of a specific FRA. Due to the recent comments from the EA and in light of the information provided, even were the area still within an area liable to flooding, there would be no objections to this proposal on the grounds of flooding.

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

- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 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.
- 3.33 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.
- 3.34 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.

Highways

- 3.35 The proposed development falls outside of the KCC highways consultation protocol.
- 3.36 There is an existing vehicular access onto Blenheim Road. Objections from third parties have been made on the grounds that the use of the access is unacceptable due to its constrained width. In the unfortunate event of one of the properties being on fire the emergency services would need to run the hose from the top of the access. Given the limited distance that properties would be from Blenheim Road, such an arrangement is not unusual and would be acceptable.
- 3.37 The likely volume of traffic generation from the dwellings would not be likely to cause a severe impact on the highway network. The development would provide one car parking space per dwelling, together with spaces for no.s 56 & 58 Blenheim Road. In this location two bedroom dwellings will be expected, subject to a design-led approach, to be provided with one space per dwelling. The development therefore accords with table 1.1 and therefore policy DM13 of the Core Strategy. Accordingly, there is no objection to the proposal on highway grounds.

Planning Balance/Conclusion

- 3.38 It is considered that there is a finely balanced decision to be taken after much negotiation on how to deal with this site. It is not considered that any further scale of development could be accommodated on the site, nor deviation from the siting of what is proposed. In design terms, the scheme is positive and it would help secure a use for the site that would contribute to the housing need. However, it is also recognised that there are compromises in terms of the compactness of the accommodation. On balance, and given the need for dwellings in the district, it is recommended that permission be granted.

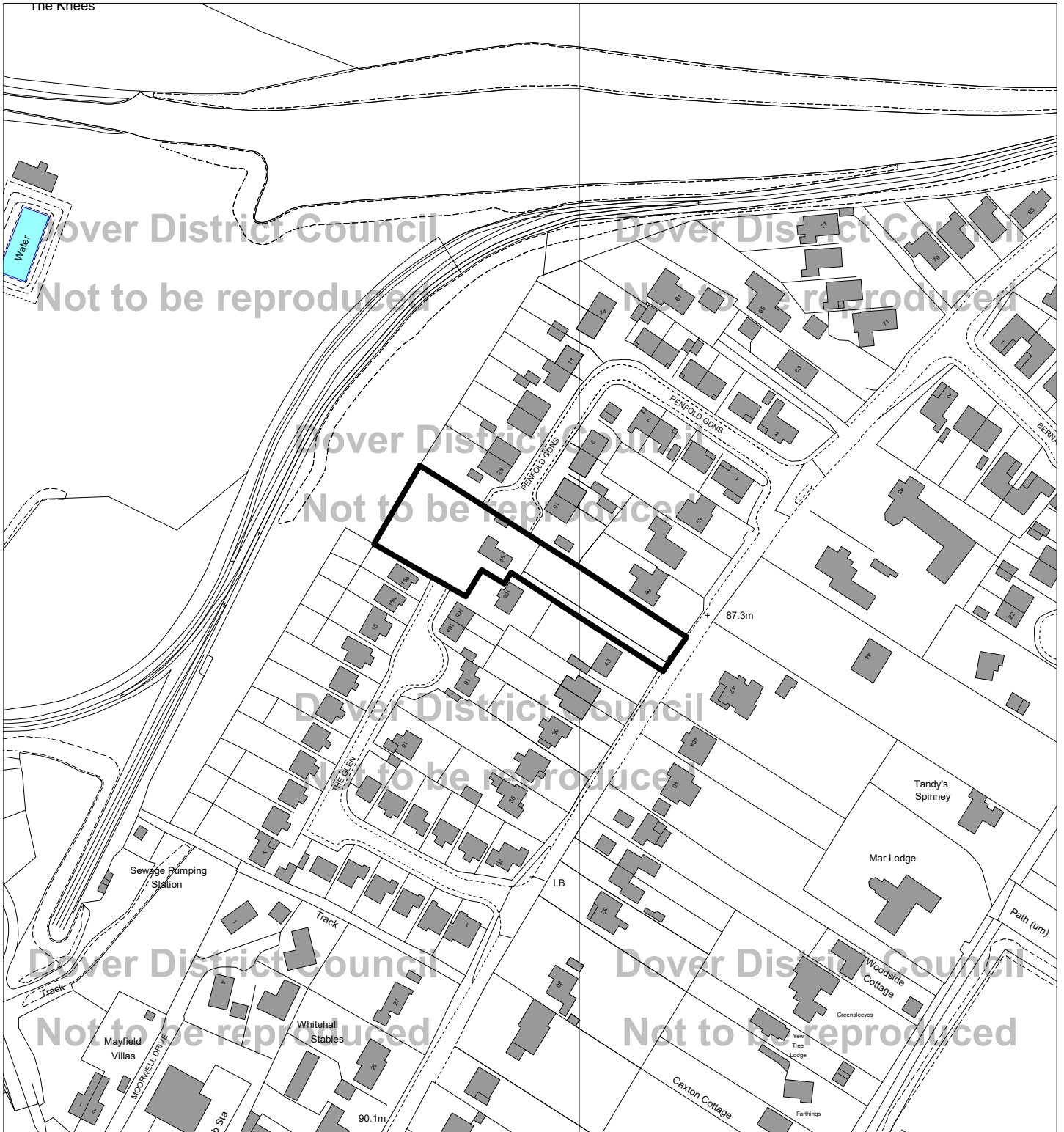
(g) Recommendation

PERMISSION BE GRANTED subject to conditions to include: (i) Standard time limit for commencement; (ii) The development to be carried out in accordance with the approved plans; (iii) Agreement of the materials; (iv) Details of hard surfacing materials; (v) Details of soft landscaping for the site; (vi) Details of all boundary treatments; (vii) Provision of bin stores; (viii) Provision of cycle stores; (ix) Drainage details to be submitted (surface water & sewage disposal); (x) parking conditions; (xii) Obscure glazing/top hung windows where appropriate (xiii) Removal of pd rights for extensions & boundary treatment

Case Officer

Amanda Marks

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Not to scale

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Application: DOV/17/00398

**45 Eythorne Road
Shepherdswell**

CT15 7PG

TR 2595 4842



- a) **DOV/17/00398 - 45 Eythorne Road, Shepherdswell, Dover, CT15 7PG - Outline application for the erection of two pairs of semi-detached dwellings, two detached dwellings and the creation of a vehicular access (existing dwelling to be demolished).**

Number of contrary views

- b) **Summary of Recommendation**

Planning Permission is Granted.

- c) **Planning Policy and Guidance**

National Planning Policy Framework (NPPF) 2018.

- Paragraph 8 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision – making this means approving plan without delay or
 - Where there are no relevant plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless;
 - The application of policies in this framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 47 sets out ‘planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise’;
 - a) Promote social interaction, including opportunities between people who might not come into contact with each other – for example through mixed use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active frontages;
 - b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example and the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) Enable and support healthy lifestyles, especially where this would address identified local health and well – being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- Paragraph 102 sets out amongst other things that. Transport issues should be considered from the earliest stages of plan-making and development so that

patterns of movement, streets, parking proposals and other transport consideration are integral to the design of schemes, and contribute to making high quality places.

- Paragraph 105. 'If setting local parking standards for residential and non – residential development, policies should take into account;
 - a) The accessibility of the development;
 - b) The type, mix and use of development;
 - c) The availability of and opportunities for public transport;
 - d) Local car ownership; and
 - e) The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

- Paragraph 109 states 'Development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Paragraph 110 sets out amongst other things 'application for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services; and appropriate facilities that encourage public transport use;

- Paragraph 117 states Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

- Paragraph 118 sets out amongst other things planning policies and decisions should 'give substantial weight to the value of using suitable brownfield land within settlement for homes and other identified needs'.

- Paragraph 124 sets out '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'

- Paragraph 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...
- Paragraph 131 'in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings;.
 - Paragraph 175 sets out amongst other thing 'When determining planning applications, local planning authorities should apply the following principles;
- 1) If significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

Dover District Core Strategy (CS)

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM11 – states that 'development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies
- Policy DM13 'Parking provision should be a designed led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives'.

Other Guidance/ relevant matters

- Kent Design Guide
- Hedgerow Regulations 1997

d) **Relevant Planning History**

None relevant.

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

Kent Highway Services

Comments received April 2017 – No objections in principle, concerns were raised over the red line and the extent of the highway in regards to Penfold Gardens and The Glen. No objection in respect of accesses for the dwellings shown being taken from these cul-de-sacs, need confirmation the proposed spaces could be achieved.

If such access cannot be achieved the proposal would likely to lead to unacceptable on-street parking in the highway.

September 2017 – The proposed footpath connection between the two parking areas is acceptable. Clarification is needed on the status of the access parking arrangements and what access rights the applicant has across the strips of land in question.

November 2017 – The red line now includes land and the proposed access points up to the highway boundary in Penfold Gardens and The Glen. No objections in respect of highway matters. Adequate access from the highway is provided to all proposed dwellings (including utilising the existing access off Eythorne Road for one dwelling) and sufficient room is available for off street parking on the highway. A number of conditions should be attached to any permission.

Dover District Councils Senior Environmental Health Protection Officer

No objection to the application. Environmental Health do not wish to object to the application however notes the comments from Southern Water in relation to the foul sewage system in this area of Shepherdswell.

The department can advise it is aware of several historical complaints concerning failure of the SWA pumping station that serves properties in this area which has resulted in flooding of sewage in residential properties in The Glen, Shepherdswell. Additional load to the existing foul sewage should be closely examined.

Southern Water

Please note that building over the public sewer is not acceptable. It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

The approved site layout should incorporate the following requirements:

- 1) The 150 mm diameter foul sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer
- 2) No new soakaways or other water retaining features should be located within 5 metres of a public sewer.
- 3) All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) – (3) above also apply.

In order to divert drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public sewers, prior to the commencement of the development."

If the applicant proposes to construct a new on-site foul sewerage pumping station, no habitable rooms of new or existing residential properties should be located less than 15 metres from the pumping station compound boundary, in order to protect

the amenity of prospective residents from the vibration, noise and potential odour generated by sewage pumping stations.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Please note that some types of permeable paving will not be allowed to be constructed over or within 3 meters of public or adoptable sewers. The applicant is advised to seek further assistance in this matter with Developer Services team of Southern Water.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Dover District Councils Principle Ecologist

The bat activity survey indicated that the derelict house is not currently being used as a roost but has a very high potential to be used as such. Therefore, there are no objections based on biodiversity subject to a condition that the recommendations in the bat activity survey are carried out in full.

Kent County Council Archaeology

The application is located within an area of archaeological potential associated with known and probable archaeological remains which are evident in the fields surrounding and within the village of Shepherdswell. A recommendation that provision be made in any forthcoming planning consent for a programme of archaeological works.

SGN – Plant Location Team

Please note that privately owned gas pipes or ones owned by other GT's may be present in this area and information regarding those pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners.

The accuracy of the information shown in this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but should be looked out for.

On the mains record you can see low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m or a low/medium pressure system of above or within 3.0m of an intermediate pressure system. When required conformation of position should be found using dug trail holes.

Eythorne Parish Council

Supports the development of a property on the Eythorne Road frontage
Providing all matters of overlooking/loss of amenity is satisfactory addressed.

It is felt however that the proposed development of three semi-detached properties on the site are accessed from the Glen & Penfold Gardens is an over intensive development which could lead to a significant loss of amenity for the local residents. There are considerable problems with foul water sewage in the locality. The scheme fails to accord generally with the scale and character of the properties on the adjacent estates. The lack of on -site parking and likely increased traffic in these cul-de-sacs is also of particular concern.

March 2018

My Council supports the development of a property on the Eythorne Road frontage, providing all matters of overlooking/loss of amenity are satisfactory addressed. It remains of the view that the proposed development of two pairs of semi-detached properties on the site accessed from The Glen and Penfold Gdns, is an over intensive form of development which would lead to a significant loss of amenity for local residents. In particular the limitations of `on-site` parking and likely increased traffic in these cul-de-sacs are a major concern. The Parish Council is also of the opinion that given the considerable problem with Foul Water Sewage in this locality and the concerns of the residents and Southern Water, an improved sustainable urban drainage system must be in place before further development is permitted at this level of the village.

It was resolved that the Parish Council's views remain as stated earlier in the year and as published on the DDC web-site on the 23rd March 2018

Third Party Responses

23 Letters of representations have been received and are summarised below:

Comments neither supporting nor objecting to the application.

The East Kent Railway Trust does not have a drainage ditch as assumed in the flood risk report;

The boundary should be respected and that suitable protection is put in place by the developer to ensure trespass onto the railway land is avoided for safety reasons'

The EKR is an active, operating railway, the developer should consider this impact on the properties proposed;

Any drainage projects, power or other utility projects that may interfere with or will cross EKR land or operation are objected to at this time due to lack of detail.

Four letters of support have been received and are summarised below;

- How can people object when they are renting new houses in The Glen. If these people had the chance to make some money they would, pure jealousy;
- I would do the same, as most people if they happened to be fortunate enough to be in the position of making as much as they can, they should be honest with themselves and others;
- Before Penfold Gardens and The Glen were planned/built, this property stood here amongst fields, so some of the people that live on these roads that have been objecting wouldn't be living there if there were still fields around this property, so where would they be living. Give others a chance to live in the village.
- How can people object when they are renting new houses in The Glen;
- The changes that this land needs are still being held up;
- A few locals no not want changes and DDC are listening to them, yet major building plans in Kent are going ahead despite relevant objections major building plans in Kent are going ahead despite relevant objections
- Plans for number 45 are taking far to long to go through;
- After reading the other residents views and concerns, they are short sighted and just seem to be concerned about the annoyance of the works that will go ahead;
- Far better to be turned into a respectful development than being left as it is;
- The people closest and their views are worst as they obviously have coerced others;
- Their drainage from their side goes onto said property;
- Parking problems in Penfold, as another comment points out, take your vehicle off the road and use the drives.

18 letters of objections have been received and are summarised below;

- There are flooding and inadequate drainage infrastructure, the development will require modifications to the already inadequate drainage system;
- The application states that overflow parking will be available within the access roads. The Glen is already overflowing with cars and two parking spaces is inadequate;
- Emergency services have been hampered by parked cars, perhaps a new access should be considered from the Eythorne Road;
- If the site is large enough to support that number of large dwellings, then perhaps it could support its own road and more affordable sized housing;
- A small residential site will gravely and negatively impact on the local community which is detrimental to the public realm;

- A sewer feasibility survey for Penfold Gardens and The Glen was conducted in April 2016, this was due to current ineffective sewerage system and pumping station;
- Residents of the Glen already experience sewerage overspill, this travels back up the water pipes and either floods the gardens or backs up the toilets;
- The Glen and Penfold Gardens differ in style of house design, the houses in The Glen are two storey detached houses, properties in Penfold Gardens are bungalow maisonette style properties, the proposed properties will not conform to the rhythm and uniformity due to the different styles;
- The land will create a visual opening in the street and the new properties will be seen from The Glen and Penfold Gardens and will be an ugly and overbearing construction;
- There are no elevational drawings;
- The size of the houses are too large and are positioned to close together;
- The Glen and Penfold Gardens enjoy privacy and separation allowing the streets to be individual, whilst enjoying woodland views ;
- There is no ecological impact assessment, there are bats on the site;
- Amending the plans from 7 to 6 houses are still going to cause the same concerns;
- The land is confirmed as an area of scientific interest;
- How will emergency vehicles access the site;
- A footpath can cause anti social behaviour and motorcyclists can still gain access;
- Who will be responsible for the upkeep of the wooden fences separating the two roads?
- The developer is only interested in making money and no thought has been given to existing residents and the village as a whole;
- Safety concern over children due to more vehicles;
- Concerns over the construction traffic;
- The proposed houses are set further back on the plans than the existing houses in The Glen, this will greater affect the views in The Glen;
- The original house, could be seen as historically important to the fabric of the village;
- The land could be used for land banking;
- There is the possibility of noise nuisance from a potential pumping station;
- This is an overdevelopment of the site;
- This would be overbearing on surrounding properties;
- Concerns over the land being potentially contaminated;
- There is no evidence of parking space provision for visitors;
- The boundary line between 15b and the development is misleading, the plan between 15b The Glen and the existing boundary line is only 1.35m not 3.87m;
- The boundary fence between 15b and the development is not 1850mm high but is a part close boarded fence and part interwoven panels with timber posts but is varying height to suit the site contours;
- The window in the flank elevation of 15b serves a lounge/dining room;
- Loss of light;
- The plans are not to scale;
- The loss of the established mature boundary hedge at the end of Penfold Gardens will have a negative impact on the character of the area;
- The detached dwelling in Eythorne Road would result in overshadowing;
- The residents have been ignored;
- A detailed site survey needs to be completed;

- The proposed dwellings should be chalet bungalows;
- Street lighting will need to be erected, impacting on resident and wildlife;
- Layout of proposal is inappropriate;

A pumping station is not a welcome addition to this site. All concerns in previous objections still stand so please refer to these before any decisions are made.

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

- 1.1 The site is within the village Eythorne, with a site area of 0.24 hectares. The topography of the site slopes from north-west to south east. A detached two-storey dwelling is sited adjacent to 16C The Glen and is not visible from Eythorne Road. This existing dwelling is in a bad state of repair and is not very accessible. The site has become overgrown and has a strong band of trees along the rear boundary. A landscaping band also exists along the three remaining boundaries, but is not as tall or dense as the rear boundary. There is no clear defined existing access visible into the site.
- 1.2 The adjacent properties fronting Eythorne Road are a mixture of different architectural styles and designs. Number 43 Eythorne Road is a detached two storey dwelling, with windows in the flank elevation overlooking the site, with off street parking to the front. Number 49 Eythorne Road is a detached bungalow with off street parking.
- 1.3 To the north west of the application site is The Glen which is generally characterised by detached 1960's and 1970's dwellings, with the exception of 16B and 16C being a pair of semi-detached dwellings.
- 1.4 Penfold Drive is mainly characterised by 1960's bungalow types to the north east of the site. To the rear of the site is East Kent Railway with a meadow and drainage ditch separating the application site and the adjacent railway tracks.

The proposal

Outline planning permission is sought with all matters reserved for six residential dwellings, with the existing house to be demolished.

All plans are illustrative which includes the layout and all matters are reserved. The drawing submitted indicates 5 x three bedroom dwellings, and a four bedroom dwelling. A pair of semi detached dwellings (plots 32 and 30 Penfold Gardens) and a detached dwelling 15C The Glen are located to the north east of the site, close to a railway track. Plots 17 and 19 are located within the middle of the site, whilst number 45 Eythorne Road is indicated as a four bedroom dwelling fronting onto Eythorne Road with access onto Eythorne Road.

Parking spaces for the proposed development are indicated to the front of plots 17, 19, 30, 32 and 45, whilst the parking space for number 15C would be to the north west of the property dividing this and number 15B The Glen.

No indicative elevations or street scene plans have been provided.

Planning Policy Guidance sets out that unless the applicant has indicated that the details are submitted 'for illustrative purposes only' (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.

2. Main Issues

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

- The principle of the proposed development;
- The impact on the character and appearance of the area;
- The impact upon residential amenity;
- Flooding and drainage;
- Ecology;
- Highway safety.

3 Assessment

Principle of Development

- 3.1 Policy CP1 of the core strategy identifies the location and scale of development for settlement in terms of hierarchy. Eythorne is defined as being a settlement type as a village which is suitable for an appropriate scale of development that would reinforce its role as a provider of services to essentially its home community.
- 3.2 Policy DM1 of the Core Strategy identifies that development on land outside rural settlement confines unless specifically justified by, amongst other things, other development plan policies or where the development functionally requires such a location. The proposed dwellings would be located within the confines and therefore the development complies with the Core Strategy.
- 3.3 The application site consists of a detached house in a bad state of repair on an overgrown site. Paragraph 118 of the National Planning Policy sets out amongst other things that 'planning decisions should promote an effective use of the land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. It continues to set out that 'planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. In this instance the proposed development would be sited on a piece of land that was once used for residential use within the existing settlement boundary of Shepherdswell. The principle of dwellings in this location are considered to be acceptable and significant weight should be applied in this instance, subject to other material considerations. The proposal is therefore considered to comply with the aims and objectives of the National Planning Policy Framework.

The impact on the character and appearance of the area

- 3.4 The development is in outline form with all matters reserved. As such the drawings in terms of layout that have been submitted are illustrative in form and are designed to show how the proposed development could be accommodated on the site.
- 3.5 The Design and Access Statement considers the existing typology and patterns of development in the surrounding area and a site section has been submitted to demonstrate how the proposed development could appear on site.
- 3.6 The proposed development although illustrative, demonstrates the site layout suggests a form of development sympathetic with the existing surroundings. The density is considered to reflect that of the properties within The Glen, Penfold Gardens and Eythorne Road and is therefore not considered to be an overdevelopment of the site.
- 3.7 Plots 15c, 30, 32, 17 and 19 are indicated as following the same scale and form as the properties within The Glen. Plot 45 is considered to continue the scale of the properties within Eythorne Road which are considered to be of a larger scale than those directly to the rear. It is considered the proposal would comply with the aims and objectives of paragraph 127 which sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for a short time but over a lifetime of the development.
- 3.8 Some concerns have been raised by third parties in respect of a footpath connecting The Glen and Penfold Gardens. This is considered to promote social interaction including opportunities for meeting between people who might not come into contact with each other. The street layout would allow for easy pedestrian and cycle connections within and between neighbourhoods, and have active street frontages as set out in paragraph 91. Paragraph 91 of the National Planning Policy Framework goes on to set out decisions should aim to achieve inclusive and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life for example through the use of clear and legible pedestrian routes, this is achievable through the introduction of this footpath. The footpath is further supported by paragraph 110 of the National Planning Policy Framework which states ' applications for development should give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas'.
- 3.9 The loss of some of the existing hedging is regrettable, whilst the landscaping is to be considered at a reserved matter stage, the indicative plan does show the retention of some of the existing trees within the site and some new planting on site. Paragraph 127 (b) sets out that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In this instance it is considered appropriate to impose a condition for the details of hard and soft landscaping to be submitted and approved to protect the visual appearance of the area and therefore comply with paragraph 127 of the National Planning Policy Framework. Give the importance of landscaping and given that replacement planting will be required, it is considered that it would be reasonable to bring forward the submission of full landscaping details relevant to the reserved matters applications.

- 3.10 For the reasons set out above the proposal albeit it in an outline application is not considered to adversely impact on the character and appearance of the area and is therefore considered being compliant with regards to the aims and objectives of the National Planning Policy Framework in particular paragraphs 91, 110 and 127.

Impact upon residential amenity

- 3.11 Paragraph 127 (f) sets out that planning decisions should ensure that all developments 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. The proposed layout indicates that the back to back distance between 45 Eythorne Road and plots 17 and 19 is approximately 32 metres, which would limit the potential for interlooking between the proposed dwellings and also be a sufficient distance to provide sufficient amenity space to serve the proposed dwellings.
- 3.12 In respect of plots 17/19 and 30/32 these are considered to reflect the building line of The Glen and Penfold Gardens with parking proposed to the front of the properties and private amenity space to the rear of the properties and therefore the potential for interlooking between these properties would be minimal.
- 3.13 The applicant has submitted some illustrative floor plans to demonstrate the layout of the proposed dwellings, from the plans submitted it would indicate the window within the flank elevation would serve a bathroom and could be obscure glazed and conditioned as such. However, full details would be submitted within a reserved matters application and the residential amenity could be fully assessed at this time.
- 3.14 Local residents have raised concerns over the potential impact the proposed development could have in respect of being overbearing on the adjacent properties. Careful consideration has been given to the illustrative layout especially in respect of 15B The Glen. The original submission showed two pairs of semi-detached dwellings to the rear of the site, which would have resulted in a separation distance of approximately 800mm dividing the proposed dwellings and the adjacent property 15B The Glen, which was deemed unacceptable and amendments were sought. The loss of one of these proposed dwellings to the rear of the site and the repositioning of the parking to the side of 15C The Glen, has mitigated against this concern and a dividing distance of approximately 4 metres is achievable to ensure the proposal would not adversely impact on the residential amenities of 15B The Glen.
- 3.15 With respect to plots 17 and 19 there is a distance of approximately 1 metre dividing these properties from the dividing boundaries, however number 16C The Glen (a detached dwelling) is set off the boundary by approximately 4.4 metres and therefore it is considered the proposal is not considered to have a detrimental impact in respect of being overbearing or result in harm to the residential amenities currently enjoyed by the occupiers of 16C The Glen.
- 3.16 The characteristics of numbers 28 and 15 Penfold Gardens consist of detached garages to the south, south east of these dwellings, with a dividing distance of approximately 10 metres separating these and the application site. Due to the characteristics of these houses and a substantial dividing distance it is considered that the proposal would not adversely impact on the amenities currently enjoyed by these occupants.

- 3.17 Some concerns have been raised over the potential impact the proposal will have on local residents during construction. Due to the characteristics of the site it is deemed reasonable to request a construction management plan prior to the commencement of development to include storage of materials, wheel washing facilities and hours of construction to protect the residential amenities of the local residents.
- 3.18 The application is for an outline application with all matters, which means full consideration will be given to the impact on residents amenities at the reserved matters stage. That said, based on the illustrative layout and for the reasons above the proposed development is not considered to adversely impact on the residential amenities enjoyed by the occupants of the surrounding properties and would ensure a high standard of living for future and existing occupants and complies with the aims and objectives of the National Planning Policy.

Flooding and drainage

- 3.19 Concerns have been raised over the flooding and foul water sewerage. Dover District Councils Senior Environmental Health Officer has set out they do not wish to object to the application, however have noted the comments from Southern Water in relation to the foul sewage system in this area of Shepherdswell and are aware of several historical complaints concerning failure of the SWA pumping station that serves properties in The Glen and additional load to the existing foul system should be closely examined.
- 3.21 Southern Water has set out that building over a public sewer is not acceptable but that it might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity. Southern Water has set out the requirements of any approved layout should incorporate measures which could be conditioned. In addition to this Southern Water has stated 'their initial investigations indicate that there are no public surface water sewers in this area to serve the development'. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer',
- 3.22 That said, Southern Water have suggest a condition should be attached in respect of the foul and sewerage disposal and this can be dealt with in this manner. In respect of this matter and based on the Southern Water and EH comments, it is considered reasonable to attach a condition in respect of the foul and surface water. In addition, to ensure that the risk of localised flooding is not increased, a timetable for the implementation of sewerage works (with no occupation until implementation) and maintenance, should be included.

