

Public Document Pack



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12 March 2019

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 21 March 2019 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Planning Committee Membership:

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

AGENDA

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

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

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 28 February 2019 (to follow).

5 **ITEMS DEFERRED** (Page 5)

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

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

6 **APPLICATION NO DOV/18/00913 - THE ODD FELLOWS HALL, 19 CENTURY WALK, DEAL** (Pages 10-18)

Raise roof of existing garage to facilitate conversion into artist's/writer's studio in association with the dwelling

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

7 **APPLICATION NO DOV/18/01323 - 14 KING EDWARD ROAD, DEAL** (Pages 19-26)

Erection of a single storey ground-floor side extension and a first-floor side extension (existing side extension to be demolished)

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

8 **APPLICATION NO DOV/18/01379 - 64 ARCHERS COURT ROAD, WHITFIELD, DOVER** (Pages 27-38)

Reserved Matters application pursuant to outline planning permission DOV/17/0082 for the erection of a detached dwelling, with driveway, garage and parking

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

9 **APPLICATION NO DOV/17/01225 - FERRYBRIDGE HOUSE, ABBEY ROAD, DOVER** (Pages 39-58)

Outline application for the erection of 31 dwellings (all matters reserved)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 21 MARCH 2019

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

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

- 1. DOV/18/00592 Outline application for the erection of five detached dwellings with visitors' car park and turning head (with appearance, landscaping, layout and scale reserved) – Land rear of Station Road, Walmer (Agenda Item 12 of 22 November 2018)**

Background Papers:

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

MIKE EBBS

Head of Regeneration and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

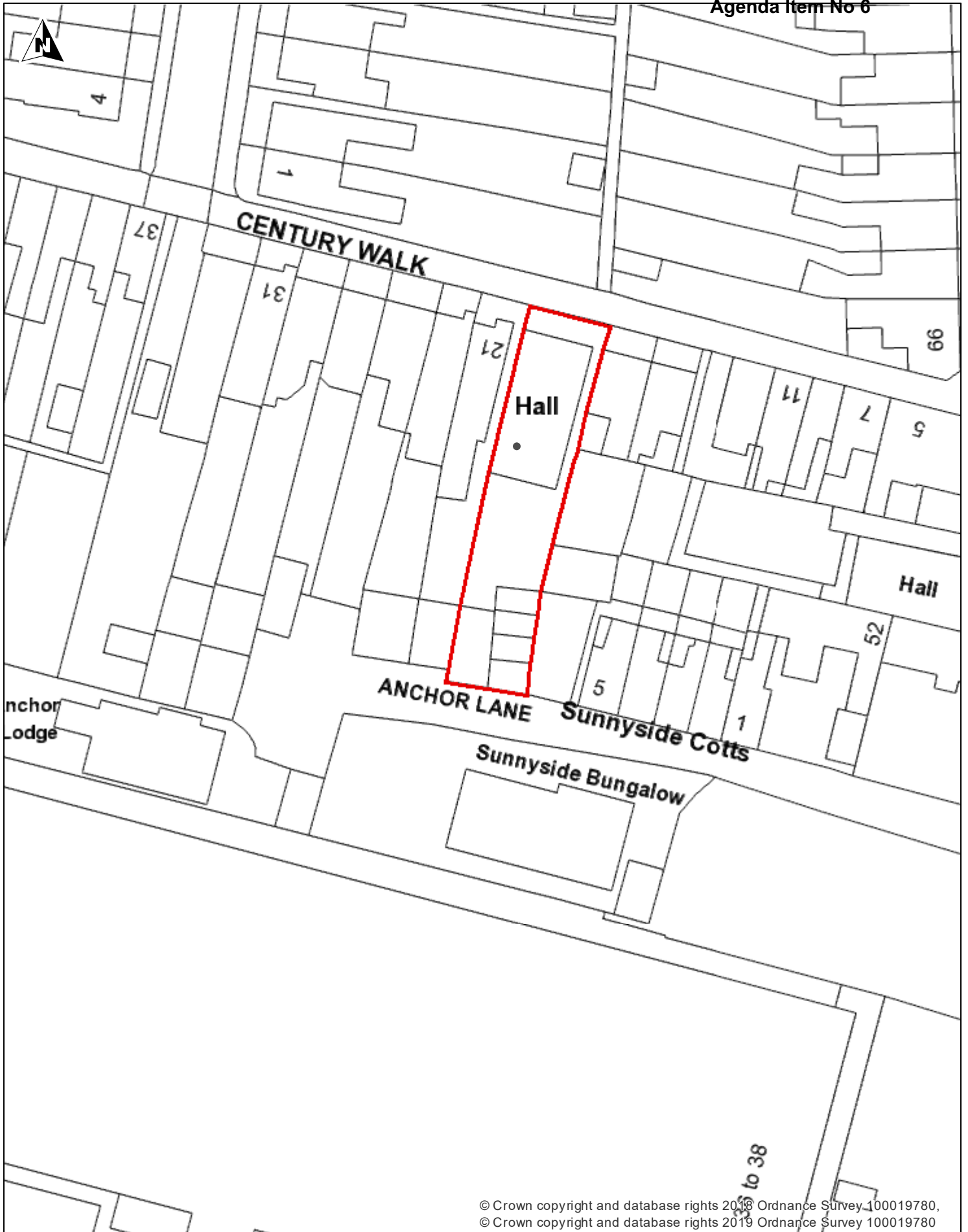
Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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DOV/18/00913