Ecology

- 3.23. On site is a detached dwelling in a bad state of repair and local residents had concerns regarding the use of the dwelling as a summer roost by bats.
- 3.24 Dover District Council's Principle Ecologist raised concerns due to the condition of the garden (as indicated on Google Earth) and the proximity to the Local Wildlife Site (The Knees and Disused Railway Line) is such that the site is likely to support bats, which could use the dwelling as a roost. Four letters of representations were received which mentioned bats and two were specific in saying that bats may use the house as a summer roost and at this time permission could not be granted.

- 3.25 Subsequently the applicant was advised to undertake a bat survey in September 2018. Dover District Councils Principle Ecologist has reviewed the survey and has stated 'the bat activity survey indicated that the derelict house is not currently being used as a roost but has a very high potential to be used as such. Therefore, there are no objections based on biodiversity subject to a condition that the recommendations in the bat activity survey are carried out in full. The proposal is therefore considered to comply with the aims and objectives of the National Planning Policy Framework in particular paragraphs 174 and 175.

Highway Safety

- 3.26 At the time of the original submission Kent Highway Services raised no objection in principle to the access onto Eythorne Road to serve a single dwelling due to an existing vehicle crossing in the footway at this location.
- 3.27 However, there was some concern over the strips of land between the red line and the extent of the highway in Penfold Gardens and The Glen, in respect of the ownership and whether access could be afforded across this land.
- 3.28 Clarification were sought and amendments were received which overcome the concern of the ownership. Policy DM13 of the Dover District Council Core Strategy sets out 'planning provision should be a design lead process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Whilst the layout is indicative it does demonstrate that there is sufficient room available for off-street parking to ensure the development is unlikely to result in unacceptable parking on the highway subject to appropriate conditions and therefore accords with policy DM13 of the Dover District Councils Core Strategy.

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

- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 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.

- 3.33 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.
- 3.34 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.

Conclusion

- 3.35 In this instance substantial weight needs to be given to the value of using a suitable brownfield within a settlement for homes. The plans are for indicative purposes; only however it is considered the proposal would not result in material harm to the character and appearance of the street scene and surrounding area or adversely impact on the residential amenities of the existing and proposed occupants. In addition to this it is concluded here there is no undue harm in respect of biodiversity or highway safety. Therefore the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the National Planning Policy Framework and policies, CP1, DM1, DM11, DM12 and DM13 of the Core Strategy. As such I recommend that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the imposition of safeguarding conditions that relate to the matters set out below.

(G) Recommendation

- I. **PERMISSION BE GRANTED** subject to conditions to include: 1) time outline, 2) time reserved matters, 3) approved plans 4) samples, 5) design details, 6) slab levels, 7) cycle and bin storage, 8) parking and turning provision and retention, 9) surface bound material onto the highway, 10) no discharge onto the highway, 11) construction management plan, 12) visibility splays, 13) archaeology, 14) foul and sewage disposal details, 15) Hard and soft landscaping scheme with landscape implementation and timeline, 16) hedgerow & landscape protection measures, 17) surface water disposal 18) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs, 19) bat survey 21) submission of external lighting 22) details of boundary treatment, 23) joinery details.
- II. Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer - Karen Evans



Not to scale

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

Application: DOV/18/00643

Land on the West Side of

Moat Lane

Ash

CT3 2DG

TR28915835



a) DOV/18/00643 – Erection of a dwelling. Land on the West Side of, Moat Lane, Ash, CT3 2DG

Reason for report: Number of contrary views (28).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate 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.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework 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 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of

the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.

- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 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.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- 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

This states that 'the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group'.

Sections 66(1) and 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have

special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.’

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

d) **Relevant Planning History**

DOV/95/00644 - Erection of one dwelling. Refused. Dismissed appeal.

e) **Consultee and Third Party Responses**

Ash Parish Council

- It is outside the settlement confines of the village of Ash.
- Overdevelopment of the site due to size building
- Design of the building incompatible with the conservation area and the street scene
- The narrowness of the lane will cause safety and access issues for traffic and is unsuitable for further development.

Reconsultation: Ash Parish Council response received on 25 October 2018

- Design of the building incompatible with the conservation area and the street scene
- Access from Coombe Lane is not possible for large vehicles
- The building should be conditioned to finished in brick.

County Archaeologist

No objection subject to a watching brief condition.

Southern Water

No objection however an informative has been recommended to be attached to the permission.

Heritage Officer

- The layby is uncharacteristic of the rural lane.
- The building would dominate views from the rear of the listed buildings and the open rural character of the site.

Public Representations:

Twenty seven (28) representations received objecting to the planning application and raising the following relevant planning matters:

- out of proportion.
- set a precedent
- an architectural monstrosity devoid of imagination, creativity and intelligence
- detrimental to the local environment
- negative impact on local community
- overshadowing
- too large and not in keeping with the existing properties
- the lane has limited sight lines and blind bends
- lane is used by cyclists, horse riders and dog walkers

- increased traffic on Moat Lane
- detract from the setting of a Conservation Area
- unsightly and overpowering
- harm to TPO trees adjacent to the site
- increased noise and disturbance

Two (2) representations received supporting the planning application and making the following comments:

- not cause strain to the existing sewer system
- it is not in a Conservation Area
- the application has a purposefully designed a lay-by in the road to help with traffic
- nice house instead of an overgrown piece of land

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

1.1 The application relates to a triangular parcel of land sandwiched between Holly House to the west and Three Chimneys to the south. The site appears to have recently been cleared off vegetation and is relatively flat. The application site lies on the smooth bend of Moat Lane and abuts the southwest edge of the road. For the purposes of planning, it lies outside the confines of Ash (defined as a local centre in the policy CP1 of the Core Strategy) and within the countryside. The application site has an existing unmade (informal) access off Moat Lane. Opposite the application site across Moat Lane to the northeast, there is a row of listed terraced properties which back onto Moat Lane and front The Street. To the southwest of the site is the open countryside. To the southeast along Moat Lane lie farmsteads including Moatwell and Moat Farmhouse.

1.2 The proposal seeks full planning permission for the erection of a two storey 4 bedroomed detached dwelling. The dwelling would have a hipped roof. The dwelling would be 7.2m in height, 11.2m in width and 8.5m in depth. It would have timber fenestration and riven style slate roof. Two offstreet car parking spaces have been proposed to the western edge of the dwelling. The western and southern boundaries of the application site would have 1.8m high close boarded wooden fence together with some vegetation along the boundaries.

1.3 Concerns were raised regarding the orientation, external finish of the building, and the layby proposed. It was considered that the proposed dwelling, by virtue of its overall scale and proximity to the lane, would result in an undesirable impact on the listed buildings backing onto Moat Lane whilst the proposed layby would detract from the modest character of the rural lane. With a view to mitigate the above concerns, following recommendations were made:

- The detailing of the dwelling including the proposed through colour render was recommended to be amended to exposed brickwork.
- The semi-open front porch was recommended to be simplified.
- The proposed layby was recommended to be removed and instead, a denser hedge was recommended to be proposed along the front boundary of the site.
- Finally, the orientation of the dwelling was recommended to be orientated east-west such that the proposed dwelling's ornate elevation did not face the rear elevations of the listed buildings but overlooked Moat Lane to the southeast. Also, the chimney was recommended to be moved to the south side elevation. Essentially, the dwelling would be sited at an angle with the

lane with its simpler side elevation facing the rear elevations of the listed buildings such that it would be subservient rather than compete.

The applicant's agent was forthcoming and the amended drawings were received on 01 October 2018.

- 1.3 The dwelling would sit at a distance of 10.7m from Holly House (to the west) and 16m from Three Chimneys (to the southeast).

2 **Main Issues**

- 2.1 The main issues are:

1. The principle of the development
2. The impact on the character and appearance of the area
3. The impact on residential amenity
4. The impact on the highway network
5. The impact on ecology

ASSESSMENT

Principle of the development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that 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. The application site lies immediately adjoining the settlement confines of Ash which is defined as the Local Centre within the Core Strategy. Consequently, the development is contrary to the development plan.
- 2.4 At the present time the Council is unable to demonstrate a 5 year housing land supply. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. However, some weight should still be applied to Policies CP1 and DM1 of the Core Strategy. This states that development will not be permitted unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development uses.
- 2.5 Regard will be had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Impact on the Character and Appearance of the area

- 2.6 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.7 Regard should also be had to policy DM16 of the Core Strategy which generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- 2.8 The road (Moat Lane) serving the site is fronted by residential properties. Whilst the proposed dwelling would be visible from the countryside to the southwest, it would be seen against the backdrop of the existing terraced properties fronting and backing onto Moat Lane. Furthermore, an indicative landscaping scheme has been submitted with the application which makes it apparent that there will be vegetation along the southern and western site boundaries which will effectively screen the proposed dwelling to some extent in views from the southwest. This could be achieved by imposing a suitably worded condition with a view to secure a high quality landscaping scheme for the site. For the foregoing reasons, it is not considered that the proposed development would cause harm to the character and appearance of the wider landscape. As such, the proposal would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.9 The submitted amended plans demonstrate that the proposed dwelling would be sited at an angle with Moat Lane and maintain an appropriate setback from the road frontage (approximately 4.5m to 12.5m) and would have a larger footprint as compared to the immediately adjoining properties. A native hedge is proposed along the front boundary of the site which is considered to add value to the semi-rural character of the lane.
- 2.10 The street scene of Moat Lane predominately comprises of two storey detached and terraced dwellinghouses closely packed together. It is acknowledged that the properties do not conform to a particular architectural style with each property differing from the next. A mix of exterior finishes to the properties in the immediate area are noted which include plain render, painted brick, exposed brick work and timber weatherboarding. Also, the properties in the area incorporate a variety of fenestration materials although timber is prevalent. It is also noted that some properties are setback from Moat Lane whilst some (towards northwest) sit on the edge of Moat Lane. As such, there is no strong building line dictating the alignment of the dwellings. The amended location of the dwelling has been designed so that the visual relationship between the listed buildings to the north and the countryside would be maintained. Following the receipt of the amended drawings, a discussion has been had with the Heritage Officer regarding the amended scheme. The Heritage Officer was satisfied with the amendments and did not raise any further concerns.
- 2.11 The proposed dwelling would be finished in brick with timber fenestration and riven style slate roof. Whilst the proposed dwelling would be readily visible in Moat Lane, having regard for the siting, scale, separation distance and detailed design of the proposed dwelling, it is considered that the proposal would respond to the prevailing character of the existing buildings and the pattern of development within the locality.

To ensure the retention of the existing character of the lane, a suitably worded condition could be attached to remove the permitted developments rights including Classes A, B, D and E.

- 2.12 In conclusion, it is not considered that the proposal would cause harm to the character and appearance of the street scene, the Conservation Area or the setting of listed buildings across Moat Lane to the northeast. Therefore, the proposal is considered to be in accordance with the Sections 66(1) and 72(1) of Planning (Listing Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development would cause no harm to the significance of the heritage assets or their settings.

Impact on Neighbours

- 2.13 The finished dwelling would lie at a distance of approximately 10.7m from Holly House (to the west) and 16m from Three Chimneys (to the southeast). Having regard for the substantial separation distance, it is not considered that the proposed dwelling would cause a sense of enclosure, loss of light or overshadowing. Furthermore, no first floor level windows have been proposed to the elevations facing the neighbouring properties on either side. Therefore, no harm from overlooking would occur from the proposal. To mitigate any potential for overlooking in the future, a suitably worded condition could be imposed to remove the permitted development rights for the insertion of any new openings within the south (side) elevation.

Living Conditions of Future Occupiers

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

Highways/Travel Impacts

- 2.15 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional (albeit modest) travel in a location beyond settlement confines. However, the harm caused by the proposal in this respect is, at worst, negligible. The development would also be located such that it would support the facilities and services in Ash, in accordance with the NPPF.
- 2.16 The development would provide a new vehicular access onto the site from Moat 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 2.4m x 43m).
- 2.17 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate two open car parking spaces within the site, meeting the needs generated by the occupiers of the dwelling.

No formal visitor parking is shown, although it would be relevant to note that there is onstreet parking along The Street (50m away from the site) to the north. Having regard for the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy.

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

Ecology

- 2.19 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

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

- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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.
- 2.24 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

- 2.25 The application site lies within the historic village of Ash and is adjacent to a Roman road which runs from Canterbury to Richborough. Roman remains including cremations and evidence for occupation have been found a short distance to the west, close to a presumed junction on the Roman road network. Given the above

KCC Archaeology are of the view 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

- 2.26 Concerns have been raised by third parties 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.

Other material considerations

- 2.27 At present, the council is unable to demonstrate a five year supply of housing land. As such, it is considered that the Councils relevant policies for the supply of housing are out of date.
- 2.28 NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.
- 2.29 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.
- 2.30 With regards to the social role, it is considered that the proposal would result in the creation of a high quality environment together with providing a family home in the village (where the Council cannot demonstrate a 5 year housing land supply).
- 2.31 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural character of the area and equally no wider landscape impact is envisaged from the proposal. The application site abuts the settlement confines of Ash and has fairly good access to the public transport and facilities and services of the Local Centre 'Ash' such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objective of the NPPF.
- 2.32 In conclusion, taking the above facts in the round, it is considered that the proposed dwelling would lie in a sustainable location and would not result in any adverse impacts. It is concluded, therefore, that the material considerations of this case indicate that permission should be granted contrary to the development plan.

3.0 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, that require, amongst other things, planning to take account of the different roles and character of different areas and to recognise the intrinsic beauty of the countryside. Furthermore, in the absence of a five year supply of housing in the District and given the aim of the Framework to boost significantly

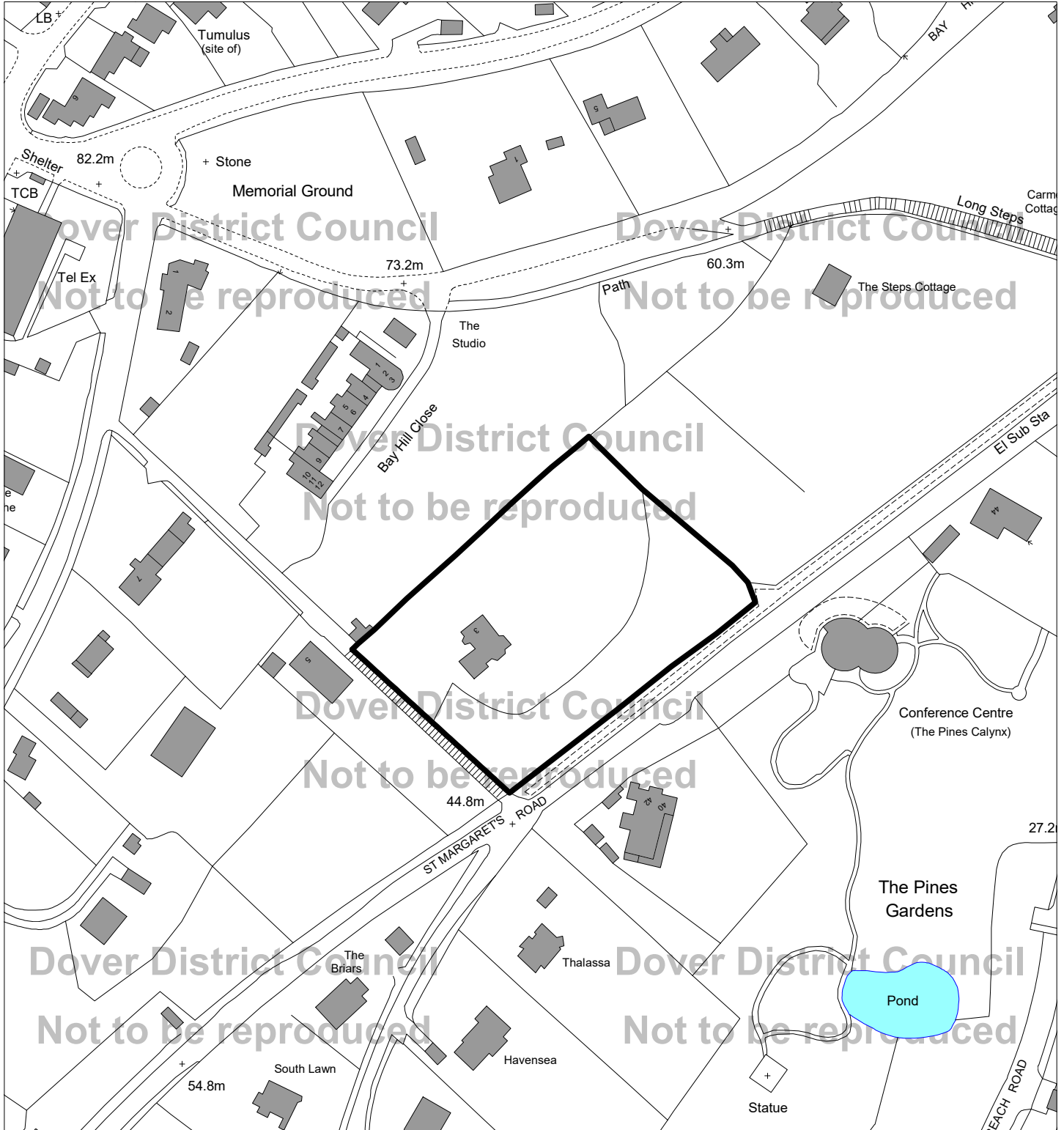
the supply of housing, the application is strongly supported by the NPPF. It is therefore recommended that planning permission be granted.

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 2.4 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 south side elevation. (xii) bin storage details. (xiii) submission of window details (cills and headers) (xiv) retention of window reveals.
- 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

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Not to scale

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Application: DOV/18/00282

The White House

3 St Margarets Road

St. Margaret's Bay

CT15 6EQ

TR 3650 4429



- a) **DOV/18/00282 – Erection of a detached dwelling, associated landscaping works, creation of pedestrian access, and associated parking provision.**

The White House, 3 St Margarets Road, St Margarets Bay, CT15 6EQ

Number of contrary comments – (9)

- b) **Summary of recommendation**

Grant permission.

- c) **Planning policy and guidance**

Statute

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

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.

Saved Dover District Local Plan (2002) policies

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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- 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.

11. Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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...

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...

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 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.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

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.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Other considerations

St. Margaret's Bay Conservation Area – designated 1 November 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) – *In the exercise, with respect to any building or land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

- d) **Relevant planning history**

DOV/15/01282 – Erection of a detached dwelling and associated parking – REFUSED, APPEAL DISMISSED.

- e) **Consultee and third party responses**

DDC Heritage – informal discussion, no objection.

DDC Landscape/Ecology – no objection, following submission of information to address concerns regarding the functioning of the proposed green walls and how these would be perceived in the landscape. Commented on originally submitted ecological information, requiring up to date surveys which were subsequently submitted. Submitted information to be conditioned in any grant of permission.

DDC Trees – no objection, subject to conditions.

KCC PRoW – no objection, subject to informatives.

Southern Water – no objection subject to informatives regarding connection to the public sewerage system.

Public comments

Objections x9, Support x7, Neutral x3

Objections

- Construction traffic, blocking access to dwellings accessed from upper section of St Margaret's Road, and damage to lower section of St Margarets Road and dwellings located there.
- Garden grabbing.
- Badgers – disagrees with ecological report.
- Local designations – Kent Downs AONB, SSSI, SAC, Heritage Coast, Marine Conservation Zone.
- Green walls require maintenance.
- If conveyor used for materials this is a daunting proposal.

Support

- Eco-friendly – good design.
- Retaining wall removed, all Inspector issues from 2015 addressed.
- Award winning development.
- Innovative design to enhance conservation area.
- Other dwellings recently granted permission of a lesser quality.
- This kind of design should be encouraged.
- Unique property.
- Correct management would address construction issues.
- Supports energy system.
- Eclectic architectural styles in St Margaret's Bay.

Neutral

- Would rival Ness Point.
- Sympathises with local neighbours during construction period.
- Concern about noise from development.

f) **1. The site and the proposal**

1.1. The site

- 1.2. The application site is located south east and north west of St Margaret's Road, which curves back on itself down the valley side towards the bay in St Margaret's Bay. The site is adjacent to the lower level section of St Margaret's Road, but due to topography is accessed from the upper section of the road via a narrow access lane, which also doubles as public footpath ER42.
- 1.3. The site, which appears primarily as a sloping bank comprises the existing dwelling, The White House, which is located towards the south western corner of the site, approximately two thirds of the way up the bank. North and north east of the dwelling is a tennis court, which has been cut into the bank. Along the south eastern boundary of the is a dense grouping of trees which provides enclosure to the lower section of St Margaret's Road.
- 1.4. The application site is located outside of the St Margaret's Bay settlement boundary, diagonally removed to the south east by a distance of approximately 10 metres.
- 1.5. The site is located within the St Margaret's Bay Conservation Area, which is designated primarily in recognition of the low density development pattern, in which open areas of trees, grassland and other vegetation provide a verdant setting to relatively large properties occupying [in the main] similarly large plots. The relationship between the dwellings and the open spaces is a key part of this atypical conservation area, which stretches from the junctions of St Margaret's Road with Sea View Road and Goodwin Road in the south west just over 1km to the junction of Granville Road and Hotel Road, down to Bay Cottages in the north east.
- 1.6. The site is located opposite the Kent Downs AONB, the boundary of which is found on the south eastern side of the lower section of St Margaret's Road. The designation covers the Pines Calyx gardens and rises to the cliff top and along the valley to the south west. The AONB at this location also coincides with the Heritage Coast definition, although it is important to recognise that the site is outside of both of these designations.
- 1.7. Neighbouring the site to the north west is Bay Hill Close, a terrace comprising a mix of 12 dwellings, and The Studio (a small dwelling). To the west is 5 St Margaret's Road (Seven Seas) and the new property which was permitted to the rear of The Shrubbery. South east of the site on the opposite side of St Margaret's Road are numbers 40 and 42.
- 1.8. Site dimensions are:
 - Depth – 65 metres.
 - Width – 91 metres.
- 1.9. Proposed development
- 1.10. The proposed development is a four/five bedroom, two storey dwelling to be sited where the tennis court is currently located. The dwelling is designed in

contemporary aesthetic, with sharp detailing and well defined lines. It would have a flat roof, and, depending on the orientation of viewing, the floor plan would be laid out in a Z formation. At upper ground floor level the dwelling would feature two balconies, and across both levels the dwelling would feature glazed walls facing south east with the intention to capture views towards the cliffs and the bay.

1.11. The dwelling would have a green roof and green walls, with the intention of assimilating its form into the bank and existing vegetation which is located to its north west and north east.

1.12. The dwelling would be accessed from the existing site access taken from PRow ER42, which also serves the White House. The existing White House garage would be divided into two so as to also serve the new dwelling. Parking would also be available in front of the garage. From the parking area pedestrian steps would be constructed, which would lead down to the ground floor of the dwelling. Further steps to the side of the dwelling would lead to its lower ground floor and garden.

1.13. The site would be divided between the two dwellings, down to St Margaret's Road, initially with post and wire planting, which would then be complemented by native planting.

1.14. The dwelling would incorporate environmentally beneficial technology. The submitted information details the system as follows:

In the summer the solar panels work in normal operation heating the top of the thermal store first for instant use as hot water, limiting the amount of time the backup heat pump has to work. In the heating season the solar panels first put heat into the water/ice store heating it up to 20°C. The heat pump can then take the energy out of the water turning it ice when the house requires heating. By using the phase change between ice and water a far greater amount of energy can be stored (the equivalent of 2500 litres of a hot water storage tank) with minimal losses making the unit small and compact. Any excess solar energy then goes into the bottom of the Solus II thermal store pre-heating the water so the heat pump runs less.

1.15. Very similar technologies have been incorporated into other developments, most notably at Pentire House. The incorporation of such technologies is a recognised way to enhance the sustainability credentials of such developments.

1.16. Dimensions of the proposed building are:

- Depth – 15.3 metres.
- Width – 22.3 metres.
- Height – 7 metres (south east elevation), 3.9 metres (north west elevation).
- Distance from the White House – 21 metres.

1.17. Plans will be on display.

DOV/15/01282 and appeal

1.18. In 2015 an application for the erection of a zero emission dwelling, referred to as the ZEDBRA house, was refused and the subsequent appeal was dismissed. The dwelling now proposed is a revision of that refused under DOV/15/01282 and bears a number of similarities including the shape of the footprint and its proposed location. Key parts of the appeal consideration are as follows:

1.19. In reference to St Margaret's Bay Conservation Area

9. Approaching from the south west the cliff top is open and exposed, affording sweeping views across the valley to the settlement of St Margaret's Bay. From this viewpoint, the existing dwelling occupies an isolated position within a sparsely developed swathe of hillside, partially shielded by the tree screen running along the western boundary of the site, which limits the visibility of the building within its hillside setting. The proposed building would occupy the space immediately to the east of the White House. Its width would exceed that of the building which it would sit alongside. Whilst certain elements of its design such as the green roof seek to integrate the building in to its surroundings, other parts of the building such as the white rendered structural elements and contrasting dark grey panelling would be noticeable features that would contrast significantly with the natural features of the surrounding landscape.

10. The retaining wall housing the extended driveway and turning circle, rising to the full height of the White House, would be a particularly prominent feature, giving the impression of a continuous, linear built form connecting the two buildings. In views from the south west the new building would be particularly noticeable, as it would not benefit from the existing tree screening along the western boundary of the White House.

11. While the proposal would retain a level of spacing between buildings that would be consistent with other developments within the Conservation Area, the development itself would involve the erection of a substantial, prominent building in an area that is currently undeveloped. Furthermore, the large retaining wall necessary to facilitate vehicular access to the dwelling would lead to the impression of a continuous built form linking the two properties. The height and depth of the proposed retaining wall would result in an urbanising effect that would alter the balance between built form and the natural wooded environment to the detriment of the predominantly natural, wooded quality of the Conservation Area.

In reference to the AONB and Heritage Coast

20. The proposed development would affect views from within the AONB and surrounding designated Heritage Coast, through the gradual urbanisation of a part of the adjoining hillside which is currently undeveloped. The size and prominence of the building, together with the substantial retaining wall would be prominent features in views from the surrounding hills. This would draw the eye away from the natural features of the surrounding landscape. In consequence

the development would fail to conserve the setting of the AONB. For the same reason it would also harm the character of the surrounding undeveloped coast.

2. Main issues

- 2.1. The main issues to consider are:
- Principle of development.
 - Appropriate assessment.
 - Design, heritage and landscape.
 - Residential amenity.
 - Highways/transport.
 - Ecology (other).
 - Trees.
 - Sustainability and conclusion.

3. Assessment

Principle of development

- 3.1. The White House and its curtilage, which form the site, are located outside of the St Margaret's Bay settlement boundary. Accordingly, assessed against the adopted development plan, the proposed development would normally be considered unacceptable in principle.
- 3.2. There are, however, other material considerations, which under section 38(6) of the Planning and Compulsory Purchase Act 2004, add balance to the determination of this application.
- 3.3. Dover District Council, as the local planning authority (LPA), cannot demonstrate a five year supply of deliverable housing land. Normally, this would mean that the presumption in favour of sustainable development would apply, and that under paragraph 11 of the NPPF, permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 3.4. The case of the People over Wind and Sweetman, ruled on at the Court of Justice of the European Union in April 2018, has had implications for the adopted approach that the council had been utilising in respect of the potential impact of residential development on the European ecological sites at the Thanet Coast and Sandwich Bay. Until the ruling, the council had been factoring in an ecological mitigation scheme at the screening stage, meaning that no appropriate assessment (in accordance with the Habitats Regulations 2017) was required to be undertaken. The European ruling determined that mitigation measures could not be accounted for at the screening stage. Accordingly, on that basis that a likely significant effect on the European sites, resulting from residential development, incorporating single dwelling proposals, cannot be ruled out, an appropriate assessment must be undertaken.

3.5. Paragraph 177 of the NPPF states that:

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

It is important to recognise that paragraph 177 does not discriminate between schemes that pass the appropriate assessment and schemes that do not – it is simply the fact that an appropriate assessment is required.

3.6. Accordingly, the presumption in favour of sustainable development does not apply in the case of this application. In terms of policy DM1 and settlement boundaries this means that the policy can be afforded due weight, but the counter to this is that the council has previously acknowledged in submissions to public inquiries that the settlement boundaries do not carry full weight in light of the inability to demonstrate a five year supply of deliverable housing land. Paragraph 177 does not alter that fact as such.

3.7. The pragmatic approach in light of the nuances of whether the development is or is not acceptable in principle, and the degree to which this may or may not be the case, is to assess the individual merits of the proposal and make a balanced determination.

Appropriate assessment

3.8. As addressed above, the proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

3.9. The following appropriate has been undertaken on that basis.

3.10. *The Conservation of Habitats and Species Regulations 2017
Regulation 63: Appropriate Assessment*

3.11. *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.*

3.12. *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.*

3.13. *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.

- 3.14. *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.*
- 3.15. *Given the limited scale of the development proposed by this application, a contribution towards the Council's 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.*
- 3.16. *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.*

Design, heritage and landscape

- 3.17. **Previous appeal.** The Inspector acknowledged in the appeal under DOV/15/01282 that the site is not particularly visible from close by, and rather that it is when it is viewed from the opposite side of the valley on the slope up to the cliff edge and along footpaths ER38 and ER37, that its prominence is revealed.
- 3.18. Currently the location of the proposed dwelling is occupied by a tennis court which has been cut into the prevailing landform, with a unsympathetic edge exposed to view.
- 3.19. The Inspector raised concern that under the previous proposal, the intended continuation of the driveway, in effect linking the White House to the proposed house, which was to be finished in white render, would read as a single linear form and unacceptable urbanisation of the hillside at this location, regardless of the intention to tie the dwelling into the landform with its green roof. This was also true of the white rendered elements of the building and dark cladding panels.
- 3.20. The proposal now under consideration has addressed those concerns by removing the extended driveway entirely and replacing this with a set of steps set back from the existing retaining wall, and set back from what would be the front elevation of the dwelling. This proposal also extends the green roof concept from the original scheme into a green wall proposal so that the opportunities for

the dwelling to contrast with its setting would be in a large part reduced.

3.21. In amending the design in light of the Inspector's concerns it is considered that the impacts or potential impacts on the setting of both the heritage coast and Kent Downs AONB are adequately addressed, bearing in mind that these would be issues of setting, rather than development within the designations themselves.

3.22. **Spatial character and heritage considerations.** The Inspector previously acknowledged that:

...the proposal would retain a level of spacing between buildings that would be consistent with other developments within the Conservation Area...

3.23. This is considered true of the revised proposal, which while taking cues from the previous application, has also reduced the dimensions of that scheme and set the proposed dwelling back into the hillside, making use of the space where the extended driveway would have been sited. Accordingly, in terms of the conservation area, it is considered that the proposal would not be contrary to the terms of the designation, and that in the wider context, taking into account design amendments since 2015, no harm would be caused to the heritage asset.

3.24. While the relatively undeveloped nature of the hillside is acknowledged, the OS map nevertheless gives an indication of the existing buildings in the area, which accounting for the spaciousness of the conservation area, are located in relatively close proximity around the site on three sides. Were this dwelling to be permitted, it is not considered that in spatial terms it would be particularly out of character.

3.25. **Building design.** Design is acknowledged as being a subjective issue. A key consideration for whether this dwelling can be justified is based on the quality of its design, which if acknowledged, would be a material consideration in favour of the proposal. Paragraph 131 of the NPPF has a key part to play in this consideration, advising that:

... great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

3.26. It is noted that the proposed dwelling is considered to fit within the overall form and layout of its surroundings, and the proposed eco-friendly credentials of the building are also acknowledged.

3.27. The design itself is considered to be of a high standard that responds well to its location on the hillside overlooking St Margaret's Bay. The previous extended driveway, identified by the Inspector, has been removed and this is considered to benefit the design quality of the proposal, allowing the dwelling to be seen as a standalone form.

- 3.28. As with the previous proposal, the dwelling would benefit from sharp detailing and clean edges that evoke a contemporary aesthetic. This is tempered somewhat by the green walls that have been introduced as a response to the comments of the previous Inspector, however, this itself is considered to be beneficial, enabling the dwelling to combine an organic, softer form, with its more striking aspects.
- 3.29. The dwelling is considered to be a contemporary interpretation of a seaside dwelling, that also works within its site, and as such is considered to meet the criteria of NPPF paragraph 131. It is therefore considered that the design of the proposal should be afforded great weight in the determination of this proposal.
- 3.30. **DM15 – Protection of the countryside.** Policy DM15 states that development “which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
- i. In accordance with allocations made in Development Plan Documents, or
 - ii. justified by the needs of agriculture; or
 - iii. justified by a need to sustain the rural economy or a rural community;
 - iv. it cannot be accommodated elsewhere; and
 - v. it does not result in the loss of ecological habitats”.
- 3.31. The preliminary text to policy DM15 identifies that land within the curtilage of buildings is not considered to be countryside for the purposes of the Core Strategy. Therefore, it is a matter of whether the proposed dwelling would adversely affect the character or appearance of the countryside. For the reasons given above this is not considered to be the case. As such, it is considered that the proposed development complies with policy DM15.
- 3.32. **DM16 – Landscape character.** Policy DM16 states that development “that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
- i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.”
- 3.33. As assessed above, it is not considered that the development would harm the character of the landscape. Accordingly, it is considered that the proposal complies with policy DM16.
- 3.34. The proposed development is therefore considered to be acceptable in terms of its design and how this could be accommodated into the immediate and wider landscape. As noted, the design is considered to be of a high standard that would facilitate that would benefit the area generally as a best practice example.

Residential amenity

- 3.35. As acknowledged, the proposed dwelling would conform to the prevailing

settlement pattern of the conservation area in terms of how the dwellings relate to the space around them. A result of this is that the proposed dwelling is not sited in a way that the building itself would result in any harm to residential amenity.

- 3.36. A number of comments have been submitted, however, that raise concern about the prospect of conflict arising from construction vehicles using the PRow to access the development site. The access lane from the upper section of St Margaret's Road is wide enough only for one vehicle and past experience of construction on this lane has not been without difficulty.
- 3.37. Were permission to be granted, a construction management plan would be sought by condition that could seek to address some of these issues, e.g. the timing of deliveries etc.
- 3.38. It is correct to acknowledge, however, that such considerations do tend to fall into the category of civil matters and that it is not considered that construction concerns could legitimately warrant a ground for refusal. Accordingly, the proposal is considered to be acceptable in terms of residential amenity.

Highways/transport

- 3.39. The proposed development would utilise an existing access on to St Margaret's Road. Given that it is for an additional single dwelling, it is unlikely to result in a severe impact on the functioning of the highway. The proposal incorporates sufficient parking space, which means that there would be no on street parking.
- 3.40. In terms of the site location outside of the settlement boundary, it retains a close enough proximity to the boundary that residents of any new dwelling would be as likely to make use of public transport (the nearest stop is 220 metres away along walking routes) as would a resident living within the settlement boundary.
- 3.41. The proposal is considered to be acceptable in highways/transport terms.

Ecology (other)

- 3.42. The preliminary report submitted with the proposal recommends typical ecological enhancement measures including the planting of native shrubs and trees to support local biodiversity, and consideration of lighting with regard to bats foraging in the area. These enhancements would be secured through planning condition.
- 3.43. The report also identified the need for further survey work in relation to badger setts on the proposal site. Four setts have been identified, one of which is unlikely to be affected by the development proposal and one of which is currently unused. However, there is potential for harmful effects, necessitating appropriate ecological measures as follows:
- A licence under the 1992 Protection of Badgers Act must be applied for if

planning permission has been granted to allow for contingencies primarily relating to the accidental penetration or damage to hidden badger tunnels and the temporary sett closure that is required. The process of acquiring this will provide mitigation details that, in summary, consist of:

- Separation of the badger setts from the working part of the site by means of a protective fence.
- Fencing off sett one to prevent it from being accidentally damaged.
- Supervision of the digging required for the extension of services eastwards from the existing connection above the White House. This will need to be carried out between July to November inclusive of any one year.
- The temporary closure of setts 2, 3 and 4 to prevent a breach of the law by accidental penetration of tunnels. This will need to be carried out between July to November inclusive of any one year, whereafter the setts can be reopened at any time.

3.44. The ecological report concludes:

Overall, provided that the risk of damaging or disturbing the setts on the site is managed by means of a licence issued under the 1992 Protection of Badgers Act, and if there is licenced, ecological supervision of excavation for the services' extension to Zedbra House from the existing driveway, there will be negligible risk of long term impact from the proposed building upon the badgers at this site.

3.45. The council is not a competent authority in regard to the Protection of Badgers Act, and must defer to Natural England to issue a licence for works to be undertaken. Similarly, the council cannot specify a condition that is reliant on another regulatory process taking place i.e. the issuing of the aforementioned licence. Accordingly, were works to take place without such a licence having been issued, the council would be reliant on the vigilance of neighbours or passers-by.

3.46. While there is a matter outstanding i.e. the issuing of the Natural England licence, this is dealt with under different legislation, and as such, in planning terms, the ecological aspects of the proposal are considered to be acceptable.

Trees

3.47. The DDC tree officer has no objection subject to the use of standard conditions for tree protection and the submission of an arboricultural method statement. Accordingly, the development is considered to be acceptable in this regard.

3.48. Previously there has been concern about the loss of a highly regarded tree on the access road to the site. This tree is not protected under any order, although does benefit from protection due to being located in the conservation area. As such, it would be expected that this matter would be addressed within any construction management plan.

3.49. A high quality landscaping scheme would be sought through condition to accompany any permission.

Sustainability and conclusion

- 3.50. The three roles that planning must undertake in delivering sustainable development are its economic role, its social role and its environmental role. While the presumption in favour of sustainable development is not applied in the determination of this proposal, consideration against these three aspects, in light of the complex policy environment, is considered to be a pragmatic way of assessing the proposal.
- 3.51. **Economic.** The proposed development would deliver time limited benefits in terms of local construction work. It would also potentially deliver a small ongoing benefit in terms of new residents to the area, assuming that they have not moved within the district. There would be no adverse economic effects.
- 3.52. **Social.** The proposed development has the potential to deliver a small benefit in social terms, with new residents to the area. It would also represent a small benefit in terms of an additional dwelling to the Dover housing supply. There are unlikely to be any adverse social effects.
- 3.53. **Environmental.** The environmental impacts of the proposal are considered to be more balanced. The erection of the dwelling would alter the local landscape in that this prominent hillside would be developed further. However, this is considered to be balanced by the design of the proposal, which as assessed above, is considered to attract great weight for its quality. In adapting the original design from 2015 to take account of the specific harm that the Inspector identified on that occasion, the applicant has addressed the factors that meant design quality could not be afforded due recognition. In terms of the Core Strategy policies that protect the countryside and landscape character, for the reasons given above, it is considered that these have been complied with. There are also ecological considerations that must be factored in to the determination of this proposal, however, the appropriate assessment, as well as the submitted ecological report, also identify that development can proceed. It is worth noting that the majority of the land identified for development is currently occupied by a sterile tennis court for which there is no environmental benefit associated with its retention. Weight must also be given to the incorporation of sustainable technologies.
- 3.54. The development in effect, represents a small extension to the existing built form of St Margaret's Bay. Taking into account the context of the area, the permission of a dwelling at this location, based on the justification of its design quality, is not considered to be harmful. The land in question, while outside of settlement boundaries, is already domestic curtilage associated with the White House.
- 3.55. Based on the above considerations, the recommendation is to grant permission.

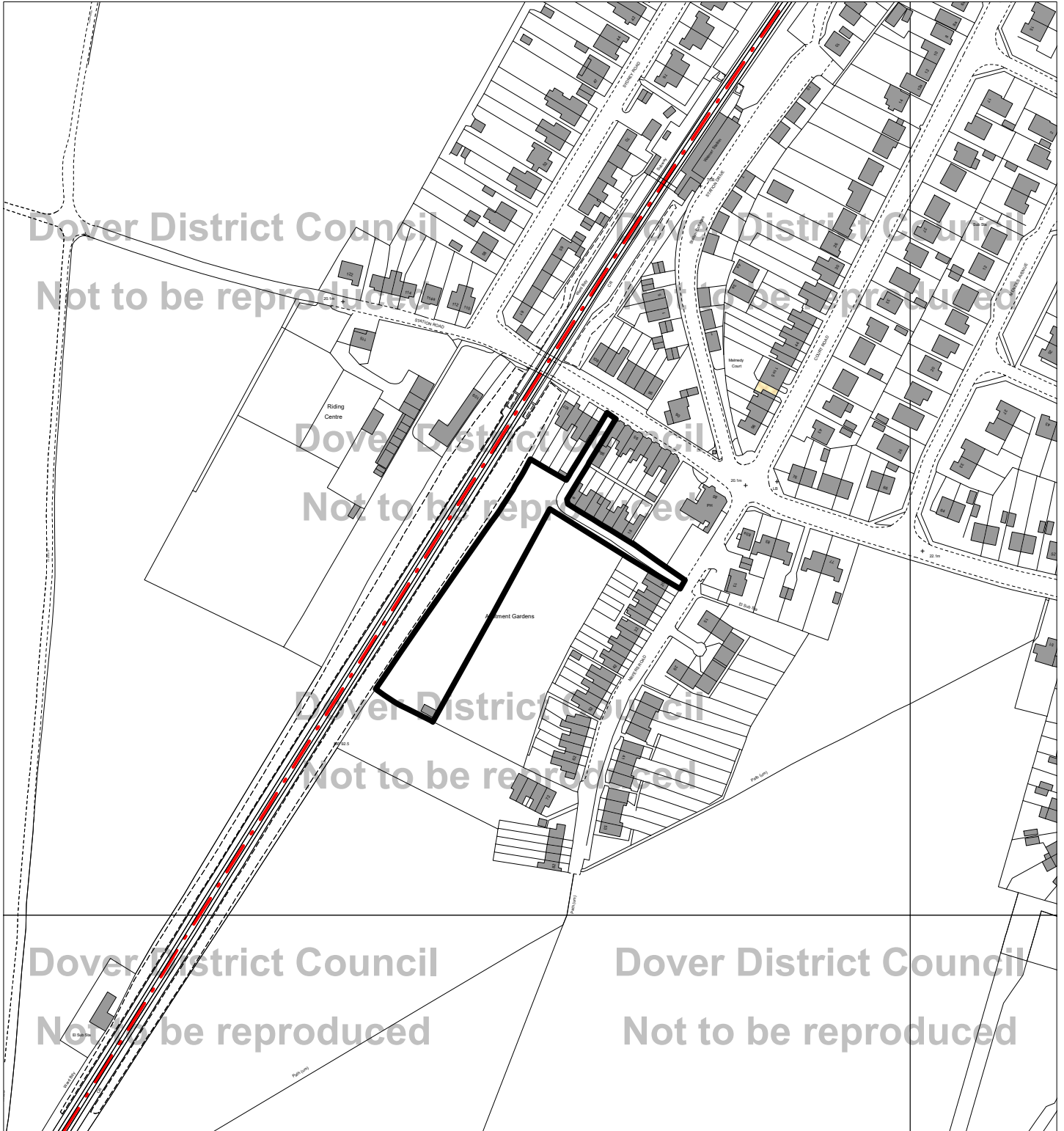
g) Recommendation

- I. Planning permission be GRANTED, subject to conditions, including: (1) Time (2) Drawings (3) Samples (4) Landscaping hard and soft, including means of enclosure and gates (5) Details of green walls and roof (6) Low reflective glazing (7) Concealed rainwater goods (8) Incorporation of sustainable technologies (9) Full details of lighting (10) Ecological mitigation and enhancement (11) Parking and turning area (12) Bicycle parking (13) Refuse storage (14) Tree protection (15) Arboricultural method statement (16) Levels/sections (17) Earthworks (18) Small-scale development (19) PD restrictions (schedule 2, part 1, classes A, B, C, D, E, F, G) (20) Construction management plan.
- II. 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.

Case officer

Darren Bridgett

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Application: DOV/18/00592

Land r/o Station Road

Walmer

CT14 7RH

TR 3630 5015



- a) **DOV/18/00592 – Outline application for the erection of 5no. detached dwellings with visitors car park and turning head (with appearance, landscaping, layout and scale reserved)**

Land r/o, Station Road, Walmer, CT14 7RH

Reason for report – Number of contrary comments (7, including Walmer Parish Council).

- b) **Summary of recommendation**

Grant permission.

- c) **Planning policy and guidance**

Statute

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

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.

DM25 – Open space.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover Land Allocations Local Plan

DM27 – Providing open space.

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 – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- 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.

11. Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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...

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.

d) **Relevant planning history**

On-site

DOV/87/00707 – Provision of 6 mobile homes as temporary accommodation during comprehensive improvements to dwellings – GRANTED.

Off-site (close proximity)

DOV/14/00361 – Erection of 223 dwellings (including 66 affordable units) together with associated vehicular access, car parking, landscaping and open space(amended plans) – GRANTED.

e) **Consultee and third party responses**

DDC Regeneration and Delivery (planning policy) – in response to information provided by the applicant regarding the open space designation and its history:

- *The Council does not claim that the area is identified as protected open space because it was formerly used as allotments*
- *A number of other open spaces identified in on the proposals map are not currently publicly accessible, as stated in DM25 these should not be developed unless there is no identified qualitative or quantitative deficiency in public open*

space. The point is that protected sites have the potential of becoming accessible open space.

- *In paragraph 3.16 the applicant makes reference to 'extensive areas of countryside and areas of open space' within 2km of the proposed development. This does not correspond with our adopted standards, as set out in the LALP, which require accessible green space state that there should be 'at least one accessible green space of minimum size 0.4ha should be available within 300m and at least one green space of 2ha within 15 minute walking time or 1,000km. In addition, 'countryside' is not the same as accessible open space. I estimate the site size as 0.7ha (no area seems to be provided within the documents), so it is more than large enough to provide an open space of the requisite size. The analysis provided does not examine quantities of amenity open space in the vicinity.*
- *There is no consideration of visual amenity in the documentation. As we discussed, the adjacent Station Road 220 house development has a layout which was very carefully considered, will create a landscape buffer to the south east. Any proposals for developing this plot should take the layout of the adjacent development site into account, even though the applicant is depending on provision of open space within that application to serve the proposed development).*

DDC Environmental Health – no objection, subject to contaminated land condition.

KCC Highways – outside of consultation protocol – requests informative relating to the extent of highways land.

Southern Water – no objection – informatives relating to sewer connection and location of development/planting in relation to sewers.

Network Rail – no objection, subject to informatives.

Walmer Parish Council – objects –

RESOLVED: - That the committee objects to the proposal for the following reasons:-

Members are unable to agree that the proposed development meets NPPF section 4 (32) requirement, in which all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

- a) That the proposed access/emergency access along Mayers Rd, is not fit for purpose due to parking related issues and general width of road. Members are unable to agree that the proposed development also meets NPPF section 10 (100) requirement of meeting the challenge of climate change, flooding and coastal change*
- b) Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Mayers Road is already subject to flooding concerns, especially from Court Road and Station Drive.*

- c) *Residents also shared their concerns regarding noise disturbance and excessive traffic within an already heavily congested area.*

Public comments – Objections x8 (x6 within consultation period), Support x13

Objections

- Mayers Road is too busy, there is no suitable site access.
- Development will spoil view.
- Site has benefitted from ecology in the past.
- Disagrees with submitted sustainability conclusions.
- Area would no longer be quiet.
- Concern about access for refuse vehicles.
- Concern about construction vehicles.
- Problems accessing Station Road would be compounded.
- Emergency vehicle access.
- Flooding issues around Mayers Road.

Support

- Site is used as a rubbish dump and has been a waste land for years.
- Proposal is sympathetic to fabric of area.
- Development would improve outlook of area.
- Bungalows suitable for elderly.
- Parking spaces will help functioning of access roads.
- Turning head will be a benefit.
- Sees no difference from when the site was used by the council for caravans when Mayers Road houses were being upgraded.
- Applicant has liaised with local community.

f) **1. The site and the proposal**

The site

- 1.1. The site is located outside of but adjacent to the Deal urban boundary south west of Station Road in Walmer and north west of Mayers Road. Forming the north west boundary of the site is the railway embankment of the Dover to Thanet line. The site comprises an elongated area of open scrub land, orientated south west to north east, with a concrete track that runs approximately half its length located in the centre.
- 1.2. The site is accessed by private roadways from either Station Road or Mayers Road.
- 1.3. The site is designated open space under policy DM25 of the Core Strategy. This designation incorporates land to the south east of the site, which was formerly used as allotments, but which appears to have been sold to residents on Mayers Road, and is now being assimilated into domestic curtilages.
- 1.4. Approximate site dimensions are:

- Depth – 125 metres (excluding access).
- Width – 22.5 metres (excluding access).

Proposed development

- 1.5. The application is outline in form with all matters except access reserved, for the erection of five detached dwellings. The dwellings are ostensibly, and illustratively, noted as being single storey.
- 1.6. The indicative drawings show that the dwellings would be laid out along the length of the site from north east to south west, with a single road providing access located alongside the south eastern boundary of the site. There would be a turning head at the south western end of the access road.
- 1.7. At the north eastern end of the site would be a car park with five spaces.
- 1.8. No examples of elevational details have been provided.
- 1.9. Plans will be on display.

2. Main issues

- 2.1. The main issues to consider are:
 - Principle of development.
 - Appropriate assessment.
 - Open space.
 - Street scene, visual and rural amenity.
 - Residential amenity.
 - Highways and traffic impact.
 - Other matters.
 - Sustainability and conclusion.

3. Assessment

Principle of development

- 3.1. The site is located outside of, but adjacent to, the Deal urban boundary, where it incorporates the southern edge of Walmer. Accordingly, assessed against the adopted development plan, the proposed development would normally be considered unacceptable in principle, as defined by policies CP1 and DM1 of the Core Strategy.
- 3.2. There are, however, other material considerations, which under section 38(6) of the Planning and Compulsory Purchase Act 2004, add balance to the determination of this application.
- 3.3. Dover District Council, as the local planning authority (LPA), cannot demonstrate a five year supply of deliverable housing land. Normally, this would mean that the

presumption in favour of sustainable development would apply, and that under paragraph 11 of the NPPF, permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

3.4. The case of the People over Wind and Sweetman, ruled on at the Court of Justice of the European Union in April 2018, has had implications for the adopted approach that the council had been utilising in respect of the potential impact of residential development on the European ecological sites at the Thanet Coast and Sandwich Bay. Until the ruling, the council had been factoring in an ecological mitigation scheme at the screening stage, meaning that no appropriate assessment (in accordance with the Habitats Regulations 2017) was required to be undertaken. The European ruling determined that mitigation measures could not be accounted for at the screening stage. Accordingly, on that basis, a likely significant effect on the European sites, potentially resulting from recreational pressure from residential developments, cannot be ruled out, and an appropriate assessment must be undertaken.

3.5. Paragraph 177 of the NPPF states that:

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

It is important to recognise that paragraph 177 does not discriminate between schemes that pass the appropriate assessment and schemes that do not – it is simply the fact that an appropriate assessment is required.

3.6. Accordingly, the presumption in favour of sustainable development does not apply in the case of this application. In terms of policy DM1 and settlement boundaries this means that the policy can be afforded due weight, but the counter to this is that the council has previously acknowledged in submissions to public inquiries that the settlement boundaries do not carry full weight in light of the inability to demonstrate a five year supply of deliverable housing land. Paragraph 177 does not alter that fact as such.

3.7. The pragmatic approach in light of the nuances of whether the development is or is not acceptable in principle, and the degree to which this may or may not be the case, is to assess the individual merits of the proposal and make a balanced determination.

Appropriate assessment

3.8. As addressed above, the proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

3.9. The following appropriate has been undertaken on that basis.

- 3.10. *The Conservation of Habitats and Species Regulations 2017 Regulation 63: Appropriate Assessment*
- 3.11. *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.*
- 3.12. *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.*
- 3.13. *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.*
- 3.14. *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.*
- 3.15. *Given the limited scale of the development proposed by this application, a contribution towards the Council's 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.*
- 3.16. *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.*

Open space

- 3.17. The application site is located on designated open space, as covered by policy DM25 of the 2010 Core Strategy, which states:
- 3.18. **Policy DM25** of the Core Strategy states:

Proposals for development that would result in the loss of open space will not be permitted unless:

- i. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or*
- ii. where there is such a deficiency the site is incapable of contributing to making it good; or*
- iii. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or*
- iv. in the case of a school site the development is for educational purposes; or*
- v. in the case of small-scale development it is ancillary to the enjoyment of the open space; and*
- vi. in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.*

3.19. The basis for policy DM25, as acknowledged in the Core Strategy, is to protect the spaces that have been identified from alternative uses, with a view that these identified spaces would form a small, high quality network.