Author: Planning Services

Scale 1:500

Map Dated: 12/03/2019

The Odd Fellows Hall, 19 Century Walk, Deal CT14 6AL

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/18/00913 – Raise roof of existing garage to facilitate conversion into artist’s/writer’s studio in association with the dwelling - The Odd Fellows Hall, 19 Century Walk, Deal**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

DM1 – Settlement Boundaries

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2019)

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

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

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

Kent Design Guide (2005)

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

- d) **Relevant Planning History**

DOV/02/00113 - Conversion of hall to single dwelling - Granted

DOV/02/00113/B - Amendments to approved scheme - Granted

DOV/10/00737 - Erection of a first floor extension to incorporate a design studio – Granted

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

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

Deal Town Council – raise no objection, however initially objected to the application due to the height of the roof and potential for light pollution during the first round of consultation.

Environmental Health – no observations.

Public Representations:

6 Representations of objection have been received and are summarised below:

- Overdevelopment of site by creating another habitable building
- Overbearing
- Noise disruption
- Reduces number of off road car parking spaces
- Loss of privacy
- Overlooking due to design and increased height
- Light pollution
- Loss of light/overshadowing
- Description of development states it is for 'habitable use', however owner has stated it would be a writers studio
- Only half is described as double height space – no first floor plan is shown
- Would set a precedent for other garages in the area to submit similar applications

3 Representations of support have been received and are summarised below:

- Existing garage has no architectural merit.
- The proposed conversion will be an attractive addition to an otherwise dreary back lane.
- It is clear that the proposed screening will prevent light pollution between the building and neighbouring houses.
- The development will have minimal impact on adjacent properties.
- The modest increased height is insignificant when seen next to the higher Sunnyside Cottages in Anchor Lane.

f) Officer's Note

The description of the application has been amended to clarify the intended use of the development (for an artist's/writers studio in association with the dwelling, rather than as habitable accommodation as previously advertised). Furthermore, the proposed plans have been amended to show the layout of the first floor, which would be used for storage and would be accessed by a ladder. The application has been re-advertised and subject to further public consultation; the 21 day duration of this is due to end on Friday 15th March 2019. Should any representations be received during the period between this report being finalised and Planning Committee, members will be updated accordingly at Planning Committee.

1. The Site and the Proposal

1.1 The application site relates to an existing garage and garden/storage building within the rear garden of a detached dwelling which lies within the settlement confines of Deal. Century Walk contains a number of semi-detached and terraced dwellings, predominantly two storeys in height. The rear gardens of

some of these properties back on to Anchor Lane, which is a narrow, private lane to the south of the site, which contains a number of garages, as well as two detached bungalows, a group of terraced properties and a new housing development, currently under construction. The application property shares boundaries with No. 17 Century Walk to the east and No. 21 Century Walk to the west.

- 1.2 This application seeks permission to raise the roof of the existing garage (creating a pitched roof with a ridge height of approximately 5.1m and eaves height of approximately 3.1m from rear ground level) to facilitate conversion into an artists/writers studio. This has been further clarified by the agent, who states that the studio would be used by the occupants for writing and photography (as a dark room) and, whilst containing a bathroom, would not contain any bedrooms or be used for residential accommodation.
- 1.3 The building would be finished in black timber weatherboard, with a natural slate pitched roof and black UPVC rainwater goods. There would be two windows installed on the flank (west) elevation; one to be fitted with obscured glazing. An apex window would be installed in the south elevation (fronting Anchor Lane) and folding glazed doors and a larger section of apex glazing would be installed on the north elevation facing the application property. All windows and doors would be finished in mid grey powder coated aluminium.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity

Assessment

Principle of Development

2.2 The site lies within the settlement confines of Deal, as identified in Policy DM1. The proposed change of use would create an artist's/writers studio in association with the main dwelling. It is considered that the principle of the development is acceptable in an urban location, subject to site-specific considerations.