3.20. The documentation submitted with the planning application contends that the site was identified as open space in connection with the former allotments located to the south east. Following this line, the applicant has provided evidence that shows the site has not been used for this purpose from some time after the 1960s until the present day, including a period in the 1980s when it was occupied by caravans while repair works were undertaken to local dwellings. It is important to recognise, however, that the LPA does not necessarily link the designation of the site with the allotments.

3.21. The site has been in private ownership for 40 years and that there is no identified proposal for how it is intended to form part of a high quality network.

3.22. The NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, including opportunities for new provision. Policy DM25 was adopted in 2010, with the latest audit prior to that date taking place in 2004 (the original designation was made based on an audit undertaken in the mid-1990s, which supported the Dover District Local Plan 2002). More recently, the Parks and Amenity Open Space Strategy from 2013, which provides the basis for policy DM27 adopted in 2015, has focused on accessible open space. The case put forward by the applicant is that this site, having been in private ownership for 40 years, has never technically in that time been accessible, regardless of how members of the public might have used it.

3.23. In its role as LPA, the onus is on Dover District Council to justify a deficiency that necessitates the need for this site to retain its designation as open space. Whatever the rationale might have been for the designation of this site, this would appear to be impaired by the assimilation of the allotment space into the

rear gardens of the dwellings on Mayers Road, and by the permission granted under DOV/14/00361 for 223 dwellings on land allocation LA14 – Land between 51 and 77 Station Road, Walmer. That site, now beginning the first stages of construction, will provide an extensive area, located in very close proximity to the south west of the application site, of natural and semi-natural green space, as well as providing a locally equipped area of play (LEAP) within the site.

- 3.24. No deficiency has been shown to exist, and certainly not one justified by a robust and recent assessment. Were there a deficiency identified, it is considered, notwithstanding the Regeneration and Delivery comments which are considered to be more applicable on a strategic basis, that for the reasons as discussed this site is incapable of addressing such a deficiency. Accordingly, the ongoing justification for this private land to be retained as designated open space would appear not to be as robust as the time of its original designation. Notwithstanding the tension with policy DM25, it is highly questionable (at best) that the site is capable of making good a deficiency in open space provision. Consequently, the weight attributed to any conflict with DM25 is considered to be limited.
- 3.25. **Policy DM27** seeks the provision of open space for developments of five dwellings or above. The policy states that:

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances contained in Table 1.2 and the capacity of those facilities can be expanded to meet the additional demand, then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements.

- 3.26. It is considered impractical to provide on-site open space, given the size of the site, the details of the proposal, and for the reasons as discussed above regarding the realities of retaining the open space designation. Accordingly, the policy would seek provision of a commuted sum for qualitative improvements off-site. The options for directing such a payment are, however, limited. The scheme permitted under DOV/14/00361 is in the early stages of development and any funding directed to that proposal would in effect be put into the control of a private enterprise, which is not a preferred approach. Where typically such a sum might be directed to a local scheme, there are no such local schemes proposed within the 600 metre walking distance. Accordingly, it is not considered that such a payment could successfully be pursued.
- 3.27. As such, it is considered that the loss of the designation on this site is justified, and regrettably, that seeking and distributing a commuted sum in this case is impractical.

Street scene, visual and rural amenity

- 3.28. The site is located behind both Station Road and Mayers Road. It is accessed by private roadways, which mean that it is not prominent within the street scene.

The site is approximately 37 metres from the highway at Station Road and 69 metres from the highway at Mayers Road. Accordingly, in terms of the street scene, it is not considered that any harm from the proposal is likely to arise, even accounting for the application currently being outline in form with no details of elevations.

- 3.29. In terms of the wider amenity around the site, in terms of the development plan, it is technically located within the countryside. However, the situation on the ground, whereby the north west boundary of the site is formed by the raised railway embankment, means that there would be no impact in terms of long range views.
- 3.30. Seen from the south west, the existing arable field, which is subject to planning permission to be developed as open space in connection with application DOV/14/00361, conceivably could provide a link through to the application site if it remained undeveloped, however, there is intervening land which remains in private ownership and is not designated for this purpose, so the likelihood of this is slim. Were the site to gain permission for housing, the existing backdrop of development, i.e. the rear of the dwellings on Station Road, would mean that it would not appear out of place.
- 3.31. In effect, the site is considered to displays characteristics more closely reminiscent of the urban area, rather than the countryside.

3.32. **Policy DM15 – Protection of the countryside**, states:

Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:

- i. In accordance with allocations made in Development Plan Documents, or*
- ii. justified by the needs of agriculture; or*
- iii. justified by a need to sustain the rural economy or a rural community;*
- iv. it cannot be accommodated elsewhere; and*
- v. it does not result in the loss of ecological habitats.*

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

- 3.33. The preliminary text to policy DM15 of the Core Strategy, defines land which is not considered to be countryside. This includes formal open space. Therefore, policy DM15 is not considered to apply in terms of the loss of countryside, and for the reasons as assessed above, the proposed development would not be considered to adversely affect the character or appearance of the countryside. The proposed development is therefore considered to comply with policy DM15.

3.34. **Policy DM16 – Landscape character**, states:

Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i. It is in accordance with allocations made in Development Plan Documents*

- and incorporates any necessary avoidance and mitigation measures; or*
- ii. *It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.*

- 3.35. Similarly to the assessment undertaken against policy DM15, the proposed development, for the reasons explained above, is not considered to harm the character of the landscape. Accordingly, the criteria under DM16 are not considered to apply to this proposal, and the application is considered to comply with policy DM16.
- 3.36. Therefore, in terms of the effect on the street scene, visual and rural amenity, the amount and type of development proposed could be successfully accommodated in the application site.

Residential amenity

- 3.37. Based on the submitted indicative drawings, the front (south east) facing elevations would be approximately the following distances away from the rear of the dwellings on Mayers Road:
- Rear boundary of allotments (now being incorporated into rear gardens) – 6 metres.
 - Rear boundary of Mayers Road gardens as defined on Ordnance Survey (OS) maps – 45 metres.
 - Rear elevations of dwellings on Mayers Road – 58 metres.
- 3.38. If the de facto use of the allotments as rear gardens is accepted, the dwellings would be in close proximity to the rear boundaries of these gardens. However, this is not known to be a definitive use and in any case, the rear garden boundaries as shown on OS maps are 45 metres to the south east, with rear elevations further still. These provide an indication of where the private rear amenity areas of these properties are and this is considered to be at a suitable distance that no harm might arise from overlooking.
- 3.39. The indicative side elevation of the dwelling at plot 1 is 16 metres from the rear garden boundaries of the dwellings on Station Road and 36 metres from the rear elevations. This is considered to be acceptable given that the gardens are therefore approximately 20 metres in length and given that in any case no elevational details have been provided. Were permission granted, such details could more accurately be considered as part of the reserved matters and designed to protect residential amenity as necessary.
- 3.40. The private access roads would see traffic movements associated with the five dwellings, including the residents themselves, visitors and deliveries, however, it is considered that such movements could be accommodated without resulting in undue harm in terms of disturbance caused. Although the proposed development is of a different type, it should be acknowledged that the allotment use which appears to have ceased/be reducing to the south east of the site would have attracted car movements at different times of the day and potentially to a similar

level.

- 3.41. It is considered that the scale of development proposed, combined with the distances between the likely locations of the dwellings and existing residents, means that any potential issues arising in terms of residential amenity could ultimately be addressed through design measures in a future reserved matters application. Accordingly, the development proposal is considered to be acceptable in residential amenity terms.

Highways and traffic impact

- 3.42. The proposed development is for five dwellings, using an existing access/accesses onto the highway network. Accordingly, the application falls outside of the Kent Highways consultation protocol.
- 3.43. Given the nominal use of the site in association with the allotment, which themselves appear to be becoming assimilated into the rear gardens of the dwellings on Mayers Road, it is considered that in terms of traffic movements associated with the development, it would not be likely to be so different as to result in a severe effect on the operation of the highway.
- 3.44. In terms of parking, the applicant proposes two independently accessible spaces per dwelling, which meets with the guidance set out under policy DM13. The application also includes a car park with five spaces, which the applicant is proposing would be used by new and existing residents on a first come first served basis. The guidance under policy DM13 requires 0.2 visitor spaces per each dwelling, so given that there are five proposed dwellings, this equates to a requirement of one visitor space. Therefore, four of the spaces in the car park are not strictly required, but could be seen as a benefit outside of policy requirements.
- 3.45. Policy DM11 – Location of development and managing travel demand, is intended to direct development towards sustainable locations, i.e. identified settlements with a range of services, which reduces the need to travel. The way in which this policy operates has been somewhat weakened by court cases relating to developments in the countryside, whereby even proposals which are noticeably removed from identified settlement boundaries are not considered to be isolated and there is some acceptance of private car travel as a necessity. In the case of this proposal, while it is accepted that the site is outside of the urban boundary, the nearest bus stop is 155 metres away and the nearest railway station is 245 metres away – in both cases this is closer than some dwellings identified as being within the settlement boundary. Therefore, the site is considered to be well served in terms of sustainable transport options, and as such, although there may strictly be conflict with the text of DM11, this would not provide a robust basis on which to object to the proposal.
- 3.46. The development is therefore considered to be acceptable in highways and traffic terms.

Other matters

- 3.47. **Emergency access.** A number of public comments have been made that question the ability of fire appliances to access the dwellings at the south western end of the internal site road. Indicatively, this road would be approximately 90 metres long, which meets building regulation requirements where an internal sprinkler is installed in the dwellings. The comments also reference the inadequacy of the proposed turning head in relation to, however, given that the application is outline in form it is conceivable that if necessary, the turning head could be designed to accommodate the turning dimensions of a fire appliance.
- 3.48. **Surface water flooding.** Concern has been raised in relation to surface water flooding at the site. It is considered reasonable to impose a condition seeking the submission of surface water drainage details alongside any reserved matters application.

Sustainability and conclusion

- 3.49. The three roles that planning must undertake in delivering sustainable development are its economic role, its social role and its environmental role. While the presumption in favour of sustainable development is not applied in the determination of this proposal, consideration against these three aspects, in light of the complex policy environment, is considered to be a pragmatic way of assessing the proposal.
- 3.50. **Economic.** The proposed development would deliver time limited benefits in terms of local construction work. It would also potentially deliver a small ongoing benefit in terms of new residents to the area, assuming that they have not moved within the district. There would be no adverse economic effects.
- 3.51. **Social.** The proposed development has the potential to deliver a small benefit in social terms, with new residents to the area. It would also represent a small benefit in terms of five additional dwellings to the Dover housing supply. There are unlikely to be any adverse social effects associated with the loss of this site, which unlike the area of designated open space to the south east, has not functioned as allotments within recent memory, and it is highly unlikely that the site could perform such a function in the future.
- 3.52. **Environmental.** The proposed development would result in the loss of designated open space, however, due to the historical context and the location of the site, screened by the railway line to the north west and complemented by a significant forthcoming provision of open space to the south west, this is not considered to be harmful. In spatial terms, it is considered that there is a justifiable rationale for the development of this site, which would reduce the need to identify land for five dwellings elsewhere in the district. There are shown to be no protected wildlife species present, which accords with the overall impression of the site in its current condition. The submitted ecology report recommends that although there are no protected species on site, there is the opportunity for

biodiversity enhancements, which would represent an environmental benefit. It is considered that the loss of open land can be seen as a small negative effect, however, this is considered to be balanced by the benefit that the development proposal could bring i.e. environmental enhancements, the offset need to deliver five dwellings elsewhere in the district, and the sustainable location of the site in immediate proximity to sustainable transport links, and close to local facilities.

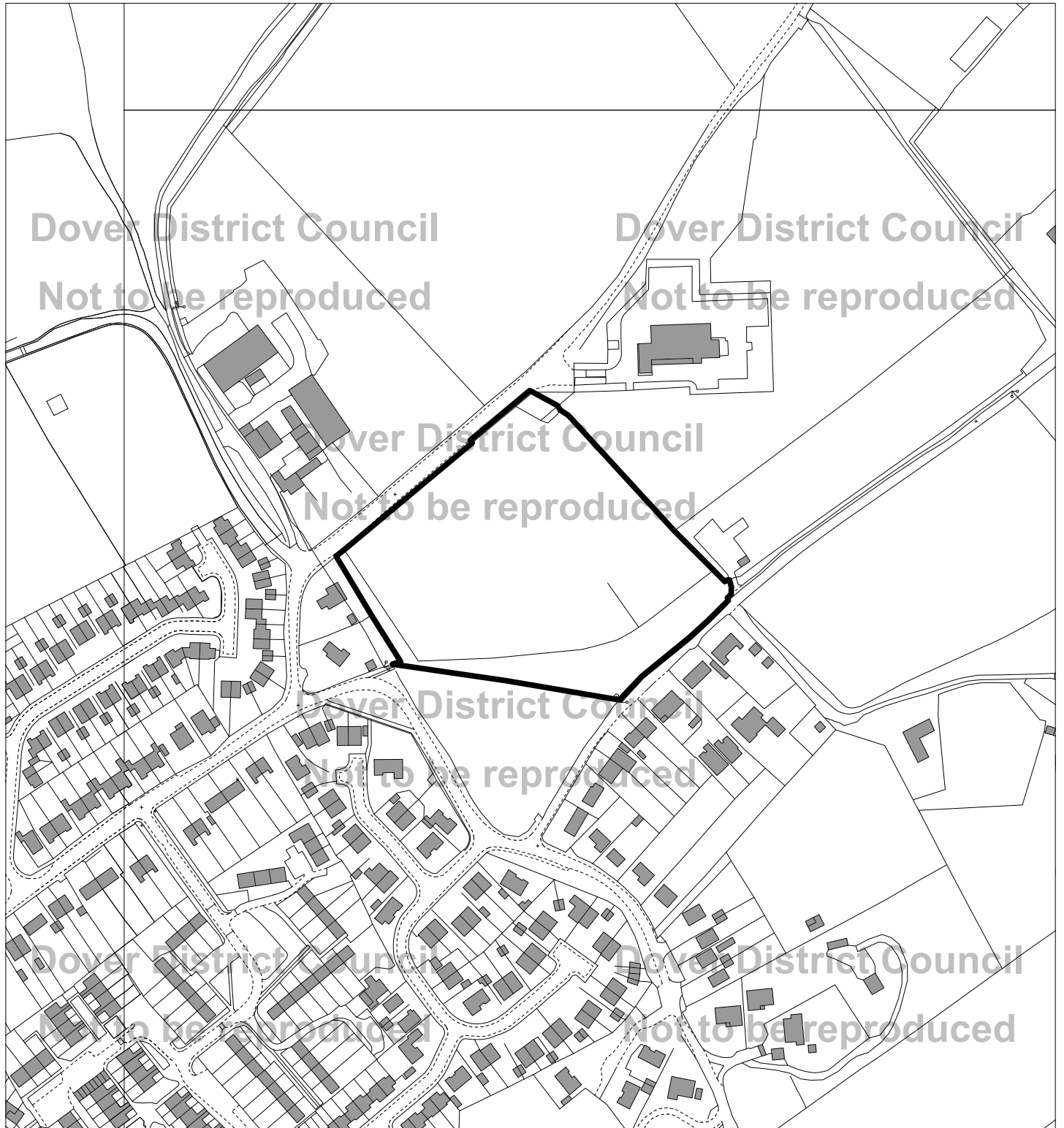
3.53. It is therefore considered, on balance, that any negative effects of the proposal are justified, and outweighed by the potential benefits, as described above. The recommendation in this case is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions, including: (1) Reserved matters (layout, appearance, scale, landscaping) (2) RM application time limit (3) Commencement time limit (4) Samples (5) Landscaping hard and soft, including means of enclosure (6) Highways – vehicle parking and turning facilities (7) Highways – completion of site access (8) Highways – cycle parking (9) Highways – completion of roads, footways, footpaths, verges, junctions, street lighting sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture in accordance with approved details by time to be agreed (timetable to be submitted) (10) Highways – completion of works between adopted highway and dwelling before occupation of dwelling – footways and/or footpaths; carriageways, turning facilities, highway drainage, visibility splays, street lighting, street name signs and highway structures (if any) (11) Highways – driver visibility splays (12) Highways – pedestrian visibility splays (13) Highways – no surface water on to public highway (14) Highways – bound surface (15) External lighting (16) Refuse storage (17) Domestic sprinklers (18) Site levels (19) Biodiversity enhancement (20) Surface water drainage scheme (21) Construction management plan.
- II. 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.

Case officer

Darren Bridgett



Not to scale

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

Application: DOV/16/01450

Land adjacent to Fernfield Lane

Hawkinge

CT18 7AW

TR 2219 4075



a) DOV/16/01450 - Outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved - Land Adjacent to Fernfield Lane Hawkinge CT18 7AW

Reason for report: Number of contrary views (15)

b) Summary of recommendation

Planning Permission be Granted, subject to conditions

c) Planning Policy and Guidance

Dover District Core Strategy Policies (2010)

CP3: Housing Allocation

CP4: Housing Market Quality and Design

CP6: Infrastructure

DM1: Settlement Boundaries

DM5: Affordable Housing

DM11: Location of Development and Managing Travel Demand

DM12: Road Hierarchy and Development

DM13: Parking Provision

DM15: Protection of Countryside

DM16: Landscape Character

DM17: Groundwater Source Protection

Land Allocations Local Plan (2015) (LALP)

DM27: Providing Open Space

National Planning Policy Framework (NPPF) (2018)

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

Paragraph 11 - Presumption in favour of sustainable development for decision-taking (known as the tilted balance)

Paragraph 12 states that development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 - Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

Paragraph 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 109 - Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, can be cost effectively mitigated to an acceptable degree, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 127 - Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 155 & 157 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 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.

Paragraph 165 - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

Paragraph 170 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) 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;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180- Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (inc. cumulative effects) of pollution on health, living conditions and the natural environment and aim to mitigate and reduce to a minimum and adverse impacts on health and quality of life arising from noise from new development; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 182 - Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were

established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Kent Downs AONB Management Plan –

Aims to ensure that the diversity of landscape character across the Kent Downs is properly described and understood, maintained and enhanced, and the strong sense of place of individual localities is recognised, reinforced and celebrated.

In addition that a landscape character approach is used to inform AONB management decisions and areas of opportunity and threat are identified and become the focus for action. Policy LLC1 in particular which sets out that the protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued

Affordable Housing Supplementary Planning Document and Addendum (SPD) (2011)

To identify the scale and need for affordable housing and to inform that planning obligations will be sought to secure affordable housing in connection with residential schemes of 15 or more dwellings.

Kent Design Guide (2005)

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

Kent Minerals and Waste Local Plan (2013-30)

Policy CSW 16 – Safeguarding Existing Waste Management Facilities
Policy DM8 – Safeguarding Existing Mineral and Waste Management Facilities

Noise Policy Statement for England (2010)

Provides further national guidance on the assessment, interpretation and mitigation in respect of noise on residential amenities.

d) Relevant Planning History

CH/6/71/0139 – Outline residential development – Refused

DOV/78/1092 – Use of land as informal play area – Granted

Adjacent Site: DOV/18/00034 (KCC/DO/0339/2017) – Change of use for wood recycling to produce biofuel together with ancillary power production - Granted

e) Consultee and Third Party Representations

DDC Ecologist - Both the ecological report and the LVIA are competent and neither biodiversity or landscape impact is a constraint to development here. No objections subject to a contribution to the TCMS through a s106 agreement.

DDC Strategic Housing - The planning statement submitted with the application makes reference to 6 dwellings being affordable. This equates to 30% of the total number of dwellings and therefore accords with the Council's planning policy in respect of affordable housing. Ideally, I would like to see 4 of the affordable homes

being for rent and 2 for shared ownership but this would be subject to further discussions with the developer and a housing association partner.

DDC Planning Policy - Object in principle. Note proposal is not a windfall site as it is outside of the defined settlement boundary. No objections to the proposed dwelling mix.

DDC Infrastructure Delivery Officer - No objection but notes the need to increase the capacity of the adjacent play area (even though it is located outside the Dover District), provided that the local parish council is willing to accept the contribution, calculated as £11,218. A contribution in line with the Thanet Coast and Sandwich Bay Mitigation Strategy will be required.

DDC Inward Investment - From my perspective, this is to be welcomed given the need to increase the deliverable range, scale and quality of accommodation in the Dover and Shepway areas.

DDC Environmental Health - I note that a new noise impact assessment conducted by Hepworth Acoustics (report number: P18-057-R02-V1) has been submitted, which now includes details of future mitigation methods. Environmental Health would no longer object to the application subject to conditions being imposed requiring noise mitigation works in accordance with the submitted report and contaminated land conditions.

KCC Highway and Transportation – The proposals are likely to generate around 11 two-way vehicle movements in the network peak hours, most of which are likely to be to/from Canterbury Road via The Street. Whilst a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development. Whilst the low traffic flows suggest there are seldom likely to be occasions when opposing vehicles will meet and need to give way approaching this short narrow section, visibility on the approaches can be improved by trimming back of vegetation in the existing highway verge.

A footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will be required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, and the detail of this can be resolved by condition and through a reserved matters application.

I note the comments from the bus operator regarding the existing turning arrangements for buses, however this is an existing long-standing situation which does not appear to create significant highway issues and, with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.

There is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated.

The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane.

Site layout is a reserved matter but the indicative layout indicates that sufficient parking and turning facilities can be provided within the site.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway that would warrant a recommendation for refusal on highway grounds, subject to appropriate conditions and informatives.

KCC Economic Development - Upon reviewing our file we clarify the request for Primary education contributions of £63,156.00 (£3324 per applicable house following the KCC review of Primary school costs in February 2017(x19)) upon this site are towards Martello Primary School expansion and £912.30 for Libraries book stock by way of a s106 contribution.

KCC Flooding - No objection to the development from a flood risk perspective. We would however highlight that the site is bordered by the Hawkinge historic landfill site at Fernfield Lane and this may have implications upon the siting of soakaways. In particular, there should be appropriate separation distance from any areas of waste and the discharge depth should be detailed to ensure the risk of pollution of groundwater is minimised. The Environment Agency should be consulted regarding these matters as these are outside of our remit. Providing the Environment Agency has no objection in principle to the use of soakaways on site and /or mitigating measures can be implemented, we would recommend conditions relating to details of a SuDS scheme are attached to any planning permission.

KCC Minerals and Waste - The adopted Kent Mineral and Waste Local Plan 2013-30 identifies all waste management sites with permanent planning permission as safeguarded. Policy CSW 16 requires the County Council to be consulted where other development proposals are at, or within 250 metres of such a site, and the determining authority of the proposed non-waste development shall take account of the Waste Planning Authority's views before making a decision. The County Council has adopted a Supplementary Planning Document that details how information should be presented for assessment purposes. For safeguarded mineral and waste transportation management infrastructure an Infrastructure Assessment should be prepared and submitted along with the applications supporting statement. Whilst an Infrastructure assessment has not been specifically submitted, the applicant's recent submissions on air quality and noise impacts can be regarded as fulfilling this purpose in relation to the application.

Air Quality Assessment: A detailed report that assesses the impact of dust/particulates from the current internal and external operations being conducted at the facility, in addition to the traffic that is associated with its operation has been submitted in support of the application. The report concludes that as the facility (as it is currently operating) will not generate significant volumes of traffic on local roads there will not be a significant impact at existing receptors.

Noise Impact Assessment: The acoustic investigation has assessed two elements of the current operations ongoing at the facility, they being (A) the operations occurring entirely within the existing building (including the drying of chipped wood materials) and (B) the operation of the wood chipping equipment external to the existing building.

(A) The noise levels associated with the waste management operations ongoing within the existing building indicate that the proposed adjacent site is exposed to fairly moderate levels of external environmental noise during normal day time operational hours. Such that any proposed rear gardens of the development site should be exposed to general outdoor noise levels (background and operational

noise from the site) that are below the upper external daytime noise limit of 55 dB LAeq as outlined in British Standard (BS) 8233 and the WHO Guidelines.

- (B) The noise levels were recorded when the external wood chipper equipment was in operation. It was found that the properties of the proposed development site would be unacceptably impacted upon in terms of amenity. Proposed Plot 7 (the most proximate to the wood chipper equipment) would experience between 63-78 dB LAeq. This equipment emits on operation, “a very loud sound with tonal elements” that when considering the background levels of some 45 dB LAeq would have an estimated 70 dB LAeq (when assessed using the BS 4142 ‘Method for rating industrial noise affecting mixed residential and industrial areas’). This noise would result in a significant adverse impact over any given one hour period. The applicant’s consultant report recognises that this impact would likely give rise to complaints from residents.

Waste Planning Use There is however some ambiguity regarding the planning status of the waste activity currently being undertaken on the site adjacent to the proposed housing site. The extant planning permission for the waste facility (ref. DO/92/1099) restricts the operation of the site with condition (2) that states:

"The development hereby permitted shall only be carried out and completed in all respects strictly in accordance with the submitted documents and drawings contained in the application hereby permitted and no variations or omissions shall take place without the prior approval in writing of the County planning Authority;

County Council regards the imported (for processing) wood materials to be a waste material and the external chipping/screening operations and subsequent internal drying operation to be waste management processes. However, based upon current evidence they appear not to be authorised by permission DO/92/1099 as they are not detailed as part of the operations pursuant to the above conditional planning permission. Notwithstanding this position, the County Council regards the site as a safeguarded waste management site due to its historic planning history, and one to which Policy CSW 16 applies. At present the County Council is in receipt of two further applications on the site for waste management activity. It also understands that the site operator intends to submit a further application for the existing waste activities which will be expected to identify all activities at the site, including those which currently fall outside the existing planning permission for the site. The extent of the lawful operations being carried out cannot therefore be fully established until there has been an opportunity for the County Council to consider the waste applications.

Conclusion The County Council notes that the applicant has provided sufficient information to demonstrate that the proposed development would be unlikely to be adversely impacted by dust and other air quality impacts through the operation of the external wood chipper/screener, the internal wood drying equipment and the associated vehicle movements. However, in their present location and current operational state, the wood chipper and screener (i.e. the activities outside) would be likely to give rise to unacceptable adverse noise impacts on future housing development. Given the established waste use and the evidence submitted, should the local planning authority be minded to determine the housing application in absence of greater clarity regarding interpretation of the lawful activities at this site,

then the District Council will need to take a judgement as to the acceptability of housing development adjacent to waste activity and the need for any mitigation.

Southern Water – The results of an initial desk top study indicate that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the waste water sewerage system and as a result increase the risk of flooding in and around the area, contrary to paragraph 109 of the NPPF. Recommend pre-commencement condition to submit for approval a drainage strategy detailing the proposed means of foul disposal and an implementation timetable to be submitted for approval in consultation. An informative is also required for the developer to enter into a formal agreement with Southern Water to provide the necessary infrastructure.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required such as a SuDS system and this should not involve disposal to a public foul sewer. Land uses such as hardstandings that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or interceptors.

Environment Agency - Holding objection withdrawn with the submission of the FRA subject to conditions including submission for approval of an environmental management strategy, a site investigation scheme and related options appraisal, remediation strategy, associated verification plan and no infiltration into the ground without consent. Without these conditions we would object to the proposal in line with paragraph 109 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Additional Information: The previous use of the proposed development site as agricultural landholdings presents a medium risk of contamination, in addition there are historic industrial uses adjacent to the site where pollutants could be mobilised by this development to affect controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 and located upon a Principal aquifer. The report submitted provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development if the adjacent land is taken into account in design and layout. Further detailed information will however be required before built development is undertaken.

Surface Water Drainage: The previous use of the proposed development site and adjacent land presents a medium risk of contamination that could be mobilised by surface water infiltration from any proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 and is located upon a Principal aquifer. In light of the above, we believe that the design of any SuDS infiltration system would need to be carefully considered in this location.

Southern Gas - Note that there is a mains gas pipe near the site but plans may not be accurate and advise that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Stagecoach South East - Site served by 73 and 16 services are understated in the report. The nearest bus stops are 400 m away (the nearest stops are those at Kettle

Drive) to reach the stops residents of the proposed development would have to walk about 200 metres along a narrow, unlit road with no footpaths. Buses serving The Street currently have to turn by running to Fernfield Lane and reversing into a private road, which is not really a satisfactory arrangement. The proposed development will inevitably generate some additional vehicle movements, which will make the current reversing manoeuvre even less satisfactory. We consider that the proposed development should include a bus turning area, similar to the arrangement at Hawkinge, Battle of Britain Museum. This will enable the bus to serve the proposed development directly, eliminating the reversing manoeuvre and the unsatisfactory walk to the bus stops in The Street.

Kent Police Crime Prevention – No objections subject to a standard condition in respect of Secured by Design measures.

Natural England - Designated nature conservation sites – no objection subject to securing financial contribution for mitigation.

The application site is within the zone of influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) which is a European designated site, and, therefore, has the potential to affect its interest features through increased recreational disturbance. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also listed as the Thanet Coast and Sandwich Bay Wetland of International Importance under the Ramsar Convention and also notified at a national level as the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, subject to securing mitigation and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects:

- There is a risk that the proposal could lead to a likely significant effect on the Thanet Coast and Sandwich Bay SPA/Ramsar site through increased recreational disturbance, in combination with other housing proposals in the area. However, this risk could be mitigated by securing appropriate financial payments to contribute to the Thanet Coast Mitigation Strategy, implementation of which will address recreational disturbance.

SSSIs: Subject to the above mitigation measures NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI named above have been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining the application.

Landscape advice: The proposed development is for a site within a nationally designated landscape namely Kent Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Your decision should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs. Alongside national policy you should also apply landscape policies set out in your development plan. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species: NE has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that NE has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Kent Downs AONB Unit - The application site is located in the Kent Downs AONB. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the Kent Downs AONB. The application should however be assessed with consideration to para 115 of the NPPF which confirms that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Footnote 9 to paragraph 14 of the NPPF is also relevant, which advises that even where policies in local plans are out of date, the presumption in favour of sustainable development is not applicable in AONBs.

While we do not agree entirely with the findings of the LVIA submitted, it is considered that the site is relatively well contained within the landscape. It is well related to Hawkinge and development here would represent a natural extension to the village. In view of this, together with the proposed incorporation of 30 per cent affordable housing, relative low density of development proposed and retention of existing vegetation both within and around the perimeter of the site, it is considered that there is scope for residential development here.

In order to meet the requirement for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural fringe location, should incorporate traditional building materials appropriate to its local context. In addition it is considered imperative that

development is restricted to no greater than two stories in height. The frontage treatment along Fernfield Lane will be particularly important, and we are concerned that the indicative layout proposed fails to achieve an appropriate standard in view of the large unbroken areas of hard standing proposed between the buildings.

The application proposes that existing vegetation is to be retained and it is important that this is appropriately secured in perpetuity by condition. We would recommend that the vegetation be retained outside of individual house boundaries to help secure this. We have concerns that there will be future pressure to remove/reduce the existing vegetation in view of its orientation to the south of the proposed houses. This is particularly acute in view of the limited amount of private external space available to plots 12 and 13. We welcome the proposed use of native species hedging. This should comprise species appropriate to the East Kent Downs landscape character area within which the site is located; page 26 of the Kent Downs AONB Landscape Design Handbook, provides further advice. We also support the use of chestnut cleft post and rail fencing as set out in the landscape strategy.

Rural Planning Ltd - Land most likely to fall within best and most versatile land category but the site is small scale and not in active agricultural use for some years. However to argue that loss of agricultural land is sufficient to warrant refusal would require the demonstration that the development is unnecessary as it could take place on other feasible sites of lower quality other than the application site.

Kent Wildlife Trust - No comments received

Hawkinge Town Council - no objection to the application subject to the Planning Authority considering the following concerns;

- Noise impact from the construction phase of the development and the noise impact from the existing Recycling Site on residents of the new development.
- Increase in additional traffic flow along 'The Street', during the construction phase of the development and on completion.
- Potential conflict between construction vehicles, the additional traffic from residents of the new development and the existing farm vehicles and local traffic using narrow lanes with sharp blind bends.
- Increase demand on local services and infrastructure such as schools, doctors, dentists, sewage, water treatment plants and roads.
- Review the existing bus route and turning arrangements in relation to the development prior to commencement on the scheme.
- Consider the provision of linking footpaths to and from the site, safely with existing footpaths.

Alkham Parish Council - No objection but consider that there is a lack of permeable hard landscaping to deal with surface water flooding, confirmation that there is adequate sewerage arrangements. Note the danger of contamination of land as it was previously a brickworks site. Investigation of a sound deadening scheme due to the close proximity of noisy businesses nearby.

Third Party Representations: A total of 15 representations have been received with the following concerns and objections:

- Development outside settlement boundary and in the countryside
- Loss of open space and wildlife habitat
- Impact on AONB
- Increased traffic generation and adverse impact on Highway safety and increased likelihood of accidents
- Increased Flood Risk as existing soakaways can't cope

- Large farm vehicles use the adjacent roads esp. at harvest
- Proposed access is opposite the farm entrance and will affect the farming activities
- Building housing on a landfill site and next to a waste transfer station is not a good idea
- Using the footpaths is already dangerous due to level of traffic and narrow widths or no footpaths
- Buses turning in the road is not safe and will be further compromised
- These are rural roads
- Existing blind bends in the road are already dangerous
- HGV's use the narrow roads for the waste transfer station on a daily basis and the nearby industrial use
- Hawkinge doesn't need more housing
- Inappropriate site for proposed development
- Unwelcome precedent in area
- Increased noise and disturbance
- Prominent location
- Brownfield site- contaminated land concerns as a landfill site
- Impact on the adjacent waste licence and adjacent uses if housing goes ahead
- Housing next to a waste management facility is not fair on future residents and is not compatible, failing KCC policies
- The noise assessment has not sufficiently considered noise from the existing waste use and the proposed mitigation measures are not sufficient
- Noise has not been effectively addressed and development should not be allowed on this basis
- Flisher Energy has invested money supporting the local economy, job creation and the environment and should not be affected by the proposed development
- Waste sites need to be safeguarded
- The submitted reports have not demonstrated that the development can go ahead without impacting on the operation of the existing site.
- The existing waste transfer site can be noisy
- The sewerage pumping station in Stombers Lane cannot cope with current capacity and floods
- The road nearby often floods
- Water supply pipes cross the site
- Local infrastructure can't cope with any more increases
- The site is elevated above existing development and will be overbearing
- Layout is inappropriate and unsympathetic to the local environment
- The area is used for recreational activities and shouldn't be housing
- Of no benefit to the existing community
- Increase in car use
- The expected full capacity of the biomass facility next door should be taken into account in the determination of this application.

f) 1. The Site

- 1.1 The site is located on the south eastern side of Fernfield Lane and north west of Stombers Lane and outside any settlement confines. The site is currently undeveloped scrubland and occupies an area of 2.12 hectares. The site lies just

within the administrative boundary of Dover District Council but within Hawkinge village in Folkestone and Hythe District. The boundary of Folkestone and Hythe District extends to the south-west to south-east of the application site. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site is bounded by a fence along its northern boundary and is open to its other boundaries, albeit well screened by mature vegetation along its eastern boundary. There are a significant number of existing trees on site which are to be retained.

- 1.2 Adjoining the southern boundary of the site is a informal area of open space with a children's play area. To the south east and south west are existing residential properties in Hawkinge of varying styles and sizes. A farm is situated to the north west and to the north is an existing waste transfer station that has recently been given permission to generate a small level of electricity from the burning of waste wood (biomass). The site is also situated within a Groundwater Source Protection Zone 2 and is sited on a principal aquifer.

The Proposal

- 1.3 The proposed development is in outline form with the exception of the access, layout and scale and is for the erection of 19 dwellings. 13 detached market houses and 6 semi detached affordable units. The dwellings would comprise the following mix: 7 no x 4 bed units; 6 no x 3/4 bed units and 6 no 2/3 bedroom units. All units are proposed to be two storey in scale. It is proposed that each unit would have its own off-street parking spaces and/or garaging and a number of visitor spaces are proposed at the centre of the site.
- 1.4 The proposed site layout submitted with the proposal shows access taken from Fernfield Lane towards the north-east corner of the site immediately to the east of the six affordable dwellings fronting Fernfield Lane. The internal access road would continue in a loop with the proposed market housing accessed along its length. The existing screening along the east and southern boundaries of the site along with the retention of a significant proportion of the existing trees on site is proposed. Further additional tree planting is proposed to Fernfield Lane. No open space provision is made within the site, however a developer contribution has been offered towards increasing capacity of a nearby open space.
- 1.5 Amended plans were submitted which show that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development. A footway is now proposed from the site to the west side of The Street, providing a connection for the proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street. This has been subject to an independent safety audit. A footway will be required along Fernfield Lane fronting Plots 1-6, connecting to the proposed footway though the site.
- 1.6 A revised Noise Assessment has more recently been submitted that considers the impact of noise from current operations at the adjacent waste management site. As a result of this, amended plans have been submitted that alter the layout of the proposed dwellings with Plots 7-11 and 14 being amended so the front elevations of Plots 7-11 now face the northern boundary of the site which enables the private rear garden space to be sited behind the dwellings which act as a noise barrier to address the noise from operations at the waste transfer site.
- 1.7 The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Transport Statement
- Air Quality Assessment
- Ecological Impact Assessment
- Landscape and Visual Appraisal
- Indicative Landscape Proposals
- Tree Survey and Report
- Noise Assessment (Amended)
- Justification for Proposed Housing mix

g) 2 Main issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the AONB, Landscape and Visual and Rural Amenities
- Appropriate Assessment
- Ecology and Biodiversity
- Highway Considerations
- Impact on Residential Amenities
- Dwelling Mix and Affordable Housing
- Flooding, Drainage and Contamination
- Development Contributions
- Other Material Considerations

Assessment

Principle of Development

- 2.2 The proposed development is located outside of any of the settlement confines and is therefore in a rural location which is also situated within the Kent Downs AONB. However, it directly adjoins the settlement boundary of Hawkinge in Folkestone and Hythe District being at the south eastern tip of Dover District. Consequently development on this site would be contrary to policies CP1, DM1 and DM15 of the Core Strategy.
- 2.3 NPPF paragraph 12 reiterates Section 38(6) of the Planning and Compulsory Purchase Act 2004 that requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.4 Dover cannot currently demonstrate a five year supply of deliverable housing sites. In addition, by undertaking the process of updating its housing need evidence base (Strategic Housing Market Assessment (SHMA) 2017), the Council has acknowledged that its policies relating to the supply of housing within the Core Strategy (CP2 and CP3) are out of date. A recent appeal decision at Walmer, Deal concluded that the Council has approximately 4.5 years supply of housing. Given this position Policy DM1 is now considered to have some reduced weight in the decision making purposes as it has a limiting effect on the supply of land for housing and in this regard, and against the backdrop of not being able to demonstrate a five year supply of deliverable housing land, that the weigh to apply to this policy is more limited. Under the terms of the NPPF, each of these considerations would typically mean that the presumption in favour of sustainable development is engaged.

- 2.5 The presumption in favour of sustainable development, under paragraph 11 of the NPPF states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 2.6 In addition to the assessment of the application against the NPPF taken as a whole, footnote 6 under (d)(i) also notes that policies referred to are those in this Framework relating to habitat sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park or defined as Heritage Coast, irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.
- 2.7 The site is acknowledged as being located within the Kent Downs AONB and therefore footnote 6 applies in this case, which provides a safeguard against inappropriate development. Paragraph 12 of the NPPF further states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However LPA's may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 2.8 Nevertheless, paragraph 177 of the NPPF removes the presumption in favour of sustainable development where development requires an appropriate assessment because of its potential impact on a habitats site which for all residential development in the District is the impact on the European Thanet Coast and Sandwich Bay Special Protection Area and Ramsar site.
- 2.9 However, in this case the application site immediately adjoins land within the administrative boundary of Folkestone and Hythe District. Hawkinge is an important centre within the Folkestone and Hythe District, being a service centre with regard to their settlement hierarchy. Hawkinge is considered to provide attractive walking and cycling routes to its improved shops, care facilities and jobs, and well managed community facilities and open space. The consolidation of the village as a maturing community will mean greater integration, blending into the landscape and an established identity as a key settlement for the District. Thus, whilst in respect of the adjoining Local Planning Authority, it is important to bear this in mind in the context of the site location and the DDC Policy context, especially with regard to the defined settlement boundary (Policy DM1) and its location within the AONB.
- 2.10 The decision maker has to be sure in taking such a decision, contrary to the Development Plan, that there is no misdirection with regards to the principles taken into consideration, and assessment of the issues is thereby an exercise of judgement. The Council has the ability to depart from the development plan and permit development outside of confines if they consider there to be good reason to do so, and when all material considerations have been assessed. Therefore although the proposed development is contrary to development plan policies DM1 and DM15, it is necessary to assess other material considerations, as discussed below.

- 2.11 It is also necessary to clarify that policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are largely consistent with the NPPF and both policies are therefore applicable to the assessment of this application.

Impact on the AONB, Landscape and Visual and Rural Amenities

- 2.12 The application site is located in the Kent Downs AONB. The application is tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the Kent Downs AONB including its landscape character and scenic beauty.
- 2.13 In respect of planning policies, policies DM15 and DM16 of the Core Strategy identifies that development proposals that would harm the character of the landscape will only be permitted if it is in accordance with an allocation and incorporates mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.14 The NPPF in paragraphs 170 and 172 relate to the need to protect and enhance valued landscapes and great weight should be given to the landscape and its scenic beauty in AONB's. It states the scale and extent of development within designated areas should be limited and major development refused except in exceptional circumstances. Although technically a major application being for 19 units, it would not be classed as major development for the purposes of paragraph 172 and the Kent Downs AONB Unit concur with this view.
- 2.15 The site is considered by most parties including the Kent Downs AONB Unit to be relatively well contained and screened from within the wider landscape and is well related to Hawkinge where development on the site could represent a natural extension to the village. In addition, the relatively low density of development proposed and retention of existing trees and screening both within and around the perimeter of the site, further minimises the visual impact of any development on the landscape character and the wider impact on the AONB. Furthermore, in order to meet the requirements for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural location, should incorporate traditional building materials appropriate to its local context which could be controlled by conditions. Consequently it is considered that the proposed development would accord with the second part of policy DM16.
- 2.16 The Council's Ecologist considers that the site does not raise any barriers to development in terms of landscape (and ecology) constraints. Details such as scale, materials, detailed landscaping etc. would be matters to be fully considered at reserved matters stage and could also be highlighted in conditions attached to any outline consent. It is therefore considered that the scheme does not give rise to any under adverse impacts on the visual amenity of the site and immediate surrounding area, due to the existing screening and mitigation, nor does it fail to conserve and enhance the landscape character and scenic beauty of the AONB.
- 2.17 The Kent Downs AONB Unit have also not raised an objection to the proposed development, subject to the considerations identified above, and the need for native species to be used in new landscaping, all existing trees maintained, the development is restricted to a maximum of two storeys in height and a reduction in the level of hardsurfacing between units and the treatment fronting Fernfield Lane. A landscape character approach has also been used to inform AONB management decisions and areas of opportunity and threat. Whilst not planning policy, policy LLC1 of the Kent Downs Management Plan sets out that the protection, conservation and

enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued. It is considered that the proposed development would largely be in accordance with the requirements identified in this policy.

- 2.18 In this case, due to the location of the site, the scale of development, screening and effective landscaping and mitigation, although within the AONB, it would not lead to harm to the scenic beauty and quality of the AONB or the character of the landscape. The proposal would therefore accord with policies DM15 and DM16 of the CS and paragraphs 170 and 172 of the NPPF as the conservation of the scenic beauty and landscape character of the AONB and immediate area would be retained.

Ecology and Appropriate Assessment (The Conservation of Habitats and Species Regulations 2017, Regulation 63)

- 2.19 The likely significant effects of the proposed residential development on a European Site is the potential disturbance to birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. 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.
- 2.20 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. 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.
- 2.21 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.22 A contribution will therefore be sought for the proposed residential development. In line with the Thanet Coast Mitigation Strategy this would be £1313.58. The developer has agreed in principle to the payment of this contribution.
- 2.23 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.

Ecology and Biodiversity

- 2.24 In terms of national policy paragraph 170 of the NPPF advises that the planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Whereas, paragraph 175 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity where the primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged and development resulting in the loss or deterioration of irreplaceable habitats should be refused unless adequately mitigated.
- 2.25 The Ecological Impact Assessment found that there was no evidence of any protected species using the site except: for commuting bats; that mature trees on site have potential to support roosting bats and the broad-leaved trees; and hedgerows and scrub are suitable to support nesting birds. Japanese knotweed was recorded on-site during the survey. The key recommendations are that where any trees deemed suitable to support roosting bats will be assessed and further surveyed if necessary; a bat sensitive lighting scheme should be designed and implemented, and should minimise light spill both on and off-site on adjacent habitats, particularly along the southern boundary; and a Method Statement should be produced to address the presence and management / removal of Japanese knotweed with the production of this document made a pre-commencement planning condition. In addition the woodland habitat along the south-east and south-west boundaries will be retained and protected during site works (except for a number of trees that require removal as a result of their poor condition). Site enhancement measures include planting and infilling of other site boundaries with native species and planting of native trees.
- 2.26 The applicant has further identified that due to the period of time since a reptile survey was undertaken (2016) a revised survey would be required before works commence. It is suggested that this is controlled by a condition and in view of the first survey having identified no use of the site by reptiles (although considered a suitable habitat) I see no reason why a further survey to ensure this situation has not changed could not be addressed through a condition on this occasion.
- 2.27 The Council's Ecological Officer raises no objection to the proposal, considering that the site's development gives rise to no ecological barriers. He advises that the proposal requires a contribution through a s106 agreement for the Thanet Coast Management Strategy. Natural England have also raised no objection in principle subject to the required contribution and full consideration of the matters identified above.
- 2.28 In light of the above, it is considered that subject to the above contribution towards the Thanet Coast Mitigation Strategy and requisite planning conditions the proposal is in accordance with paragraphs 170 and 175 of the NPPF and acceptable in ecological terms.

Highway Considerations

- 2.29 The relevant Core Strategy policies are DM11 and DM13. DM11 requires development that increases travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public

transport. Whilst DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. A Transport Statement was provided with the application which sets out traffic and trip generation figures, operational characteristics and link capacities.

- 2.30 The scheme proposes two car parking spaces per unit and four visitor car parking spaces and, as such, is in accordance with accepted car parking standards. The Transport Statement submitted notes Hawkinge as a designated Service Centre hosting a range of shops, services and employment opportunities and consequently development at this location is appropriate and sustainable. It is within 15 minutes of the site by public transport, Folkestone is accessible within 30 minutes and Canterbury and Ashford are accessible within 60 minutes. Local bus stops are within 400m of the site and the centre of Hawkinge is within 1.2km of the site. The site is therefore considered to be in a relatively sustainable location.
- 2.31 KCC Highways have advised that there is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated (11 two-way movements per day). The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane. It is also acknowledged that the visibility splays at the proposed vehicular access points are acceptable. However the narrower section of Fernfield Lane leading to/from The Street and trimming of the boundary hedging would improve visibility for approaching drivers when needing to give way to oncoming vehicles, particularly to buses using this route.
- 2.32 At present there is no footpath connection between the site and the existing footway network in The Street. Therefore KCC Highways identified that a paved pedestrian connection was required between the site and the existing footway network to enable pedestrians to cross The Street. A further new section of footway was also required across/around the verge to the existing footway at the rear of No's. 10/11 Fern Close. As a result amended plans were submitted to address the requirement to provide additional footpaths. These also identified that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development.
- 2.33 A new footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection also includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will also be required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, the detail of this can be resolved by condition and through a Reserved Matters application. On this basis, KCC Highways have withdrawn their initial objection.
- 2.34 The KCC Highways also note the comments from the bus operator – Stagecoach- regarding the existing turning arrangements for buses. However this is an existing long-standing situation which does not appear to create a significant highway issue and with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.
- 2.35 On the basis of the above, KCC Highways has no objections subject to conditions being imposed which include the provision and retention of vehicle parking facilities prior to the use of the site, provision and retention of secure, covered cycle parking

facilities prior to the use of the site commencing, completion of the footway connection to The Street shown on Drawing Number 668/209 prior to the use of the site commencing and provision of a footway along the western part of the Fernfield Lane frontage prior to first occupation of any dwellings fronting the same. Further conditions in respect of the proposed roads, visibility splays and a construction management plan to be submitted for approval are also recommended.

- 2.36 It is therefore considered that the proposed development, subject to the proposed conditions, accords with DM11 and DM13 of the CS and would not cause a severe impact on the highway network and therefore accords with paragraph 109 of the NPPF.

Residential Amenity and Noise Impacts

- 2.37 In terms of the impact on the existing residential properties, in close proximity to the site. The proposed dwellings are at least 35-55m away from the existing dwellings situated adjacent to the site. Accordingly, no adverse impacts with regard to privacy, overlooking or overshadowing are anticipated on the occupiers of the existing dwellings and the development would not give rise to an adverse impact on the amenity of the existing occupiers of the properties in the immediate surrounding area. This therefore accords with paragraph 127 of the NPPF.
- 2.38 Concerns have been raised by KCC Waste and Minerals and a number of third parties including the adjoining owners with regard to the proximity of an existing waste management site to the north-east of the application site that was previously a local waste transfer station but has recently altered its existing and ongoing operations and now deals with waste wood which is subsequently burned on site in a biomass boiler to generate and export of electricity. Part of this process includes an external wood chipper which generates a high level of noise and has been the subject of some noise complaints. The application has also been supported by a Noise Impact Assessment to assess the impact of noise from this site on the proposed development.
- 2.39 KCC Waste and Minerals have commented on the application, due to the close proximity of an existing waste management site that benefits from permanent planning permission and the need for this site to be safeguarded in line with the adopted Kent Mineral and Waste Local Plan 2013-30. It is identified that the Air Quality Assessment and Noise Impact Assessment submitted in support of the application are relevant to the consideration of the impact of the proposed housing development in close proximity to this site. The Air Quality Assessment has concluded that the waste management facility will not have a significant impact on existing receptors as a result of its current operations. However, the Noise Impact Assessment has identified that the proposed residential units closest to the northern boundary would be subject to an unacceptable level of noise in the private rear garden areas that would be likely to give rise to noise complaints
- 2.40 Since these comments, a planning application ref: DOV/18/00034 for the production of biofuel and ancillary power production has been approved by KCC on the existing waste management site and a recently revised Noise Impact Assessment has been submitted. This more specifically addresses the impact of noise from the existing waste management operations on the adjoining site (in line with the recent approval) and on the potential noise levels that would be likely to be experienced by occupiers of the proposed dwellings. As a result this has resulting in a revised layout of the proposed dwellings to minimise the level of noise that would be experienced both internally and externally by occupiers of the proposed residential scheme. These amendments include repositioning Plots 7-11 and 14 so that the front elevations face the northern boundary of the site instead of their rear gardens. This enables the rear

gardens (which are expected to be a private and quiet space) to be sited behind the buildings which will act as a noise barrier from the elevated noise levels.

- 2.41 In addition a range of other noise mitigation measures have been identified in the Noise Impact Assessment that seek to address the potential for noise from the existing site to affect future residential amenities. These include no accommodation in the roof space; recommended enhanced double glazing to the windows facing the northern boundary and specialist acoustic vents to the same windows. This would result in the proposed new housing benefiting from much better sound insulation than existing dwellings in the area and the provision of an adequate noise mitigation scheme can be ensured by a suitably worded condition. The remaining units being proposed on the site are all sited well away from the waste management site and it is recommended that no specialist sound insulation measures are likely to be necessary.
- 2.42 DDC Environmental Health have raised no objection to the application as the proposed mitigation measures and noise assessment have been undertaken in accordance with national guidance and recommended standards, subject to conditions being imposed requiring noise mitigation works in accordance with the submitted report. It is considered that with all the identified noise mitigation measures being fully implemented, the scheme would provide satisfactory living conditions for future occupiers and noise from the adjacent waste management site should not be a constraint to development. The application has therefore appropriately addressed noise from the adjacent site and residential amenities of future occupiers should not be detrimentally affected as a result. On this basis the application would accord with paragraphs 180 and 182 of the NPPF.
- 2.43 In terms of the design of the proposed development, at this stage is in outline form only, apart from access, layout and scale. The site layout would provide the proposed dwellings affordable units fronting Fernfield Lane with the market housing situated around an internal loop road, and along the site's northern, north-eastern and south-eastern boundaries. Whilst no details are yet submitted with regard to internal floor area and layout of the proposed dwellings, they will be of a sufficient footprint with c80 sqm footprint for the smaller semi-detached properties and c90-120 sqm for the detached properties. Therefore there are no concerns with regard to the standard of living conditions for future occupiers of the proposed dwellings in terms of both internal space and private amenity space. The proposed development would therefore be in line with paragraphs 124 and 127 of the NPPF.