Impact on the Character and Appearance of the Area

- 2.3 By virtue of its siting, the proposal would be readily visible from Anchor Lane, which is a private road to the south of the site and not a through road and therefore is not used regularly by the general public. The proposals would include a number of external alterations to the existing building; the application of timber weatherboard, insertion of windows and raising of the roof.
- 2.4 There are a number of garages on the northern side of Anchor Lane, all finished in a range of materials and of varying heights. To the east of the garage (application building), separated by the parking area to the rear of No. 17 Century Walk, are several cottages, finished in white, blue or grey render.

To the southern side of Anchor Lane, opposite the application building, is a detached bungalow finished in grey render and further to the southwest is a detached two storey dwelling finished in brick with tile hanging. As such, the character of the street scene of Anchor Lane is varied.

- 2.5 Planning permission has previously been granted for the extension and change of use of this garage to an artist's studio (DOV/10/00737 - Erection of a first floor extension to incorporate a design studio – Granted). The building was permitted to be finished in dark stained shiplap timber, with a synthetic dark grey slate roof and velux windows. Under this permission, the eaves height was 4.5m and the ridge height of the gable roof was 6m. This permission was not implemented, however was similar in appearance to the current proposal, albeit approximately 0.9m taller (at ridge level than the current proposal) and with a greater mass due to the higher eaves level (approximately 1.4m taller than the eaves of the current proposal).
- 2.6 The proposed raising of the roof to create a pitched roof and external alterations associated with the change of use of the garage would result in a change to the appearance of the building, with the installation of black weatherboarding which, whilst different from the materials of other buildings in the street scene, would be similar in appearance to the black painted close-boarded timber fence to the rear of the application site and would be similar to the dark grey/black painted walls of the existing garage. Consequently, the proposal is considered unlikely to result in significant harm to the varied character and appearance of the street scene, in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 2.7 The proposals would be visible from a number of surrounding properties and the impact on residential amenity is discussed as follows:

No. 21 Century Walk

- 2.8 Located to the northwest of the application site, this two storey end-of-terrace dwellinghouse has a semi-detached garage to the rear (south) and this, together with an approximately 2.3m high brick wall and timber fence above, forms the boundary between the two properties. No. 21 has a two storey rear extension, with a roof terrace and balustrade above the ground floor and a door and window on the rear elevation of the first floor extension (providing access from a bedroom). There is also a window on the rear elevation of the main dwellinghouse (believed to serve a bedroom), from which the proposals would be visible. The proposal would cast shadow towards this property during the mornings, however the existing parking spaces to the west side of the garage would be retained and therefore, given this separation distance and the tall boundary treatment between dwellings, the proposal is considered unlikely to result in significant overshadowing or loss of light to the rooms, windows and external amenity area of this property.
- 2.9 The proposal includes the insertion of two windows on the flank (west) elevation of the garage. One would serve a WC/shower room and as such, it is considered appropriate to impose a condition requiring obscured glazing to be installed to preserve the privacy of users. These windows would overlook the parking area to the side of the building and the boundary wall and garage of

No. 21 Century Walk and as such, are considered unlikely to result in harm to the privacy of the adjacent occupiers. The proposal includes the insertion of folding doors and apex glazing on the rear (north) elevation facing the main dwellinghouse. Part of the building would contain a raised platform level, however this would be used for storage only and would be occasionally accessed by a ladder. As such, users of the building would predominantly be based at ground floor level, with views of the garden of the application site and main dwellinghouse, as well as some views of the upper floors of neighbouring properties (restricted by the tall boundary treatment). Whilst there is therefore the potential for some interlooming between the artists/writers studio and users of the first floor terrace of No. 21 Century Walk, there is already a level of interlooming due to the elevated positioning of this terrace. Consequently, the proposal is considered unlikely to result in significant harm to the privacy of the neighbouring occupiers in accordance with Paragraph 127 of the NPPF.

No. 17 Century Walk

- 2.10 Located to the east of the application site, this two storey semi-detached dwelling has a part single and part two storey rear projection with windows on the rear elevation from which the proposal would be partially visible. An at least 1.8m high brick wall separates the gardens of the two properties and to the rear (south) is a detached garage and parking area which belongs to 5 Sunnyside Cottages (the front elevation of which is approximately in line with the rear elevation of the application garage). Whilst the proposal would be partially visible from this neighbouring property, views would be restricted by the tall boundary wall and therefore the development is considered unlikely to have an overbearing impact on residential amenity. The increased roof height of the building would result in some additional shadow being cast towards this property during the afternoons and evenings. However, this would predominantly be to the rear parking area and the garage of No. 5 Sunnyside Cottages. As such, the development is considered unlikely to result in significant overshadowing or loss of light to the rooms, windows and garden of the neighbouring property. As stated previously, the upper floor of the artist/writers studio would be for storage only and would therefore be accessed from time to time. Consequently, the development would be unlikely to result in overlooking or significant harm to the privacy and residential amenities of the adjacent occupiers in accordance with Paragraph 127 of the NPPF.