Dwelling Mix and Affordable Housing

- 2.44 In terms of the provision of housing, paragraphs 59 and 62 of the NPPF are most relevant and identify the Government's objective of significantly boosting the supply of homes of all types including affordable housing which should be met on-site to contribute to creating mixed and balanced communities.
- 2.45 Policy CP3 of the Core Strategy states a housing allocation for rural areas of 1,200 8% of total in the District. The scheme therefore represents a modest contribution to the Housing Land Supply. Whereas, policy CP4 states that housing allocations in the Site Allocations Document and planning applications for residential development for 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing.
- 2.46 With regard to dwelling mix, the current SHMA sets out the expected market housing

mix. The applicant notes that the Dover SHMA 2017, as agreed by Dover District Council's Cabinet on 1st March 2017, states that of the 6826 market homes that need to be delivered over the next 23 years, the housing mix should be as follows:-

No beds	1	2	3	4
Required	4%	20%	44%	32.5%
Proposed Overall	0	0	32.5	67.5

- 2.47 In short, over 75% of market homes and nearly 60% of affordable homes, to be built in Dover over the next two decades, will need to be larger units as proposed in this application. Such developments are not always possible or appropriate on all sites, for example constrained sites in urban areas or those with abnormal development costs where higher unit numbers are required to ensure a schemes viability, so it is important that where such sites are available, subject to the absence of other significant constraints.
- 2.48 Policy DM5 of the CS also states that the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes. The proposed development also responds to the need for affordable housing through the provision of a policy compliant 30% affordable housing proportion that will deliver 6 x 3 bedroom affordable, family sized homes.
- 2.49 The Head of Housing, Planning Policy Manager and Head of Inward Investment are all satisfied with this proposed mix, however it is identified that the scheme would not be a windfall site as it falls outside if a defined settlement boundary. As such, it is considered that the proposal mix is acceptable and appropriate for this site, even though it is prominently for the provision of larger units. In addition, it is considered that the indicative design of the units (as identified in the Design and Access Statement) is appropriate to the edge of village location of the site, within the Kent Downs AONB, where the scale, mass, form and materials of any development need to be appropriate to the local context. For this reason, conditions will also need to be included to ensure the scale of the proposed housing is restricted to two storey units only.
- 2.50 In conclusion the proposal is therefore in accordance with CS policies CP3, CP4 and DM5 as well as paragraphs 59 and 62 of the NPPF.

Flooding, Drainage and Contamination

- 2.51 The site is situated in Flood Risk Zone 1 and it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF paragraph 163 states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable urban drainage systems.
- 2.52 A comprehensive Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA demonstrates that the proposal will be safe in terms of flood risk for its life and will not increase the flood risk elsewhere. A SuDS drainage system is also proposed for the site which will include the use of shallow or deep bore soakaways on the site depending on ground conditions and the use of permeable paving throughout. There is also an outline proposal for the use of swales to link in with the proposed landscaping scheme. Such details would need to be finalised at Reserved Matters stage and controlled through suitable conditions. This would accord in principle with paragraph 165 of the NPPF.
- 2.53 The EA have raised no objection and conclude that whilst the report submitted

provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development, if the adjacent land is taken into account in the design and layout. However, further detailed information will be required by condition or at Reserved Matters stage to finalise the proposed design. As a result no objection is raised subject to the imposition of relevant conditions.

- 2.54 KCC Flooding has also raised no objection to the development, subject to conditions requiring the submission of a detailed sustainable surface water drainage scheme and from a flood risk perspective but advise that the site is bordered by a historic landfill site and this may have implications upon the siting of soakaways. The proposed method of surface water disposal therefore with policy DM17 of the CS and paragraph 165 of the NPPF.
- 2.55 In terms of foul water disposal Southern Water have advised that the results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area. They recommend that should the application be approved a condition should be attached to any permission requiring the submission of a drainage strategy detailing the proposed means of foul water disposal and a implementation timetable, has been submitted to and approved in writing prior to the commencement of any development on site. In addition informatives are suggested to advise the applicant to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
- 2.56 The submitted FRA also addresses this matter and the applicant is aware of the need for the provision of additional infrastructure to accommodate the additional capacity. Two methods or solutions to provide the required foul water drainage have been identified. These are to increase capacity at the existing sewerage pumping station on Cowgate Lane or a connection to an alternative sewer connection further away from the site. It is advised that this will be addressed under The Water Industry Act 1991 and its associated requirements including the submission of a Section 98 application. Therefore, although there is currently insufficient capacity to accommodate increased flows from the proposed development, appropriate mechanisms have already been identified in the FRA to address this position and subject to a planning condition in line with that suggested by Southern Water it is considered that this matter has been appropriately addressed in respect of an outline application.
- 2.57 In respect of potential land contamination the EA have advised that the previous use of the proposed development site as agricultural landholdings presents a medium risk of contamination and in addition there are historic industrial uses adjacent to the site where pollutants could be mobilised by this development to affect controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within a Source Protection Zone 2 and located upon a Principal aquifer. Both the EA and Environmental Health have therefore suggested that should planning permission be granted, conditions should be included to require the submission of an environmental management strategy, a site investigation scheme and remediation strategy, an associated verification plan to demonstrate that the works set out in the remediation strategy are complete and any requirements for longer-term monitoring of pollutant linkages and maintenance arrangements. Such conditions would therefore appropriately address the potential for any form of land contamination and any associated risks to the development. Subject to conditions, the requirements identified in paragraph 178 of the NPPF have therefore been addressed.

2.58 It is therefore considered that the proposal is acceptable in regard to flood risk, surface water drainage, foul water disposal and potential ground contamination. No objection in principle has been raised by KCC Flooding, the EA or DDC Environmental Health subject to conditions. The application is therefore in accordance with policy DM17 of the CS and paragraphs 163, 165 and 178 of the NPPF.

Development Contributions

2.59 The applicant has agreed to the Draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010, (the CIL Regulations). Regulation 122 requires that requests for development contributions of various kinds must comply with three specific legal tests being, necessary, related to the development, and reasonably related in scale and kind.

2.60 Policy CP6 of the CS sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

2.61 In respect of the proposed request from KCC this has been evidenced in their consultation response and the Council's Principal Infrastructure Delivery Officer has commented that the requested contribution for primary schools is along the lines we have accepted in many previous instances; apart from the fact that it would fund a school outside the District. With regard to library book stock contribution, the pooling limit of 5 contributions has not been reached.

2.62 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would be expected to provide open space on site, or a contribution towards off-site provision, to meet the open space demands which would be generated by the development. The application does not propose the provision of public open space, but given the scale of the development, it would give rise to a need to improve the existing open space facilities that adjoin the southern boundary of the site and would be linked by footpath to the proposed development. It would therefore be necessary for a contribution towards the provision of outdoor sports facilities to be secured through a s106 agreement. With the addition of a contribution the proposal would accord with Policy DM27 of the Core Strategy.

2.63 Accordingly, the above tests are considered reasonable, within the scope of the CIL regulations and have been duly applied in the context of this planning application and give rise to the following specific requirements. The proposed obligations are based on consultee responses and are as follows;

- Primary education contribution of **£63,156.00** (£3324 per applicable house following the KCC review of Primary school costs in February 2017(x19)) - towards Martello Primary School expansion.
- Library contribution towards book stock at Hawkinge library, at £48.02 per dwelling. Total - **£912.30**
- Thanet Coast and Sandwich Bay Mitigation Strategy (TCMS) based on 13x4 bedroom dwellings (£13x66) and 6x3 bedroom dwellings (6x £49.59) total contribution - **£1313.58**
- Off-site public open space contribution to increase capacity for the adjacent play area - **£11,218.**

- Payment of all associated legal costs

2.64 In addition, a legal agreement is required to be signed between the applicant and the KCC Highways and Transportation under S278 of the Highways Act with regard to access and improvements outside of the application site.

Other Material Considerations

2.65 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details to the local planning authority for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

2.66 Other matters such as cycle parking refuse storage, materials, landscaping details will be required to be submitted at reserved matters stage or can also be subject to conditions.

Conclusion

2.67 The NPPF seeks sustainable development that relates well to existing settlements. It is clear that development of this site, outside the confines would not be in accordance with policies DM1 and DM15 of the CS. However, the site lies immediately to the north of the defined settlement of Hawkinge a service centre within the Folkestone and Hythe settlement hierarchy. The site is discreet and self-contained and any development would be seen in the context of the existing housing and forming an extension to development within the village.

2.68 The proposal is of a low density (19 units) and seeks to retain a significant amount of natural screening and existing trees. No objections have been raised in terms of impacts on the landscape character and the AONB in which the site is situated. No adverse impacts are anticipated in terms of biodiversity, drainage, residential or visual amenity. Concerns regarding the impact on noise from existing uses adjacent to the site have been addressed in a Noise Impact Assessment and with appropriate mitigation measures in place are now considered to be acceptable for the residential amenities of future residents.

2.69 In addition, the developer has agreed in principle to the provision of 30% affordable homes and to make other relevant contributions towards local infrastructure, services, the TCMS SPA and off site open space improvements. No highways objection is raised subject to the provision of new footpaths to link the development, access and car parking arrangement are considered to be acceptable.

2.70 The application is therefore recommended for approval as it would add to the supply of housing in the District in accordance with the NPPF without an unacceptable harm to the area, as has been demonstrated in the application and the report. The application is, as a result in accordance with the local and national policies identified in this report and in acceptable in principle, subject to conditions.

3. Recommendation

I. PLANNING PERMISSION BE GRANTED subject to the completion of a s106 legal agreement in respects of payment of the contributions set out above and the following conditions to include:

- 1) Reserved Matters

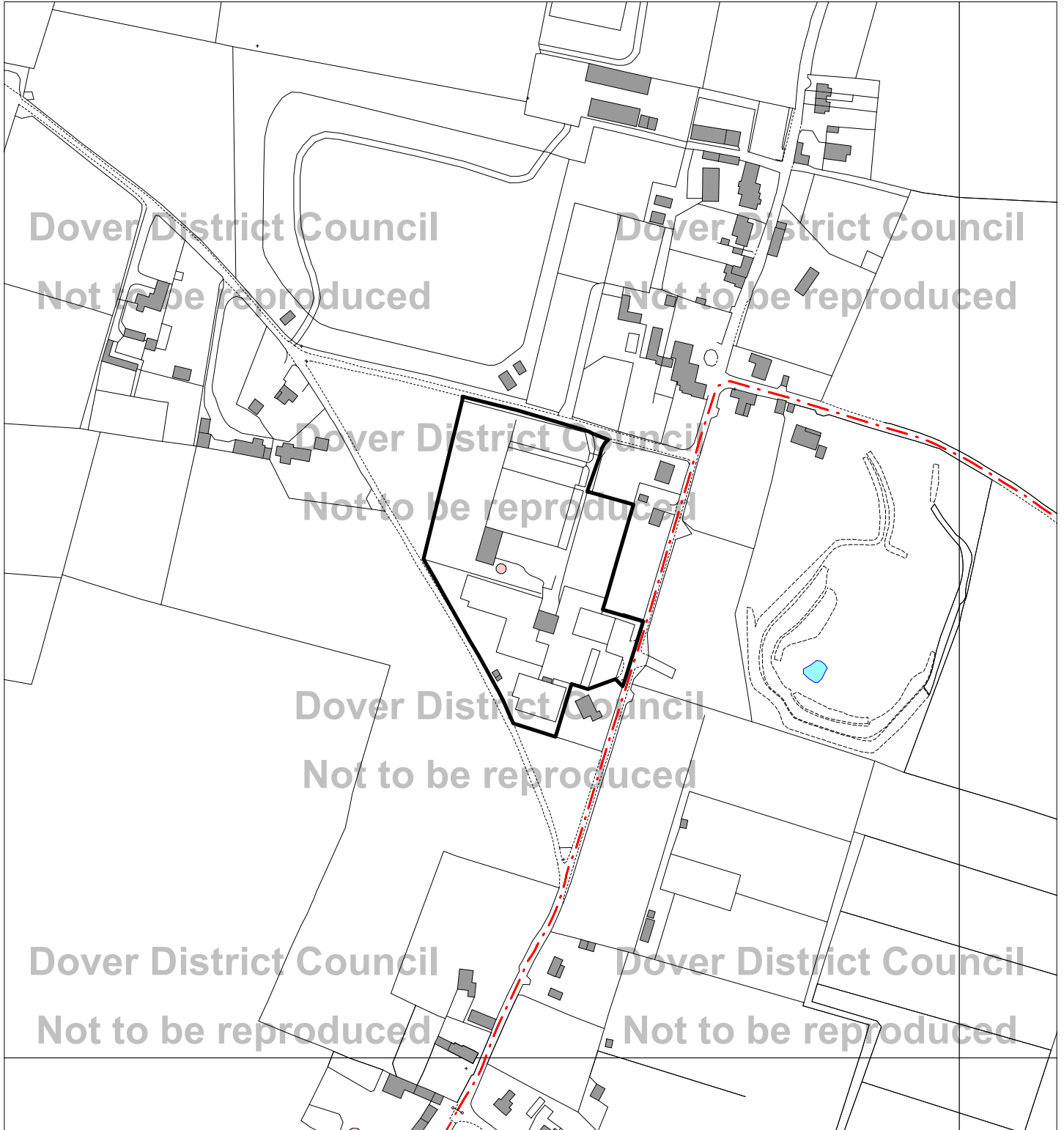
- 2) Outline time limit
- 3) Commencement of development time limit
- 4) Reserved matters to include elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, building heights, samples of materials, refuse storage, boundary treatments, car parking, cycle parking and street scene
- 5) Approved Plans list
- 6) Contamination Environmental Management Strategy
- 7) Contamination Remediation Strategy
- 8) Contamination verification report
- 9) Contamination safeguarding
- 10) No infiltration drainage other than approved
- 11) Scheme of sustainable urban drainage
- 12) Maintenance of sustainable urban drainage system
- 13) Construction Management Plan
- 14) Bound surface for the first 5m of each private access
- 15) Completion of the footway connection to The Street
- 16) Provision of the footway along the Fernfield Lane frontage
- 17) Details of internal roads and street furniture
- 18) Visibility splays
- 19) Pedestrian visibility splays
- 20) Implementation of noise mitigation scheme and sound insulation measures
- 21) Details of foul water disposal
- 22) Protection of trees
- 23) Retention of trees
- 24) Ecological enhancements measures
- 25) Submission of updated reptile survey
- 26) Method Statement for the removal of Japanese Knotweed
- 27) The height of the proposed units shall be a maximum of two storeys in height which no living accommodation within the roofspace
- 28) Provision of 30% affordable housing

Informatives: In relation to highways, southern water connections, waste management regulations and southern gas network requirements.

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

Case Officer: Lucinda Roach

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Not to scale

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Application: DOV/18/00242

Summerfield Nursery

Barnsole Road

Barnsole, Staple

CT3 1LD

TR 2774 5627



- a) **DOV/18/00242 – Erection of 10no. detached and 6no. terraced dwellings, detached garages, formation of a vehicle access and parking (existing buildings to be demolished), at Summerfield Nursery, Barnsole Road, Barnsole, Staple, CT3 1LD**

Reason for report: The number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Barnsole is not identified as a settlement and therefore falls within the ‘hamlet’ settlement type, which are described as “not suitable for further development unless it functionally requires a rural location”.
- CP3 – Of the 14,000 houses identified by the plan, 1,200 (around 6%) is identified for the rural area (i.e. areas other than Dover, Deal, Sandwich and Aylesham).
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified at less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area’s characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

In rural areas, opportunities for rural exception sites should be supported and consideration given to allowing some market housing to support this. Development should be located where it will enhance or maintain the vitality of

rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Isolated homes in the countryside should be avoided other than in exceptional circumstances.

- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion. Policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an area's prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.

- Chapter twelve confirms 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. 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.

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.

- Chapter fifteen requires that biodiversity is protected and enhanced by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursuing opportunities for securing measurable net gains for biodiversity.

Paragraph 177 states that “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”.

- Chapter sixteen requires that development conserves and enhances the historic environment. An assessment should be made as to whether the development would cause harm to the significance of a heritage asset and, if so, whether this harm would be substantial or less than substantial. Any harm must be weighed against the public benefits of the scheme. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

Whilst there have been several applications for the erection of glasshouses, polytunnels and sheds on the site, it is not considered that there is any planning history which is especially pertinent to the determination of the current application.

e) **Consultee and Third Party Responses**

DDC Head of Strategic Housing – Initial comment received 19th April 2018

The application is in respect of a proposed residential development of 16 dwellings which means it is above the threshold at which there is a planning policy expectation that the scheme should include the provision of affordable housing. It is noted that the planning application form acknowledges this and that the applicant is proposing that 6 homes should be provided for social rent. I can confirm that both the number of affordable homes and their size and type would be acceptable.

Subsequent comment received on 7th June 2018

- The 6 'affordable homes' being offered by the developer appear to comprise starter homes to be sold with a discount of 20% off the market price.
- The Housing & Planning Act provides the statutory framework for the delivery of starter homes. The Act defines starter homes as new homes costing up to £250,000 outside of London, to be available at a minimum 20% discount on market value to eligible first-time buyers. The legislation includes provisions to introduce a general duty on planning authorities in England to promote the supply of starter homes, and a specific duty to require a minimum number or proportion of starter homes on certain residential development sites. However, my understanding is that the starter homes legislative provisions are not yet in force and I don't believe starter homes are specifically referred to in the definition of affordable housing set out in the NPPF.
- Currently, the NPPF affordable housing definition includes intermediate housing which are defined as homes for sale and rent at a cost above social rent, but below market levels which can include shared equity housing (shared ownership and equity loans) and other low cost homes for sale and intermediate rent. However, it specifically states that homes that do not meet the definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.
- I have no idea what the OMV of the starter homes would be but imagine they are likely to be the maximum set out in the Act - £250k. I'm sure that a 20% discount would make the homes more affordable for some first time buyers including some who would see them as an affordable alternative to shared ownership. However, they would not meet the needs of the majority of people on the Council's housing waiting list who are in need of social rented or affordable rented housing.
- Normally we would be seeking for the affordable housing element of a new housing scheme to comprise a mix of rented and low cost home ownership units (typically a 70/30 mix) however, the Council has agreed higher proportions of shared ownership housing within schemes where this has improved the development viability of the scheme and enabled it to come forward. Any affordable housing for rent that it is delivered through a S.106 agreement is normally used to meet the needs of people on the housing waiting list irrespective of where they currently live. Housing applicants aren't required to specify a location where they want to live and therefore it's not possible to use the waiting list as a data source for determining likely demand.
- To my knowledge there has been no development of affordable housing for rent or shared ownership in the village since the last homes to be developed by the local authority and I imagine that a significant number of the homes originally provided by the local authority have been bought by tenants under Right to Buy. However, the possibility of developing a small number of affordable rented homes in Staple through the Council's Rural Exceptions Site planning policy is currently being explored. The work on this is being undertaken by English Rural Housing Association who have an expertise in this type of development. The development has the in principle support of the parish council and is supported by the results of a recent local housing needs survey. ERHA have identified a site and are designing a scheme with a view to submitting it for planning approval in the near future.

Subsequent comment received 8th June 2018

Our normal starting off point on a S.106 affordable housing negotiation would be to ask for 70% of the affordable units to be social/affordable rent (4 units) and 30% shared ownership (2 units). We would be happy with this but would also be happy for all 6 units to be rented units if it helped make a smaller development such as this, simpler. There may of course be a difficulty in the developer attracting interest from a Registered Provider due to the relatively small number of units. The larger of the developing RPs in our district such as Orbit are unlikely to be interested. We would only know once the developer has approached them. If this was the case then the Council could consider whether it wished to acquire the units itself.

You are correct in assuming that a scheme comprising mainly social rented or affordable rented homes would meet the needs of people with the greatest affordable housing need.

DDC Environmental Health – Due to the historical uses in the areas around the site it is recommended that a multistage condition be attached to any grant of permission regarding the identification and remediation of any contamination on site. It is also requested that a condition be attached regarding the submission and approval of a construction management plan.

Crime Prevention Officer – The applicant has not yet demonstrated that they have considered crime prevention or applied the seven attributes of Crime Prevention Through Environmental Design. If the applicant fails to contact us, this may have an effect on the development with regards to Secure By Design, as awarding it retrospectively can prove difficult and costly. This could also have knock on effects for the future services and duties of the Community Safety Unit and local policing.

KCC Highways and Transportation – *Initial response received 17th April 2018*

The following information is required in order to assess the highway impacts of the proposals:

1. Details of daily vehicle movements associated with the existing use as a nursery, including how these are spread between the two access points;
2. Details of the current permitted use(s) of the site.

Subsequent response received 12th June 2018

I refer to the above planning application and the additional information submitted by the applicant in relation to trip generation.

Whilst the trip generation figures for the proposed residential development are accepted, the trip generation figures suggested for the existing nursery are based on garden centre sites rather than mixed-plant nurseries with retail use. The Planning Authority advise that in their opinion the site could not be used wholly as a garden centre use without requiring planning permission as this would be a significant intensification of the use, materially different in character to the current and past use. As such the suggested trip generation figures for the existing use are likely to be in excess of those which might be generated. Having said that, there would clearly be a level of vehicle trips generated by the existing site and this could be more than the current level of the 'wound down' site if the business were revived and operating at capacity.

The proposed use is likely to generate around 10 two-way trips in the weekday peak hours and around 75 two-way trips across the whole day. These trips are likely to be spread across different parts of the highway network bearing in mind the site's central

location in relation to surrounding employment centres and schools. This means that in the peak hours there are likely to be around 3 two-way trips in Mill Lane and through Staple to the west, and around 7 two way trips in Barnsole Road to the north, with these being further split between Lower Road/Durlock Road (2 trips) and Fleming Road (5 trips). Depending on destination one or two of these latter trips may be on Chalkpit Lane. Whilst the trips associated with the existing use of the site would be subject to seasonal fluctuation and likely to be most intensive at the weekend, I consider it reasonable that there could be around 3 trips generated in the peak hours by staff and/or customers. Overall therefore, the proposals are likely to generate an additional 7 two-way peak hour trips on the highway network, split across routes as indicated above. Whilst Mill Lane and the section of Barnsole Road fronting the site are only wide enough for single file traffic, the low number of existing and proposed vehicle movements means that drivers are unlikely to meet each other very often and, if they do, an existing passing place is available in Barnsole Road together with a proposed passing place in Mill Lane. In terms of Barnsole Road north of the site Lower Road/Durlock Road, Fleming Road and Chalkpit Lane, the anticipated small number of additional trips are unlikely to have a severe impact.

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

Whilst the proposals may remove existing HGV movements associated with the nursery, access will still be required onto the site for weekly refuse collection. The applicant should therefore check the size of refuse vehicle and particular site access point that will be used by the local authority and submit swept paths to demonstrate that this vehicle can manoeuvre in/out of the site access in an appropriate manner.

I note the internal roads are to remain private and will therefore not be adopted by the highway authority. The amount of car parking proposed is acceptable and unlikely to lead to unacceptable parking on the public highway.

There are unlikely to be any vehicle movements generated by the development in Mill Road to the south of the site. The proposed passing area is therefore not considered to be necessary as mitigation and can be removed.

I shall therefore be pleased to receive the vehicle swept path diagrams referenced above.

Subsequent response received 7th August 2018

I note the swept path diagram submitted for the refuse vehicle but it does not appear to be a full swept path diagram which would show all turning manoeuvres and include the wheel tracking as well as the vehicle body. The size of vehicle also appears smaller than we would normally accept. I also note that it is only shown to use the Barnsole Road access. As previously advised clarification is required from the local authority on the size of vehicle likely to be used and the access point/route through the site it would take. If the vehicle needs to enter/exit via the Mill Lane access then this needs to be checked with swept paths as well.

KCC Economic Development – Request that a contribution of £768.25 be made towards additional book stock for mobile library service attending Staple. KCC also recommend the provision of a High Speed Fibre Optic Broadband connection to the development.

KCC SUDS – *Initial comment received 13th April 2018*

Unfortunately no surface water drainage strategy has been provided for the proposed development. It is therefore recommended that the application is not determined until a complete surface water drainage strategy has been provided for review.

Subsequent comment received 21st June 2018

In principle we have no objections to the proposed drainage strategy, however we would like to see clarification that any soakaway will have an appropriate half drain time of less than 24 hours. In addition, soakaways should be a minimum of 5m away from any building.

Given the sensitivity of the site location with respect to Groundwater Source Protection Zone 3, we recommend that consultation with the Environment Agency is undertaken to confirm that infiltration is feasible.

Should permission be granted, conditions are requested regarding the submission and approval of a surface water drainage scheme; restricting surface water infiltration to those areas which are permitted; restricting occupancy of any of the dwellings until an operation and maintenance scheme is submitted and approved; and restricting occupancy of any of the dwellings until a verification report is submitted to demonstrate that the approved infrastructure is in place and operational.

Environment Agency – The EA have no comments to make as the planning application falls outside of their remit as a statutory planning consultee.

Natural England – Since the development will result in a net increase in residential accommodation, impacts on the SPA and Ramsar sites may result from increased recreational disturbance. The authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to financial contributions being secured. On this basis Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the sites and that the proposal should not result in a likely significant effect.

Natural England has not assessed this application for impacts on protected species.

Regard should be had for Natural England's SSSI Impact Risk Zones.

Southern Water – A formal application for a connection to the public foul sewer will be required. It is requested that an informative be attached to any grant of permission in this respect. Regard should also be had for surface water disposal.

It is requested that a condition be attached to any grant of permission requiring details of the foul and surface water disposal be submitted and approved by the local planning authority.

East Kent PROW – No comments

Stagecoach South East – Stagecoach does not operate buses in the vicinity of this development, so it would have no material impact on their operations.

NHS – The development would increase local population. The area is covered by one surgery – The Wingham Surgery, which is a branch of Aylesham Medical Practice. Investment is required to bring the surgery up to modern standards in order to future proof primary care service delivery to the area. The development would produce total occupancy of 48.1 people. A contribution of £360 per patient has been requested,

totalling £17,316. No specific project is identified. A number of risks are identified should the contribution not be provided.

Kent Fire and Rescue – The means of access is considered satisfactory.

Staple Parish Council – Object until further information or evidence of wider scope of consideration is received (i.e. KCC should consider wider transport infrastructure and vehicle movement).

Public Representations – Thirteen letters of objection have been received, raising the following points:

- The site is outside of the settlement confines whilst the nearest settlement, Staple, is identified as only being 'low density development consisting of one or two dwellings'
- Increase in traffic on single track lanes
- Vehicle movements on roads pose an increased danger to dog walkers, people with push chairs, ramblers, tourists and people on horseback
- Walking routes from the site are via narrow lanes with no footpaths
- The bus service through the village was recently terminated/substantially reduced
- The road network could not support construction vehicles
- Vehicles cause damage to properties in the area
- Affordable housing should not be located in a village with no amenities and transport issues
- The development would be out-of-character
- Impact on the settings on listed buildings
- Too many dwellings are being proposed
- The area does not have the infrastructure to support this development
- The nearest medical facilities, schools and shops are approximately 2km away
- There is a bird sanctuary for highly endangered Turtle Doves across the road from the site
- There is a thriving hedgehog population in the beech hedges neighbouring the site
- Impact on the residential amenities of neighbours
- Increased air pollution
- There is insufficient water pressure in the area
- Other applications for development in the area have been refused

Twelve letters of support have been received, raising the following points:

- It is a well-designed scheme and would be a visual enhancement
- Additional housing will allow young people to remain in the area
- The scheme will provide an improved access
- Reduction in traffic generation compared to the existing use
- The site is 'brownfield' or previously developed land
- The development includes the provision of affordable housing
- The development will help to support facilities and services, including the public house
- The scheme will benefit wildlife

One neutral representation has also been made, making the following observations:

- Small rural developments are supported and it is pleasing to see that ecology will be protected, but concern I raised that too many housing are being proposed.
- The number of dwellings should be significantly reduced
- The scheme would be out of character in this quiet rural location
- Increased traffic
- The transport data is misleading

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

- 1.1 The site lies outside of any settlement confines, as defined on the Proposals Map and is therefore considered to be within the countryside. The site also sits within the Eastry Arable and Woodland Clumps Landscape Character Area. Staple, defined as a Village, is located around 600m to the west of the application site. Ash is around 2.8km away, Eastry around 4km away and Sandwich around 6km away.
- 1.2 The site is relative flat, but falls gradually from south to north. The site, which is roughly rectangular and is currently used as a plant nursery with an element of retail, is bounded by hedges to its northern, western and south western boundaries. The site is located within Ground Water Protection Zone 3.
- 1.3 The application seeks permission for the erection of sixteen dwellings, which would comprise two terraces (each of three dwellings) of affordable dwellings and ten detached market dwellings. All of the dwellings would be two storeys in height, with the exception of one market dwelling which would be two storeys, but with rooms in its roof. The buildings would be between 9m and 9.8m in height. The materials would be a mixture of red brick, white weatherboarding and red clay hanging tiles, under Kent peg tiled roofs.
- 1.4 The dwellings would be located towards the perimeters of the site around the internal access road and a central green with a pond. The internal roads would access the road network at Mill Lane and Barnsole Road, with the internal access road providing a continuous link between the two. Thirty-six open car parking spaces together with ten double garages are proposed. Replacement hedges and planting are proposed.

2. Main Issues

2.1 The main issues are:

- The principle of the development
- The impacts on the character and appearance of the area
- The impacts on the highway network
- The impacts on neighbouring properties
- The impacts on ecology
- Development Contributions and Infrastructure

Assessment

Principle

2.2 The application site is located outside of the defined confines of Staple and is therefore considered to be within the countryside for the purposes of planning.

Policy DM1 of the Core Strategy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. The development is not justified by other development plan policies, whilst the development does not functionally require a rural location. The development would not be ancillary to any existing development or use. Therefore the application is contrary to Policy DM1 of the Core Strategy. The principle of the development would also be contrary to Policy DM11, as set out later in this report.

- 2.3 Notwithstanding the fact that the site is outside of the settlement confines, it is worthwhile to have regard for the status of Staple and its identified role in providing housing. Staple is defined as Village by policy CP1 of the Core Strategy. The role of Villages, which are the lowest identified settlement type (hamlets not being identified) in the hierarchy, is to provide the “tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community”. The Land Allocations Local Plan (LALP) also identifies Staple as a Village, specifically confirming that Barnsole (where the current application site is located) is a hamlet (i.e. not a defined settlement and therefore not suitable for further development). The LALP advises that, at the time it was written, Staple had a Church, a recreation ground, a public house, a village hall and an hourly bus service.
- 2.4 The LALP identifies a need for additional housing in Staple and made a change to the settlement confines in order to provide a site capable of accommodating one or two dwellings. No further development was deemed to be necessary and the LALP was found to be sound by the Inspector at examination. However, since the LALP was published in 2015, permissions have been granted in Staple for seventeen dwellings (plus six dwellings under the prior approval procedure), whilst the pub in Staple has closed (although the pub in Barnsole remains open) and the hourly Stagecoach bus service has been terminated, making the area significantly less sustainable than it had been previously. The change to the settlement confines of Staple, described as creating an opportunity for one or two dwellings in the LALP, eventually gained planning permission for four dwellings, whilst planning permission was granted at the Three Tuns Public House for a total of nine dwellings. In addition, a site at the northern end of Barnsole Road was granted planning permission at appeal for four dwellings. Furthermore, six dwellings have been granted prior approval in the vicinity of Staple.
- 2.5 Whilst the principle of the development is contrary to the development plan (Policies DM1 and DM11), it is important to note that, at present, the Council is unable to demonstrate a deliverable five year housing land supply. In addition, by undertaking the process of updating its housing need evidence base (Strategic Housing Market Assessment (SHMA) 2017), the Council has acknowledged that its policies relating to the supply of housing within the Core Strategy (CP2 and CP3) are out of date. A recent appeal decision at Walmer, Deal concluded that the Council has approximately 4.5 years supply of housing (albeit this pre-dates the publication of the revised National Planning Policy Framework (NPPF)). Given this position, Policy DM1 is now considered to have some reduced weight in the decision making purposes as it has a limiting effect on the supply of land for housing and in this regard, and against the backdrop of not being able to demonstrate a five year supply of deliverable housing land, that the weight to apply to this policy is more limited. Policy

DM11 is also affected; however, it is considered that this policy closely correlates with the NPPF and continues to carry significant weight.

Character and Appearance

- 2.6 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. It is considered that both of these policies accord with the NPPF and, as such, carry full weight.
- 2.7 In order to inform the consideration of a developments impact on landscape character, regard should be had for the Dover District Landscape Character Assessment, which divides the district into 12 landscape character areas. The site lies to the northern edge of the 'Eastry Arable and Woodland Clumps' landscape character area, just below the boundary of the 'Staple Farmlands' landscape character area. The key characteristics of the 'Eastry Arable and Woodland Clumps' area is described as: gentle ridge and valley topography of the Downs; small settlements enclosed; orchards and vineyards; poplar shelter belts; arable land; rectangular fields follow northeast-southwest direction; native hedgerows and isolated trees; strong seasonal variation; mixed building types; light settlement; minor roads; and a footpath network. In terms of the character of built form, the area is described as having "isolated houses and farmsteads and small clusters of houses frequent the area, linked by a network of narrow lanes", whilst "the series of small settlements with open arable land in-between form a pattern and rhythm across the landscape". The key characteristics of the 'Staple Farmlands' area are largely the same of those of the 'Eastry Arable and Woodland Clumps' area, albeit the land is flatter. The built form in this character area is described as, "building types, materials and ages are varied with a rich mixture of traditional and modern Kentish oasthouses, used for drying hops, Flemish gable ends, relating to the historic integration of the Dutch, and flint material, relating to the underlying geology of the wider area. There are a number of isolated houses and farmsteads spread throughout the character area, which support these characteristics. The settlement of Staple, however, includes a mix of modern brick houses within a higher density".
- 2.8 Locally to the site, it is considered that within the area to the east of Staple, buildings tend to be grouped in clusters (in accordance with the Landscape Character Assessment appraisal). These clusters are all present on the pre-C20th maps, with the exception of one group to the north of Lower Road, albeit most have grown since that time. The application site forms a triangle of land between three of these clusters, Barnsole, Summerfield and the former location of a windmill. The application site had, with the exception of a small farmstead to its north eastern corner, been vacant of buildings until the C20th.
- 2.9 The buildings within the clusters are typically very low density, sporadically located and of diverse scale and design, with each building (or short terrace) differing from the next. The majority of the buildings face towards the roads, however, the separation from the road varies considerably, with some buildings directly addressing the roads and others set back by a significant distance. It is considered that the unplanned, sporadic and diverse character of the clusters produces a strong defining character to the area.

- 2.10 The existing site does depart from the character of the clusters, accommodating glass houses, poly tunnels and potting sheds spread across much of the site. However, whilst these buildings have significant floor areas, their height is limited. Moreover, the site is predominantly bounded by tall hedges, albeit these hedges include Leylandii, such that the buildings on site are not prominent from outside the site, other than in views from the entrances to the site.
- 2.11 The proposed development seeks to construct sixteen two-storey dwellings (albeit plot 10 would also have rooms in its roof). Whilst a relatively low density scheme compared with average development densities across the district, it would be of higher density than that which is found within the Barnsole/Summerfield area. The layout of the scheme, whilst utilising an organic road plan, retains a planned, orderly pattern of development which fails to have regard for the unplanned “scattered” character which is prevalent.
- 2.12 The proposed buildings would be of significant scale, with six terraced dwellings of around 100sqm each and ten detached dwellings of between 114 and 236sqm and reaching heights of between 9 and 9.6m. Whilst buildings of similar, or even larger, size can be found in the vicinity, they are typically set in larger plots, retaining a sense of spaciousness.
- 2.13 The dwellings have been sensitively designed, are well proportioned and would utilise a high quality materials palette typically used for rural developments (albeit the white painted weatherboarding proposed to some dwellings is used scantily in the area and rarely as it has been proposed in the current application).
- 2.14 The area around the site is relatively flat, but falls gradually from south to north. The application has been supported by a Landscape and Visual Impact Assessment (LVIA) which considers the landscape character of the site and the surrounding area, viewpoints from where the site is or may be visible and the impacts of the development. The broad locations of the viewpoints chosen for the assessment are considered to be reasonable, although closer views of the site from Mill Road must also be considered. In order to assess the impacts of the development on the character of the landscape, a standard methodology will be used which considers the sensitivity to change, the magnitude of change and the significance of impacts, having regard for potential mitigation.
- 2.15 It is considered that, of longer distance views identified in the report (7 to 13), the development would have a neutral impact, due to the distance at which the views would be taken (i.e. a low sensitivity to change) and the screening effect of existing buildings and vegetation. Whilst some benefits and disbenefits are identified (primarily the benefits being the removal of Leylandii hedges and the disbenefits being the views gained of the roofs of the proposed dwellings), it is considered that these impacts are broadly balanced. Issue is taken, as will be set out in more detail later on in this section, with the degree to which the presence of dwellings would cause an adverse effect and the degree to which vegetation would mitigate these impacts.
- 2.16 Viewpoints closer to the site are significantly more affected by the proposed development. In the view from the main entrance to the site on Barnsole Road, the car park, several single storey glasshouses and a potting shed are currently visible. Summerfield Nursery House and, to a lesser degree, Holly Cottage are noticeable. The proposed development would introduce an

access with a raised table and one dwelling to its right hand side adjacent to the road. Furthermore, views into the site would be possible, including areas of car parking, garages and around five dwellings (with glimpse views of other dwellings also possible). The character of this part of Barnsole Road is largely influenced by the narrow width of the road and the lack of prominent buildings. The greenhouses, to a degree, depart from this, but retain the agrarian character of the lane. Whilst the assessment of the applicant is that the greenhouses are 'detractors', it is not considered that they have more than a minor negative impact on views. The application, however, would introduce a very suburban, engineered character to this narrow lane, significantly departing from the scattered, rural character which prevails. It is considered that, in this view, the development would cause a moderate adverse effect.

- 2.17 The LVIA identifies a viewpoint from the junction of Barnsole Road and Mill Road, although it is considered that this viewpoint should be 'extended' to also consider that impacts from Mill Lane. From here very little built development is currently visible (Summerfield Nursery House and Mill Cottage/Mill House). The existing buildings, greenhouses etc. on the application site are just visible over the boundary hedge, against the backdrop of the Leylandii hedge. The submitted LVIA considers that the benefit of removing the Leylandii hedge which forms a backdrop outweighs the harm caused by the erection of dwellings, considering that the proposed dwellings may be "glimpsed" with only "fragmented partial views of rooflines and chimneys". This conclusion cannot be reconciled with what is apparent on site. The rooflines of the existing glasshouses can be 'glimpsed' at present; however, the proposed dwellings would be approximately twice the height of these glasshouses. As such, the proposed dwellings would, it is considered, form dominant and significantly detracting features in this view, which would significantly outweigh the benefit of losing the Leylandii hedge. It is considered that, in this view, the development would cause a moderate adverse effect.
- 2.18 From the junction of Mill Road and Mill Lane the main feature is the Leylandii hedge, with an open field (with stored vehicles) and, beyond, the properties on Barnsole Road to the left hand side of the view and Mill House and Mill Cottage to the right hand side. From this viewpoint, the benefit of removing the hedge would be most appreciated, as a length in excess of 100m, highly visible from this viewpoint, would be removed. This hedge would be replaced by a native hedgerow, above which the development would be visible. In particular plots 8, 9 and 10 (which include dwellings and garage buildings) would be located in relatively close proximity (between 8 and 20m) to this boundary. Other dwellings may also be visible in the background of views. Being a newly planted hedge, in the short and medium term, it would provide limited screening of the development. In the long term, this hedge would increase in height, depending on the species, density, maintenance etc.; however, it is highly unlikely that the hedging would reach as high the eaves of the building. Having regard for the perspective available from this viewpoint, it is considered that the buildings would remain prominent features, detracting from the rural character. Balancing the benefit against the disbenefit, it is concluded that a minor adverse effect would be caused.
- 2.19 From Mill Lane, adjacent to the second access, the existing view comprises Summer Lodge and its garden to the left hand side, which is bounded by hedges over which the roof of Holly Cottage is visible. To the right hand side and directly abutting the road, is the row of Leylandii, which is a detractor. The development would significantly alter this view. The open 'airspace' over the polytunnels (permitting views of trees beyond) would be replaced by the side

gable elevation of plot 12. The existing access to the centre of the view would be engineered to create an access with a raised table and footpaths. To the right hand side, the Leylandii hedge would be removed and replaced with a native hedgerow. However, two dwellings and a garage would be located in close proximity (less than 5m) to this boundary. Consequently, the dwellings would create highly dominant features from the road. Balancing the benefit against the disbenefits, it is concluded that a moderate adverse effect would be caused.

- 2.20 Regard has been had to the degree of proposed mitigation, i.e. the planting of native hedgerows and the enhancement of privet hedges. However, the proposed dwellings would rise to between 9 and 9.6m in height. Whilst these hedges would reduce the visual impacts of the development, it is highly unlikely that, even once the hedges have become established, they would effectively screen dwellings (not least due to the hedges being in the rear gardens of dwellings where it would undesirable to have tall hedges).
- 2.21 Overall, it is considered that the development would introduce an overtly planned layout development, at density which would fail to relate to the density of development in the area, creating a pattern of development starkly at odds with that of the surrounding area, described by the Inspector for the appeal site to the north as “scattered” and described in the Landscape Character Assessment as: “isolated houses and farmsteads and small clusters of houses frequent the area, linked by a network of narrow lanes”. Whilst the removal of evergreen hedges is positive, the retained and new hedges would fail to mitigate the visual impacts of the development. It is therefore considered that the development would cause substantial harm to the character and appearance of the area and to the character of the countryside and landscape, contrary to Core Strategy Policies DM15 and DM16.

Heritage

- 2.22 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State should pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the NPPF, in particular, whether the development would cause any harm to the significance of heritage assets.
- 2.23 There are two groups of listed buildings which are located relatively close to the application site, one to the north and one to the south (the groups signifying the ‘clusters’ of buildings which characterise the area’).
- 2.24 The group to the south is located around 110m away and comprises four listings (three dwellings and a well). The closest of the proposed dwellings would be around 140m from the closest listed building within this group, Summerfield House. Given the separation distance, it is not considered that the development would impact upon the settings of these buildings.
- 2.25 To the north is a second group of four listed buildings. This time, three of these buildings are dwellings and one, the closest to the site, is a pub. Again, the development would be set a reasonable distance away from these listed buildings, with the closest of the proposed dwellings to the pub being 65m away. Given this distance, together with the intervening vegetation, it is not

considered that the development would impact upon the setting of these listed buildings. As such, having regard for the statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF, the development would cause no harm to designated heritage assets.

- 2.26 It is also necessary to consider the developments impacts on non-designated heritage assets, in particular Archaeology. The KCC archaeologist has not provided a comment regarding the application; however, it does not follow that the lack of a comment means that archaeology is not a constraint. In the absence of a comment, historic maps and the Kent Historic Environment Records have been checked to establish whether the site has potential to contain non-designated heritage assets of archaeological value. The records show that there is a post-medieval dispersed plan farmstead at the application site, chalk workings and a lime kiln to the east and various farmsteads, outbuildings and a brewery around the Black Pig Public House. To the west was a corn mill. It is acknowledged that the site contains various buildings and hardstandings; however, these do not cover the site and it is likely that they will have limited foundations. Given the sites location, to the southern extent of the hamlet of Barnsole (Summerfield being a separate hamlet beyond open fields to the south), it is considered that there is a potential for the site to contain non-designated heritage assets of archaeological value and, as such, should permission be granted, it is considered that it would be reasonable and proportionate to include a condition which requires an archaeological watching brief to take place during construction.

Impact on Residential Amenity

- 2.27 Typically, properties outside the application site are located a significant distance away. Three properties, to the east of the site, are closer and require more detailed consideration. These properties are Summer Lodge, Holly Cottage and the dwelling which is associated with the application site (and is under the ownership of the applicant).
- 2.28 Summer Lodge would be located around 30m from the nearest of the proposed dwellings (plot 12). As such, no significant loss of light or sense of enclosure would be caused. Whilst the side elevation of plot 12 would be close to the boundary with Summer Lodge, this side elevation would not contain any windows. Rear facing windows in plot 12 would provide only long distance, angled views towards Summer Lodge. No other proposed dwellings would cause any significant loss of light, sense of enclosure or overlooking and, therefore, the living conditions of Summer Lodge would not be unacceptably harmed.
- 2.29 Plot 12 is located directly to the rear of Holly House, set approximately 30m away from its rear elevation and around 18m away from the rear boundary of this neighbour. Given these distances, no unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.30 Summerfield Nursery House is under the ownership of the applicant; however, regard must still be had for whether the development would unacceptably impact upon the residential amenity of this dwelling. The rear elevation of plot 1 would be around 8m from the boundary with Summerfield Nursery House and around 13m from the western corner of Summerfield Nursery House itself. It is considered that this distance is sufficient to avoid unacceptable loss of light or sense of enclosure. Whilst the existing and proposed dwellings are in relatively close proximity to each other, having regard for the orientation of the

buildings and the areas of Summerfield Nursery House which would be overlooked, on balance, it is not considered that the level of overlooking would be sufficient to warrant refusal.

- 2.31 The proposed dwellings would all be of a reasonable size and would be provided with private rear gardens. The layout plan shows that, typically, the dwellings would be well-separated from each such that unacceptable overlooking, loss of light or a sense of enclosure would not be caused. The rear elevation of plot 7, would be relatively close to the side elevation (and rear garden) of plot 6, the respective rear and side elevations of which would be around 12m from each other. Whilst this relationship is not ideal, it is considered that, due to the orientation of the buildings and subject to securing vegetative boundary screening as shown on the plans, the impact on the living conditions of plot 6 would not be so harmful that refusal would be warranted. Refuse storage could easily be catered for, subject to condition.

Impact on the Local Highway Network

- 2.32 The applicant submitted that the vehicle movements generated from the existing use of the site could be compared to a retail garden centre and, consequently, assessed the number of vehicle movements which could be generated by the existing use to be around 540 two-way movements per day. The existing use generates very few vehicle movements, particularly as the business is in decline. Whilst, should this decline reverse, vehicle movements may increase, the applicant's comparison is not accepted, as the characteristics of the site are materially different from a retail garden centre. KCC consider that, at present, the site is likely to generate around 3 peak hour movements, albeit there would likely be seasonal fluctuations and additional weekend movements.
- 2.33 It is considered that the proposal would, having regard for trip generation from similarly sized and located developments, generate around 75 two-way trips throughout the day, with around 10 two-way trips being within the weekday peak hours. These would be split into around 7 movements along Barnsole Road to the north (further split down into 5 movements along Fleming Road and 2 movements along Lower Road/Durlock Road) and 3 movements along Mill Lane and into Staple. Consequently, there would be an increase in peak hour vehicle movements. The roads in the immediate vicinity of the site are narrow, single lane rural roads with few opportunities for vehicles to pass each other and are therefore poorly equipped to accommodate additional vehicle movements. However, the development does propose one new passing place on Mill Lane which could be used by the roughly 30% of vehicles travelling to and from the site along this road (together with existing traffic), providing some mitigation. It is also considered that the closure of the existing business would remove HGV's from the local network, providing a modest benefit (although refuse, delivery vehicles would still need to gain access from time to time). Whilst, overall, the development would place additional pressure on the restricted local road network, it is concluded that this would not amount to an unacceptable impact on highway safety or a severe cumulative impact.
- 2.34 The applicant has submitted a tracking plan which demonstrates that a 10.5m long vehicle could access and leave the site in either direction along Barnsole Road. Whilst the tracking plan does not demonstrate how vehicles would then navigate around the site, given the width of the internal roads and the sizes of the turning areas on site, it is unlikely that manoeuvring within the site would be problematic. Given the geometry of Mill Lane it is questionable whether this

access complies with current access standards for larger vehicles (albeit it is understood that this access is currently used for delivery vehicles). However, it is not considered that this uncertainty is a significant issue, due to the acceptability of the Barnsole Road access. For these reasons the proposed accesses to the site and the layout of the internal access road are considered to be acceptable in highway terms.

- 2.35 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1. The location of the site falls within the 'Suburban Edge/Village/Rural' category, where two-bedroom dwellings are usually required to be provided with 1.5 spaces each and three, four and five bedroom dwellings are usually required to be provided with 2 spaces each. In addition 0.2 visitor spaces should be provided for each dwelling. Plots 1-6 (two two-bedroom dwellings and four three-bedroom dwellings are proposed) would each be provided with two spaces, albeit these are tandem spaces. Whilst the use of tandem spaces is not ideal, being less convenient than independently accessible spaces, it is noted that the spaces are reasonably sized. The private dwellings, which would be a mixture of three, four and five bedroom dwellings, would each be provided with two independently accessible spaces together with a double garage. Whilst garages do not normally count towards car parking provision (often being used for storage and other domestic uses), these dwellings would still be provided with the requisite number of parking spaces. In addition to the allocated car parking, four visitor spaces are also proposed. The sixteen dwellings would create an overall need for 3.2 visitor spaces. Overall, the number of spaces provided would meet the need generated by the development. Whilst the tandem spaces is unfortunate, given the size of these spaces, the availability of visitor spaces and the very limited likelihood of vehicles parking on the highway, it is considered that the car parking provision is acceptable. Cycle parking could be secured by condition.

Flood Risk and Drainage

- 2.36 The site lies within Flood Risk Zone 1, where the risk of flooding from rivers or from the sea is lowest. Consequently, the sequential and exception tests need not be applied. However, it is still appropriate to consider whether the development would be liable to, or increase the risks of, localised flooding.
- 2.37 The National Planning Policy Statement, at paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere, going on to say that development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
- 2.38 The Lead Local Flood Authority (LLFA's, in this case KCC) is a statutory consultee, providing professional advice on the provision of surface water drainage. KCC have issued a Drainage and Planning Policy Statement, which sets out how applications will be assessed. In particular, SUDS Policy 1 within this plan sets out the hierarchy for dealing with surface water. The full hierarchy is as follows:
- to ground;
 - to a surface water body;
 - a surface water sewer, highway drain, or another drainage system; or

- to a combined sewer where there are absolutely no other options, and only where agreed in advance with the relevant sewage undertaker.
- 2.39 KCC, in association with eight other Lead Local Flood Authorities across south east England have also prepared a document called 'Water, People, Places' which provides advice on the incorporation of SUDS into development.
- 2.40 Initially KCC were concerned that a surface water drainage strategy had not been submitted with the application. However, following reconsultation, KCC confirmed that no objection was raised to the proposed drainage strategy, provided that soakaways were designed and located appropriately. It was also suggested that the EA be consulted; however, on doing so, the EA declined to comment due to the limited scale of the application. The site is located within Groundwater Protection Zone 3. Whilst Policy DM17 of the Core Strategy restricts infiltration in Groundwater Protection Zones 1 and 2, it does not restrict infiltration in Zone 3, albeit it will still be necessary to ensure that the detailed design of the infiltration system ensures that contamination is not caused. KCC recommend that, should permission be granted, conditions be attached regarding: the submission and approval of a surface water drainage scheme; restricting surface water infiltration to those areas which are permitted; restricting occupancy of any of the dwellings until an operation and maintenance scheme is submitted and approved; and restricting occupancy of any of the dwellings until a verification report is submitted to demonstrate that the approved infrastructure is in place and operational. In order to ensure that the development does not cause localised flooding or contamination of groundwater, such conditions would be reasonable.
- 2.41 Turning to foul drainage, Southern Water have raised no concerns regarding the capacity of the local foul drainage infrastructure. Notwithstanding this, it is considered that it would be necessary to attach to any grant of permission a condition requiring full details of on and, if necessary, off-site foul drainage works, including a timetable for the implementation of the works (demonstrating that the development will not be occupied until it is adequately serviced and a verification report is provided which demonstrates that the approved infrastructure has been constructed), and a maintenance programme.