No. 5 Sunnyside Cottages

- 2.11 Located to the east of the site, this two storey end-of-terrace cottage has several windows on the flank elevation from which the proposals would be visible. There are two windows at ground floor level, with an additional window on the flank elevation of a single storey rear extension, and two windows at first floor level. Whilst the proposal would be directly visible from these windows, there would be a distance of approximately 5m between these and the artists/writers studio, with the driveway of No. 5 separating the two. Consequently, the proposal is considered unlikely to result in a significantly overbearing impact on the residential amenities of this property. Furthermore, due to the separation distance between the two properties, the proposal is considered unlikely to result in a significant loss of light to the rooms and windows of No. 5. This is due to the pitched roof of the proposed artists/writers studio. Whilst the building would result in some additional shadow being cast towards the neighbouring property during the evenings, this would mostly

overshadow the garage and parking area of No. 5 Sunnyside Cottages, rather than the windows of the dwellinghouse. On balance therefore, the proposal is considered unlikely to result in significant overshadowing to the residential amenities of the neighbouring property.

- 2.12 No windows are proposed on the flank elevation of the artists/writers studio and as such, the development is considered unlikely to result in overlooking or significant harm to the privacy of the neighbouring occupiers. Nonetheless, given that this neighbouring property has windows facing the application building, and as there are currently no openings on the flank (east) elevation of the garage, it is considered appropriate to recommend that a condition is imposed restricting permitted development rights for the insertion of windows/openings on the flank (east) elevation of the building, in order to preserve the privacy and residential amenity of the nearby occupiers. It is also considered appropriate to include a condition requiring the window on the west elevation serving the bathroom (shown as obscure glazed) to be fitted with obscure glazing, in order to preserve the privacy of users of the building. On this basis, the development therefore complies with Paragraph 127 of the NPPF.

Sunnyside Bungalow

- 2.13 Located to the south of the application site, and on the opposite side of Anchor Lane, this detached bungalow has a number of windows on the front elevation from which the proposal would be visible. The dwelling is set back from the lane and there is a parking area to the front and side (east). The garden of the property is to the west (and part of the front of the property) and is bounded by an approximately 1.8m high timber close board fence. Whilst the proposal would be visible, given the separation distance, the development is considered unlikely to have a significantly overbearing impact on residential amenity. Due to the scale of the proposed pitched roof, the siting of the building and the sun path, the development would be unlikely to result in overshadowing to the residential amenities of Sunnyside Bungalow, which is entirely to the south of the site. The proposal would have a glazed apex window on the front (south) elevation which would face towards this neighbouring property. However, this would be set at a high level and, as the upper floor of the artists/writers studio is for storage only, the development is considered unlikely to result in overlooking or harm to the privacy of the nearby occupants in accordance with Paragraph 127 of the NPPF.
- 2.14 Concerns have been raised regarding light pollution from the proposed studio and noise disturbance, particularly at night. It is understood however that the concerns regarding noise relate to the gravelled surface of the applicant's garden. Given the intended use of the building, which would be ancillary to the main dwellinghouse (to be secured by condition), on balance, the development is considered unlikely to result in significant harm to residential amenity in respect of disturbance from noise and light.
- 2.15 Due to the siting and scale of the proposals, as well as the separation distance to other nearby properties, the development is considered unlikely to result in significant harm to the residential amenity of other neighbouring dwellings in respect of overshadowing, overbearing, noise/disturbance or loss of privacy. The proposals therefore accord with the aims and objectives of Paragraph 127 of the NPPF. Nonetheless, in order to prevent the building being used for habitable accommodation, it is considered appropriate to include a condition

restricting its use such that it shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Odd Fellows Hall.

Other Material Considerations

Impact on Parking

- 2.16 The proposals would result in the conversion of the garage and therefore the loss of one garaged car parking space. However, the two parking spaces to the west side of the garage would be retained and therefore the two bedroom dwelling would comply with Policy DM13 (Parking Provision), which requires one parking space for a dwelling of this size in this location.

Impact on Flood Risk

- 2.17 The application site is located in Flood Zone 1, which has the lowest risk from flooding. Nonetheless, the agent has submitted a flood risk form which identifies that, in accordance with Environment Agency Standing Advice for Householder and Other Minor Extensions, the floor levels within the development would be set no lower than existing and therefore, given that the development would not be used for habitable accommodation, the proposals are considered acceptable in respect of risk from flooding.