Ecology

- 2.42 It is necessary to consider whether the development would cause harm to protected or notable species or their habit, or harm other ecological designations. In making these assessments, particular regard has been had for the Standing Advice published by Natural England.
- 2.43 The site largely comprises hardstanding, glasshouses, polytunnels and other buildings and structures. The open areas of land appear to be used for the growing of plants. The boundaries of the site include rows of trees and hedges, many of which are evergreen Leylandii type.
- 2.44 The applicant has submitted a Preliminary Ecological Appraisal for the site. This document confirms that there are no existing ponds within the site, and limited habitat, suitable for amphibians. Whilst there are six records of amphibians within 1km of the site, there are no records within 100m. It is therefore considered unlikely that great crested newts will be present on the site. The site provides limited habitat for reptiles, whilst the habitat which is present (low brambles and grass) is cut back and prepared for perennials

each year and sprayed regularly. The site is also isolated from other potential habitat, whilst no reptiles have been observed at the site. Consequently, it is unlikely that reptiles are present on the site. The site has the potential to support breeding birds, although there are no signs of barn owls on the site. The site is unsuitable for hazel dormice, badgers and bats. Other mammals, such as hedgehogs, rabbits, moles, field voles and foxes are likely to use the site. Whilst these species are not a constraint to development, they are afforded protection from unnecessary suffering and so should be protected during construction. The report concludes that trees to be retained should be protected during construction, whilst precautions are recommended to prevent unnecessary suffering to mammals. Ecological enhancements have also been recommended. It is considered that the submitted report provides a reasonable assessment of the likely habitats and species on the site and its recommendations are accepted, with the exception of the extent to which birds have been considered.

- 2.45 Concerns were raised with the applicant that the development of the site may have particular implications on Turtle Doves, which are a UK Priority Species under Section 41 of the Natural Environment and Rural Communities Act 2006. This Act places a duty on Local Planning Authorities to have regard for to the purpose of conserving biodiversity, under Section 40.
- 2.46 The application site is closely adjacent to an RSPB supported site and records of Turtle Doves. Whilst there are no known, verified records of Turtle Dove on the application site itself, the habitats on the site (boundary hedging) are consistent with the habitat utilised by Turtle Doves. Adopting a precautionary approach, and attaching significant weight due to the overall level of decline in the species, it is necessary for the application to demonstrate that the development would protect or minimise impacts on, and work to halt the overall decline in, Turtle Doves, having regard for the Councils duty under the Section 41 of the Natural Environment and Rural Communities Act 2006 and the NPPF more generally.
- 2.47 In response, the applicants have submitted an Addendum to their Preliminary Ecological Appraisal, to specifically address the likely impacts on Turtle Doves. The report advises that much of the site is unsuitable for Turtle Doves, whilst the activity on the site would disrupt potential nesting pairs. However, the hedgerows provide some potential for Turtle Doves. The report confirms that the applicants own a parcel of land opposite the Staple Turtle Dove Reserve which, due to the seasonal nature of wallflower production has supported Turtle Doves. The applicant has consulted with the Staple Turtle Dove Reserve and the recommendations made have been incorporating into the scheme (extensive planting of suitable hedge and tree species, the setting aside of land outside of the application site but under the control of the applicant and the formation of a pond). Consequently, the report concludes that the development would not be expected to have a negative impact on Turtle Doves and may well be of benefit. It is considered that the addendum report provides a reasonable account of the likely impacts on Turtle Doves and, as such, subject to conditions being attached to any grant of permission to secure mitigation and enhancements (in respect of all of the species identified in this section), the development would provide a modest overall enhancement to ecology.

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

- 2.48 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. Regard has been had for the applicants shadow Appropriate Assessment.
- 2.49 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.
- 2.50 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.
- 2.51 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.
- 3.52 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation.
- 2.53 Having had regard to the proposed mitigation measures and having had regard for the applicants shadow Appropriate Assessment, 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.

Contamination

- 2.54 The areas adjacent to the site have historically been used for activities which may have caused contamination (a brewery, a chalk pit and lime kiln and filled ground). Given this, and having regard for the sensitivity of the end use, Environmental Health have advised that conditions be attached to any grant of permission requiring investigation and remediation of any contamination on site. It is considered that such a condition would be reasonable.

Contributions

- 2.55 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. The applicant has submitted that six dwellings will

be provided as affordable dwellings, equating to 40% of the overall number of dwellings proposed.

- 2.56 The normal starting point is that 70% of the affordable dwellings will be social/affordable rent and 30% will be shared ownership. However, the councils Head of Strategic Housing has advised that, where relatively few dwellings are proposed (such as this), 100% social/affordable rent would be acceptable, as this tenure meets the needs of people with the greatest affordable housing need. It is also acknowledged that, since the application was submitted, the definition of affordable housing has been expanded within new NPPF and now includes: affordable housing for rent; starter homes; discounted market sales housing; and other affordable routes to home ownership (shared ownership, relevant equity loads, other low cost homes for sale and rent to buy). However, should permission be granted, it is considered that this could be clarified through a condition requiring the submission of a scheme for the provision of affordable housing.
- 2.57 Policy CP6 requires that development which generates demand for additional infrastructure will only be permitted if the necessary infrastructure is either in place or where it can be provided. KCC have advised that the development would place additional pressure on local library provision. KCC have also advised that there is currently insufficient capacity to meet this need. In order to meet this additional demand, KCC have requested that the development provides the following contributions for the specified project:
- Request that a contribution of £768.25 be made towards additional book stock for mobile library service attending Staple.

KCC also recommend the provision of a High Speed Fibre Optic Broadband connection to the development. KCC have provided details regarding how the contribution has been calculated and it is considered that these are necessary and reasonably related to the development and should therefore be sought. Consequently, it is considered that the request meets the relevant tests for developer contributions. There is no policy requirement to provide High Speed Fibre Optic Broadband and, as such, it would be unjustifiable to require that this infrastructure be provided by the development.

- 2.58 Policy DM27 requires that developments contribute towards the provision of open space to meet the needs which will be generated by the development. No requests have been made for open space contributions and it is noted that the Staple Recreation Ground, which provides play equipment, is located a short distance from the site. Consequently, it is not considered that a contribution for open space provision would be justified.
- 2.59 Subject to securing the provision of affordable housing and library contributions, it is considered that the development would comply with policies DM5 and CP6 of the Core Strategy.

Planning Balance

- 2.60 As set out within the principle section of this report, the council is currently unable to demonstrate a deliverable five year housing land supply. However, whilst the lack of a five year housing land supply increases the importance of, and weight attributed to, securing housing it must be noted that the presumption in favour of sustainable development (the 'tilted balance') does not apply as the application has been subjected to an Appropriate

Assessment, which engages paragraph 177 of the NPPF. The applicant has sought to demonstrate that paragraph 177 is at odds with paragraph 11, having the effect that paragraph 11 (the 'tilted balance') should be reengaged after an Appropriate Assessment has taken place, provided no likely significant adverse effect would be caused. The council do not accept this interpretation, which does not stand up to scrutiny. Indeed, the Secretary of State, in a recent 'called-in' appeal, acknowledged the implications of paragraph 177 for disengaging the 'tilted balance'. The disapplication of the 'tilted balance' represents a changed circumstance since an appeal relating to a site to the north of Barnsole Road (discussed in more detail at paragraph 2.62 of this report) was determined.

- 2.61 The site is located on a narrow lane, which lacks footpaths and is very poorly lit at night. The nearest bus stops providing high quality (once an hour or better) services are located around 2.8km away by road in Ash. The applicant has advised that Staple Parish Council's website shows bus services which serve Staple. However, the website only confirms that commercial bus services have ceased and that the community are investigating options for providing some services directly. The nearest train station, Sandwich, is located 6.5km away by road. A short distance to the north of the site is a pub, which also provides basic foods, such as bread, milk, cheese, biscuits, baked beans, tea etc. together with household essentials such as washing up liquid, tooth paste and tooth brushes. Whilst this is a valuable resource, it would not overcome the need to make regular journeys for groceries. There is a post box opposite the pub. Staple Village Hall and the recreation ground are located around 450m to the north west and Staple Church is around 1km to the north west. The nearest settlements providing reasonable levels of facilities and services (shops, medical facilities, library, primary school etc.) are Ash, around 3km away to the north, and Eastry, around 4km away to the south east. The nearest town providing a fuller range of facilities and services (train station, secondary school, supermarket etc.) is Sandwich, around 6km to the east (although the facilities and services in Sandwich are typically around 6.5km away). Given the distances, the convenience and safety of walking and cycling routes and the lack of convenient public transport, it is considered that there is no realistic alternative but to travel by car, whilst such travel would be over not inconsiderable distances. It is therefore considered that the site is not sustainably located, contrary to paragraph 78 of the NPPF, which requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and would fail to prioritise pedestrian and cycle movements or facilitate access to high quality public transport, contrary to paragraph 110 of the NPPF. For the same reasons, the development would be contrary to Policy DM11 of the Core Strategy.
- 2.62 The site is around 350m to the south of a site which was granted planning permission at appeal for four dwellings (DOV/16/00470 and APP/X2220/W/16/3157696). This appeal decision is a material consideration in the determination of the current application. In allowing the appeal, the Inspector commented, at paragraph 4, that the pattern of development was 'scattered'. At paragraph 5, the Inspector placed reliance on the bus service, which has since ceased. At paragraph 9, it is confirmed that the presumption in favour of sustainable development (or the 'tilted balance') was applied whilst, in the same paragraph, considers that the appeal site was 'semi-rural'. Finally, at paragraph 11, the Inspector confirms that "the unique characteristics of the site mean that a precedent for other development sites would not be set". Whilst the appeal site is relatively close to the application site, the scale and character of the two schemes varies significantly, whilst

there have been material changes in circumstance since the appeal was determined (disapplication of the 'tilted balance'; the cessation of the bus service in the village; and the additional housing which has since been granted). Consequently, the relevance of the appeal scheme to the determination of the current application is limited.

- 2.63 The NPPF, at paragraph 8, sets out the three objectives to achieve sustainable development: economic; social and environmental.
- 2.64 In terms of the economic objective, the development would remove an existing employment generating use. However, the application has been supported by a marketing appraisal which, it is considered, demonstrates that the existing business is not viable. The development would produce a short-term economic benefit during the construction phase.
- 2.65 Turning to the social objective, the development would provide additional dwellings which would provide a meaningful contribution to the councils housing land supply. In particular, significant weight in favour of the development is attributed to the provision of affordable dwellings (albeit there is little evidence that this housing is required to meet a local (Staple) need). The development would provide customers to/users of the facilities and services in Staple and Barnsole (i.e. the Church, the pub, the village hall and the recreation ground). However, it is likely that occupants of the development would travel significant distances by car to meet the vast majority of the day to day needs.
- 2.66 Finally, in terms of the environmental objective, the development would reduce the number of HGV's and commercial vehicles on the local road network, although it is considered that there would be an increase in vehicle movements overall when balanced against the potential use of the site (the likelihood of movements generated from the existing site increasing towards its potential is significantly reduced, by virtue of the applicants evidence that the site is not viable). There would likely be an increase in vehicle movements compared to the existing operation. There would be little alternative but to use cars to reach the majority of day-to-day facilities and services and these journeys would be over a significant distance. It has also been concluded that the development would harm the character and appearance of the area, materially altering the rural character of this part of the countryside, described by the Inspector as being an area of "scattered built development". This harm is attributed substantial weight. The development would, with conditions, mitigate its impacts on ecology and provide a modest enhancement.
- 2.67 Overall, the development would provide 16 dwellings, of which 6 would be affordable. This benefit is attributed significant weight. The modest ecological benefits and short term economic benefits are attributed limited weight. However, it is considered that the site is located such that it would require long journeys by car to reach the majority of the day-to-day facilities and services. Whilst this is tempered by the additional support occupants of the development would provide to the limited facilities and services available in the locality, overall it is considered that the location of the site would cause moderate harm. The development would produce a density and layout of development which is wholly at odds with the scattered built development which informs the character of Barnsole Road. This harm is attributed substantial weight. Balancing these benefits and disbenefits, it is concluded that there would be a significant overall disbenefit and, consequently, it is not

considered that the proposal represents sustainable development, as defined by the NPPF.

Conclusions

- 2.68 The principle of the development would be contrary to policy DM1 and DM11, being well outside of the defined settlement confines and failing to meet any of the identified exemptions. The application is therefore contrary to the development plan.
- 2.69 It is considered that the site is located where occupants of the development would be reliant upon unsustainable forms of transport and would need to travel significant distances in order to access day-to-day facilities and services. Moreover, the development would introduce an overtly 'planned' development layout within an area which has an irregular, low density rural layout to dwellings, described by an Inspector as "scattered built development". This would cause substantial harm to the character of the area. Whilst the development would provide some benefits, principally the provision of housing which would include 40% affordable housing, it is not considered that these benefits are sufficient out outweigh the harm caused and do not provide a material circumstance for setting aside the conflict with the development plan. Regard has been had for all other material considerations. For these reasons, it is recommended that planning permission be refused.

g)

Recommendation

- I PERMISSION BE REFUSED for the following reasons:-
- (1) The site is located outside of any urban boundaries or rural settlement confines, in a rural location which would be dependent upon the private car to access day-to-day facilities and services. As such, and in the absence of any special circumstances which indicate otherwise, the proposed development represents an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1 and DM11 and paragraphs 78, 102, 103, 110 and 170 of the National Planning Policy Framework.
- (2) The proposed development, by virtue of its layout and density, together with the scale and uniformity of design of the dwellings, would create a development starkly at odds with the informal, scattered character of development, causing substantial harm to the rural character and appearance of the area, contrary to Dover District Core Strategy Policies DM15 and DM16 and paragraphs 124, 127 and 130 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Regeneration and Development to settle the reasons for refusal, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

Subject:	FEES AND CHARGES 2019/20
Meeting and Date:	Planning Committee (for information) – 22 November 2018 Cabinet – 14 January 2019 (part of larger report)
Report of:	Nadeem Aziz, Chief Executive
Portfolio Holder:	Councillor J S Back, Portfolio Holder for Built Environment
Decision Type:	Key Decision
Classification:	UNRESTRICTED

Purpose of the report: This report has been prepared in order to bring the levels of fees and charges (F&Cs) for the financial year 2019/20 to Members attention. These revised F&Cs will be included in the budget estimates for 2019/20.

Recommendation: Planning Committee

That Members note the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Cabinet

That Members approve the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Minor adjustments to the local fees and charges to be delegated to the Head of Regeneration and Development in consultation with the Director of Finance, Housing and Community.

1. Summary

The constitution specifies that the Council's F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2019/20. The fees and charges for planning are included in Appendices 5.1 and 5.3 for members to note. Members will also note the national fees for planning included in Appendix 5.2.

2. Introduction and Background

2.1 The Council's constitution specifies that F&Cs shall be reviewed annually.

2.2 The level of Member approval required is dependent upon the types of F&Cs raised and therefore reports have to be submitted to:

- Licensing Committee
- Regulatory Committee
- Planning Committee
- Cabinet

2.3 In order to meet this requirement the following reports are produced for setting the Planning fees:

- Planning Committee – Report to the meeting on 22 November 2018 of all F&Cs relevant to the Planning Committee.
 - Cabinet – Report to the meeting on 14 January 2019 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.
- 2.4 Members are reminded that a framework of broad guidelines to be considered in formulating proposals for F&Cs is in place. This includes a checklist which has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Appendix 1.
- 2.5 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Appendix 5.1

Detail and Narrative

These give a brief summary of the type of service being provided.

Set by Government

This indicates whether a charge is statutory or not. If a charge is statutory then it is effectively set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

2018/19 Charge Inc VAT

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, especially those such as car parking, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, based on the appropriate market level. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

2019/20 Proposed Charge Inc VAT

This is the recommended charge for 2019/20 and will, subject to Members' approval, be included in the 2019/20 budget.

2019/20 Total Expected Income ex VAT

This gives a broad indication as to how much income DDC is expected to receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. The more significant income streams (generating over £3k) have been highlighted in **bold** type.

In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

Comments (inc Reason for the Change in Charges)

This provides Members with a brief explanation for the change. This will often be due to inflation or "catch up" inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance is still awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level, Member's approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

3. **Basis for Setting of Fees**

3.1 Members should take into account the following matters referred when noting the fees and charges included in Appendices 5.1-5.3:

- The statutory basis for levying the charges.
- All relevant legal requirements and government guidance.
- The cost of providing the service.
- The need to maximise income at a time of grant cuts and council tax capping so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
- Comparable charges at neighbouring authorities.
- What the market can bear.
- The matters referred to in the checklist of issues to consider (at Appendix 1)

4. **Resource Implications**

See Appendices.

5. **Corporate Implications**

5.1 Comment from the Director of Finance, Housing and Community (linked to the MTFP): Finance have been involved in the production of this report and have no further comment to make (NR).

5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

5.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications however in discharging their duties members are reminded to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

6. **Appendices**

Appendix 1 – Fees and Charges checklist

Appendix 5.1 – Schedule of recommended F&Cs

Appendix 5.2 - A Guide to National Fees for Planning Applications in England

Appendix 5.3 – Pre-application Planning Fees

Contact Officer: Mike Ebbs, Head of Regeneration and Development.

Fees and Charges Checklist

<p>Corporate and Service Objectives Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives?</p>
<p>Users of the Service Is there sufficient understanding of our service users and their needs and wishes? Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed? Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation.</p>
<p>Comparison with other providers Is there a complete picture of competition and providers of similar services – including other Local Authorities?</p>
<p>Consultation Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements? Is wider community consultation appropriate for any of your charges? Has it been undertaken?</p>
<p>Performance Management Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success?</p>
<p>Financial Considerations Is the charge at a level to fully recover all costs or if is subsidised - why? Have we considered all services for which we can / should charge a fee? Are there any fees that we charge, that have not been included in the schedule? Are we being radical in our approach to charging and are our charges cost effective?</p>
<p>Corporate Income Policy Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.</p>
<p>Legal Considerations and Other Guidance Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account?</p>
<p>Customer Access Review Consider whether the CAR for your service includes any issues for specific fees.</p>

Fees and Charges 2019/20

				2018/19	2019/20	2019/20		
	Detail	Narrative	Set by Govt? Y/N	Charges inc VAT	Proposed Charges inc VAT	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income
Planning - N. Aziz - M. Ebbs - Cllr Back								
1	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	Y	£5.00	£5.00	£750.00	0%	
2	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.10	£0.10		0%	
3	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.20	£0.20		0%	
4	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£5.00	£5.00		0%	
5	General	Research on Planning Histories, Permitted Development Rights and Use classes Per request	N	£35.00	£35.00		0%	
6	General	Planning Application Fees (see Appendix 5.2 - A Guide to the Fees for Planning Applications in England)	Y			£600,000	0%	Anticipated lower rate of larger applications
7	General	Pre-application advice (see Appendix 5.3)	N			£60,000	0%	Anticipated lower rate of larger applications

Fees and Charges 2019/20

				2018/19	2019/20	2019/20		
	Detail	Narrative	Set by Govt? Y/N	Charges inc VAT	Proposed Charges inc VAT	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income
Planning - N. Aziz - M. Ebbs - Cllr Back								
8	General	Details pursuant to conditions	Y			£15,000	0%	
9	General	Details pursuant to conditions	Y					
10	General	Advice on compliance of conditions information	Y				0%	
11	General	Advice on compliance of conditions information	Y					

A Guide to the Fees for Planning Applications in England

These fees apply from 17 January 2018 onwards.

This document is based upon [‘The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012’ \(as amended\)](#)

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

Outline Applications		
£462 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£462 per 0.1 hectare
£11,432 + £138 for each 0.1 in excess of 2.5 hectares to a maximum of £150,000	More than 2.5 hectares	£11,432 + £138 per 0.1 hectare

Householder Applications		
Alterations/extensions to a single dwellinghouse , including works within boundary	Single dwellinghouse	£206

Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent)		
Alterations/extensions to two or more dwellinghouses , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£407
New dwellinghouses (up to and including 50)	New dwellinghouses (not more than 50)	£462 per dwellinghouse
New dwellinghouses (for more than 50) £22,859 + £138 per additional dwellinghouse in excess of 50 up to a maximum fee of £300,000	New dwellinghouses (more than 50)	£22,859 + £138 per additional dwellinghouse

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of buildings (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£234
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£462
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£462 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£22,859 + £138 for each additional 75 sq m in excess of 3,750 sq m to a maximum of £300,000
The erection of buildings (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£462
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£462 for first 540 sq m + £462 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£22,859 + £138 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £300,000

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of glasshouses (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m	£2,580
Erection/alterations/replacement of plant and machinery		
Site area	Not more than 5 hectares	£462 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£22,859 + additional £138 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £300,000

Applications other than Building Works		
Car parks, service roads or other accesses	For existing uses	£234
Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + £138 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £78,000
Operations connected with exploratory drilling for oil or natural gas		
Site area	Not more than 7.5 hectares	£508 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£38,070 + additional £151 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £300,000

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Applications other than Building Works continued...		
Operations (other than exploratory drilling) for the winning and working of oil or natural gas		
Site area	Not more than 15 hectares	£257 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£38,520 + additional £151 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (winning and working of minerals) excluding oil and natural gas		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + additional £138 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (not coming within any of the above categories)		
Site area	Any site area	£234 for each 0.1 hectare (or part thereof) up to a maximum of £2,028

Lawful Development Certificate	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£234
Proposed use or operation	Half the normal planning fee.

Continued on next page...

Prior Approval	
Agricultural and Forestry buildings & operations or demolition of buildings	£96
Communications (previously referred to as 'Telecommunications Code Systems Operators')	£462
Proposed Change of Use to State Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£206
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£96
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£206
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£96
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£96

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Prior Approval continued...	
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£96
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£96
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop	£96
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use	£96
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt	£96

Reserved Matters	
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £462 due

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Approval/Variation/discharge of condition	
Application for removal or variation of a condition following grant of planning permission	£234
Request for confirmation that one or more planning conditions have been complied with	£34 per request for Householder otherwise £116 per request

Change of Use of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellinghouses	Not more than 50 dwellinghouses	£462 for each
Number of dwellinghouses	More than 50 dwellinghouses	£22,859 + £138 for each in excess of 50 up to a maximum of £300,000
Other Changes of Use of a building or land		£462

Advertising	
Relating to the business on the premises	£132
Advance signs which are not situated on or visible from the site, directing the public to a business	£132
Other advertisements	£462

Application for a Non-material Amendment Following a Grant of Planning Permission	
Applications in respect of householder developments	£34
Applications in respect of other developments	£234

Application for Permission in Principle (valid from 1 June 2018)	
Site area	£402 for each 0.1 hectare (or part thereof)

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Concessions

Please note: Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

Exemptions from payment

An application solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing:

- Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or
- Facilities designed to secure that person's greater safety, health or comfort.

An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted.

Listed Building Consent

Planning permission for relevant demolition in a Conservation Area

Works to Trees covered by a Tree Preservation Order or in a Conservation Area
Hedgerow Removal

If the application is the first revision of an application for development of the same character or description on the same site by the same applicant:

- For a withdrawn application: Within 12 months of the date the application was received
- For a determined application: Within 12 months of the date the application was granted, refused or an appeal dismissed
- For an application where an appeal was made on the grounds of non-determination: Within 12 months of the period when the giving of notice of a decision on the earlier valid application expired

If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation

If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person

If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question

If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

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Concessions continued...

Please note: Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

Exemptions from payment continued...

If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area

If the application is for a Certificate of Lawfulness of Proposed Works to a listed building

Prior Approval for a Proposed Larger Home Extension

Reductions to payments

If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £462

If the application is being made on behalf of a parish or community council then the fee is 50%

If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%

In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £462

If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others

Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.

If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.

The fee should go to the authority that contains the larger part of the application site.

ENDS

Pre-application Advice

Why seek advice?

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent planning permission being granted.

Basic, free of charge advice on the planning process is available by visiting the main Council Offices at Whitfield or over the telephone. Useful guidance can also be found on the [Planning Portal](#) if you would prefer a specific review of your proposals and detailed guidance on the application process, we recommend that you obtain formal pre-application advice. This is a charged-for service and is available for any scale of development. We are happy to provide advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans.

Seeking our advice gives you an opportunity to understand how local and national policies will be applied to your development. We will identify at an early stage where there is a need for specialist input, for example about:

- Heritage assets (including listed buildings and conservation areas)
- trees
- landscape
- noise
- transport
- contaminated land
- ecology
- flood risk
- archaeology

We will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more smoothly and may lead to a reduction in time spent by your professional advisors in preparing proposals. Amendments or alternative forms of development may be suggested if a proposal is unlikely to be acceptable.

You can use the service just once or you may find it beneficial to obtain advice throughout the evolution of your scheme.

Our charges

We have established a menu of charging to reflect the size and complexity of particular schemes. Hopefully your scheme will fit into these categories, but if not, do contact us for a quote.

Charge	Written £	Written + Meeting £
Householder	80	165
1-4 dwellings	250	350
1-4 dwellings follow-up advice*	150	250
5-9 dwellings	400	750
5-9 dwellings follow-up advice*	250	350
10-49 dwellings	-	1,200
10-49 dwellings follow-up advice*	300	600
50+ dwellings	-	2,300
50+ dwellings follow-up advice*	500	1,000
Commercial up to 250m ²	100	165
Commercial up to 500m ²	150	250
Follow-up advice*	85	150
Commercial up to 999m ²	-	600
Follow-up advice*	150	250
Commercial over 1000m ²	-	1200
Follow-up advice*	300	600
Listed Building Advice	185	285

Highways	Kent Highways
Surface Water/Suds	KCC Coastal/River
Flooding/Water quality	Environment Agency

* This additional fee is applicable only if you require a formal review. It is not chargeable for matters of clarification

We also need the following information for schemes of 10 dwellings and above:

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc.)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development

Listed building advice

If you are considering carrying out works to a listed building you may wish to seek advice from the Heritage team before submission of a listed building consent application. If your question is brief and requires a general response you can telephone for free of charge advice. However, if your query requires research, a site visit or a written response from the Heritage team a fee will apply.

In order for the Officer to provide an appropriate and informed response you will need to provide the following information:

- Written details of the address

- Description of the works proposed. You may also be requested to submit an initial Heritage Statement.
- Site location plan with the site clearly marked (to a recognised scale, north point etc.)
- Sketch drawings providing details both of the existing Listed Building and the proposal alterations (to a recognised scale)
- Photographs of the Listed Building as relevant to your query
- Contact details including phone number and email address

There are exemptions to the fee for Listed Building pre-application advice for queries regarding alterations proposed to respond to disability issues such as access, for parish or town councils and for works that are classed as an emergency. Please contact us to discuss.

Listed building consent is free of charge.

What the costs cover

Our fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

How to apply

Please email preappadvice@dover.gov.uk

Telephone: 01304 872486

Pre-application advice cannot guarantee the final formal decision that will be made on your application. However, any pre-application advice that has been provided will be carefully considered in reaching a decision.