3. Conclusion

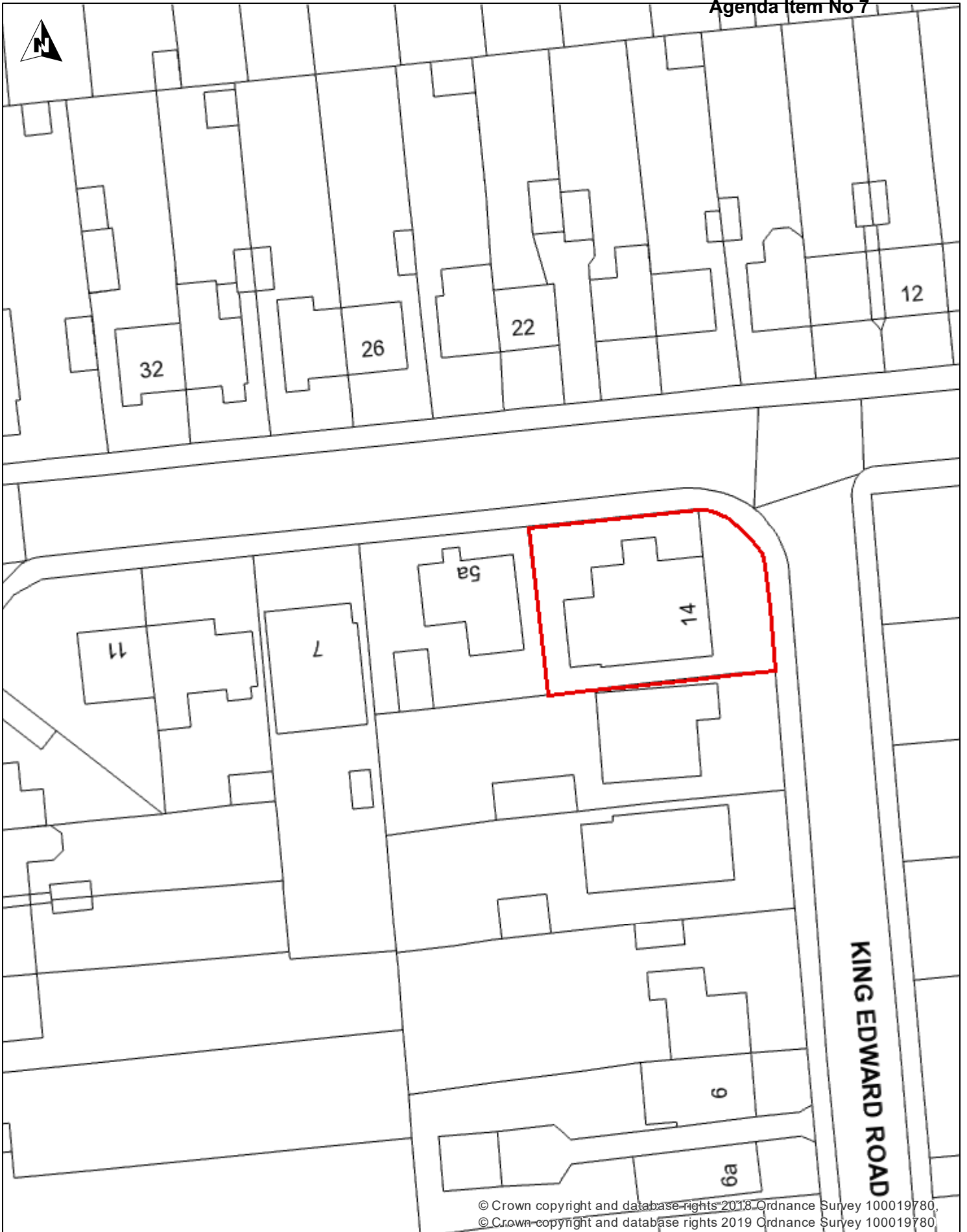
- 3.1 The proposal would be ancillary to the main dwellinghouse which is located within the settlement confines and is therefore considered acceptable in principle in accordance with Policy DM1. Whilst the proposals would be visible from the private road, Anchor Lane, due to the varying design and materials of the properties and garages in this lane, the proposal is considered unlikely to result in significant harm to the character and appearance of the street scene. Furthermore, whilst the proposal would be visible from a number of surrounding properties, on balance, due to the scale, siting and separation distance, the development is considered unlikely to result in significant harm to the residential amenities of nearby properties in accordance with Paragraph 127 of the National Planning Policy Framework.

4. Recommendation

- I PERMISSION BE GRANTED subject to conditions which include:
- i) Standard time condition
 - ii) Approved plans
 - iii) Removal of permitted development rights for the insertion of windows/openings in the flank (east) elevation of the development.
 - iv) Obscured glazing to be used for the window on the west elevation serving the bathroom.
 - v) Restriction of the use of the building to be ancillary to the main dwellinghouse; The Odd Fellows Hall.
- 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

Rachel Morgan



Paste case ref here...

Author: Planning Services

Scale 1:500

Map Dated: 12/03/2019

Paste address here...

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/18/01323 – Erection of a single storey ground-floor side extension and a first-floor side extension (existing side extension to be demolished) - 14 King Edward Road, Deal**

Reason for Report: Number of contrary responses (15)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- CP1 – Settlement Hierarchy.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.

d) **Relevant Planning History**

18/00580 – Erection of a side extension, rear extension, front extension and a side extension at first floor level to facilitate the change of use to allow A5 (Takeaway) – Refused

10/00986 – Erection of a two storey side extension to facilitate ground floor office and a self-contained flat at first floor level – Refused

05/00835 – Erection of single storey rear extension and side extension to form fish and chip take-away (Class A5) with associated flue – Withdrawn

02/00298 – Erection of bungalow to rear of 14 King Edward Road – Granted

94/00872 – Extension to shop – Granted

81/547 – Ground floor alterations for office and W/C – Granted

79/687 – Extension to rear of house/shop - Granted

e) **Consultees and Third Party Responses**

Deal Town Council: No objection

Environmental Health: no objections

Tree Officer: The submitted plans show a conflict between the extended footprint as shown on drawing KD/EXT/PP/33/18/K-46.3 and the silver birch protected under TPO 2018, 2. No information has been submitted to show how this will be addressed and given that it is highly likely the development as proposed will be of significant

detriment to the tree, I object to the application as it stands. The information necessary can be obtained through a condition should a permission be forthcoming.

Third Party Reps: 15 no. objections have been received and are summarised below:

- The alterations would be unsympathetic in the street scene.
- There would be an unacceptable level of harm to the amenity of 5a Godwyn Road.
- Would result in harm to TPO tree.
- 5 bedrooms above a shop seems excessive and out of proportion with the size of kitchen/living accommodation.
- This proposal does not adequately address the previous issues and reasons for refusal.
- Appear to be numerous people living above the shop – is it an HMO?

f) 1. Site and the Proposal

- 1.1 The application site is within the urban confines, within a suburban residential area. The property is a two-storey building used as both a dwelling and newsagents (the residential dwelling occupying part of the ground floor and the entire first floor). As with other buildings on corner plots in the area, it is set back from both of the adjacent roads (King Edward Road and Godwyn Road) although a previously approved flat-roofed front and side extension push the façade forward of the main building line. 5A Godwyn Road, a bungalow to the rear of the shop, was built on land severed from the host site in 2002. Any alterations to the application site will have the greatest impact on this dwelling.
- 1.2 The site is open to the front (King Edward Road boundary) but is enclosed on the sides and to the rear by high walls and fences to a height of 1.8-2.0m. There is an area of hardstanding to the front of the shop which has bollards to prevent 'informal' parking and a fenced area to the north of the host building which houses some plant and the waste/recycling storage. A tree which benefits from a Tree Preservation Order (TPO 2018, 2) is located to the north-west corner of the site. The site is located within Flood Risk Zones 2 and 3.
- 1.3 The surrounding area is characterised by set-back building lines and gaps between dwellings which give the area a spacious, green, suburban character. The construction of No. 5A to the rear of the application site which is sited beyond the front building line, partially fills in the gap between the buildings. However the gaps between buildings largely remain to the north and south of the host building which is a typical feature of the area. The existing boundary enclosures limit views to the rear and side of the building and encloses the corner plot and is therefore already somewhat at odds with the prevailing character of the area.
- 1.4 The application seeks permission to build a flat-roofed, single-storey side extension and a first floor side extension. The single storey side extension would measure 2.8m by 6.8m and have an eaves/parapet height below that of the existing flat-roofed extension to the front of the host building. The first floor side extension would be sited above the existing flat-roofed side extension and would measure 2.85m by 8.8m and have eaves and ridge heights, hipped to match the existing main roof. Both extensions would be constructed in brick and the first floor extension would have uPVC windows

under a tiled roof. The overall design proposed has been designed to match the existing building in terms of materials and detailing.

- 1.5 The northern elevation of the proposed side extension would be approximately 2.0m from the existing Godwyn Road boundary fence and would be in line with the front elevation of No. 5A to the rear. The rear façade of the first floor extension would be a distance of 5.1m from the No. 5A boundary and in line with the existing rear elevation.
- 1.6 The application was amended during the course of consideration to overcome concerns with regards to overlooking and loss of privacy. As originally proposed, there was a large rear window proposed in the first floor extension, and two large side windows. One of the side windows and the rear-facing window has now been removed from the proposal.
- 1.7 Application DOV/18/00580, which sought both a first floor extension, a larger side extension and also sought a change of use to allow a takeaway use to operate from the proposed extension. This takeaway element of the proposal has been removed. The reasons for refusal are outlined below:
 - 1) The proposed development, by virtue of the proposed design, scale, form and prominent location, would result in an incongruous and unsympathetic alteration to the building resulting in undue prominence within the street scene, out of keeping with the spatial character, form and visual amenity of the area and as such, the proposal would be contrary to Paragraphs 127 and 130 of the National Planning Policy Framework (2018).
 - 2) The proposed development, by virtue of the proposed design, bulk and proximity, would result in an unacceptable level of harm to the residential amenity of No.5A Godwyn Road through loss of privacy and interlooking and as such, the proposal would be contrary to Paragraph 127 of the National Planning Policy Framework (2018).
 - 3) The proposed single storey side and rear extension, by virtue of their size and siting, would be likely to result in unjustified harm to a protected tree (Tree Preservation Order 2018, 2) and as such, the proposal would be contrary to Paragraphs 127 and 170 of the National Planning Policy Framework (2018).

2. Main Issues

- 4) Principle of Development
- 5) Impact on the visual amenity of the street scene
- 6) Impact on residential amenity
- 7) Impact on TPO tree
- 8) Flood Risk

Assessment

Principle of Development

- 2.1 The site is within the settlement confines of Deal and the proposal is therefore compliant with Policy DM1 of the DDC Core Strategy (2010) which allows, in principle, new development within the confines of urban centres as defined in

Policy CP1 of the DDC Core Strategy (2010). New development in this location can be considered acceptable in principle subject to other material considerations.

Visual Amenity of the Street Scene

- 2.2 The proposed single storey side extension would widen the existing building by 2.8m and come to within 2.0m of the boundary fence adjacent to Godwyn Road. The existing single storey side extension is currently in line with the front elevation of 5 Godwyn Road (Note: not No.5A) and retains the existing set back along Godwyn Road which is typical of the street scene. The proposed single storey side extension, whilst not as wide as the refused 2010 or 2018 proposals, would become more visible on this corner site. However, the north elevation of the extension would be in line with the front of No.5A Godwyn Road which already breaks forward of the Godwyn Road building line. It would also be behind the existing 1.8m high close boarded fencing which currently encloses the site to both the north and east. Given the modest scale of the proposed single storey side extension, the fence would be likely to mitigate the visual impact of the proposed extension to an acceptable level within the street scene.
- 2.3 The visual impact of the proposal results not only from the scale of the proposed development but also from the extensive history of development on the site. The application site is only half the size it was originally laid out to be, having severed part of the garden to the rear in 2002 to build a detached bungalow. This, along with the existing single storey front, side and rear extensions, has resulted in a building which is already quite large for the site in which it sits. It could be said that the proposal would further exacerbate this concern. However, the addition of a further 2.8m to the width of the building at ground and first floor levels, when compared to the overall size of the existing host building, is considered relatively modest in scale and only the first floor side extension would be readily visible in the street scene as the single storey ground floor side extension largely screened by the existing boundary fence.
- 2.4 This part of Deal is characterised by traditional, pitched-roofed buildings. The application site is the only building in King Edward Road with prominent flat-roofed elements to the front and side elevations. It is considered that the first floor extension would remove a section of the existing flat roofed ground floor side extensions and the proposed ground floor extension, as previously noted, would be largely screened by the existing boundary fence. This incongruous design element would therefore be somewhat reduced overall in the street scene.
- 2.5 Overall therefore, the visual impact of the proposed development, given the matching materials and detailing, the 'rebalancing' of the front elevation through the proposed first floor pitched roof side extension and the visual mitigation of the proposed ground floor side extension by the existing boundary fence, would be unlikely to result in undue harm to the character of the area or the visual amenity of the street scene. Whilst not enhancing the character of the area, the proposal is not considered to result in harm which would justify a recommendation for refusal on visual amenity grounds. The proposal would therefore be in line with Paragraphs 127 and 130 of the National Planning Policy Framework (2019).

Impact on Residential Amenity

- 2.6 A number of concerns have been raised by third parties with regard to the impact of the proposed development on No.5A Godwyn Road. The originally proposed rear-facing window would have been likely to result in an unacceptable level of interlooming and loss of privacy to No.5A, which has a large side window serving a dining room on the side elevation and given the close proximity between the buildings, the first floor rear window was removed from the proposal. In addition, having undertaken a number of calculations, I am satisfied that the proposal would be unlikely to result in a loss of light, loss of outlook or create a sense of enclosure to any residential neighbour, including No.5A. As such, the proposed extensions would be unlikely to result in any significant harm to existing residential amenities and would be acceptable in this regard.
- 2.7 It is noted that there could be an increased perception of overlooking from the proposed side windows of the first floor extension towards the dwellings on the opposite side of Godwyn Road but any views would be to the front of these dwellings and at a distance of over 20m. However, given the front bedroom in the proposed first floor side extension would be served by a window on the King Edward Road elevation, there was no need for the originally proposed second window to the north elevation. As such, this was also removed from the proposal and should help mitigate the perception of overlooking somewhat. Furthermore, there are already two large windows on the northern elevation at first floor level serving the host building. As such, there is unlikely to be any actual harm to existing residential amenities due to the proposal.
- 2.8 Third Party concerns have also been raised regarding noise from the existing refrigeration plant serving the shop which would be worsened by any new plant. No new refrigeration, air conditioning or extraction flues are proposed as part of this application and these noise concerns could be dealt with under Environmental Protection legislation if they are causing a nuisance to local residents. They are not therefore a matter for consideration in relation to this application.
- 2.9 Overall, it is considered that the proposal would be unlikely to result in any unacceptable impact on existing residential amenities of neighbouring dwellings and the proposal would be in line with Paragraph 127(f) of the National Planning Policy Framework (2019) in this regard.

Impact on TPO Tree

- 2.10 Towards the north-west corner of the application site, there is a mature Silver Birch tree which is protected with a Tree Preservation Order (TPO 2018, 2). The tree adds to the 'green' aspect of the street scene in the area and is visible over the northern boundary fence and in views from both directions in Godwyn Road. It was recently given statutory protection due to the contribution it makes to the local street scene and as a result of the previous 2018 application.
- 2.11 The Tree and Horticultural Officer has objected to the proposal as submitted as it lacks any supporting information which outlines how the tree would be protected during and after construction. The proposed single storey side extension would be likely to only partially intrude into the Root Protection

Zone of this tree. These details could be secured by a pre-commencement condition which could include information outlining an exclusion zone around the tree, how the foundations would be designed to reduce the impact on the tree, how excavation works would be carried out within the tree canopy (ie. Hand digging), etc. This was confirmed by the Tree Officer who is satisfied that the potential harm can be adequately overcome through conditions and the extension can be constructed without harm to the tree or its root system. As the tree can be protected through planning conditions, the impact can be controlled and the tree retained as part of this application. Therefore there would be no justification to refuse the application on this basis.

Flood Risk

- 2.12 The application site is within Flood Risk Zones 2 and 3a and the lack of sequential test formed one of the reasons for the refusal of the 2010 application as it was not in accordance with Planning Policy Statement 25 (2009). This policy document was superseded by the National Planning Policy Framework (2012) and withdrawn in 2014. However, the planning application in 2018 was refused for the lack of a Flood Risk Assessment. The current application has been accompanied by a Flood Risk Assessment in line with the EA's standing advice. However, it is considered reasonable to restrict the use of the ground floor side extension to storage uses ancillary to the existing use of the ground floor as a newsagent and not for any residential accommodation.

3. Conclusion

- 3.1 It is considered that the proposed works would be unlikely to result in undue harm to the visual amenity of the street scene, the residential amenities of the adjacent dwellings and the concerns about the impact on the protected tree can be overcome by a condition. Therefore, the proposal would be compliant with Paragraph 127 of the National Planning Policy Framework (2019).
- 3.2 On balance, the proposal overcomes the previous reasons for refusal or can be controlled through conditions. As such, the proposal is considered acceptable.

g) Recommendation

I Planning Permission BE GRANTED subject to the following conditions:

- 1) 3 year time commencement
- 2) Approved plans
- 3) Materials to match existing
- 4) For storage use only in association with the existing retail use
- 5) Hand digging within Root Protection Zone
- 6) No development shall take place, nor any excavation works commenced, until a survey of the tree and its Root Protection Zone has been undertaken and a foundation design and tree protection scheme has been submitted to and approved in writing by the local planning authority. The foundations of the proposed development shall be designed to protect the roots of the retained TPO tree on site without the need to cut any roots over 50mm and the tree protection scheme shall include details which cover the excavation works within the canopy of the tree and the protection measures to be put in place during the course of construction

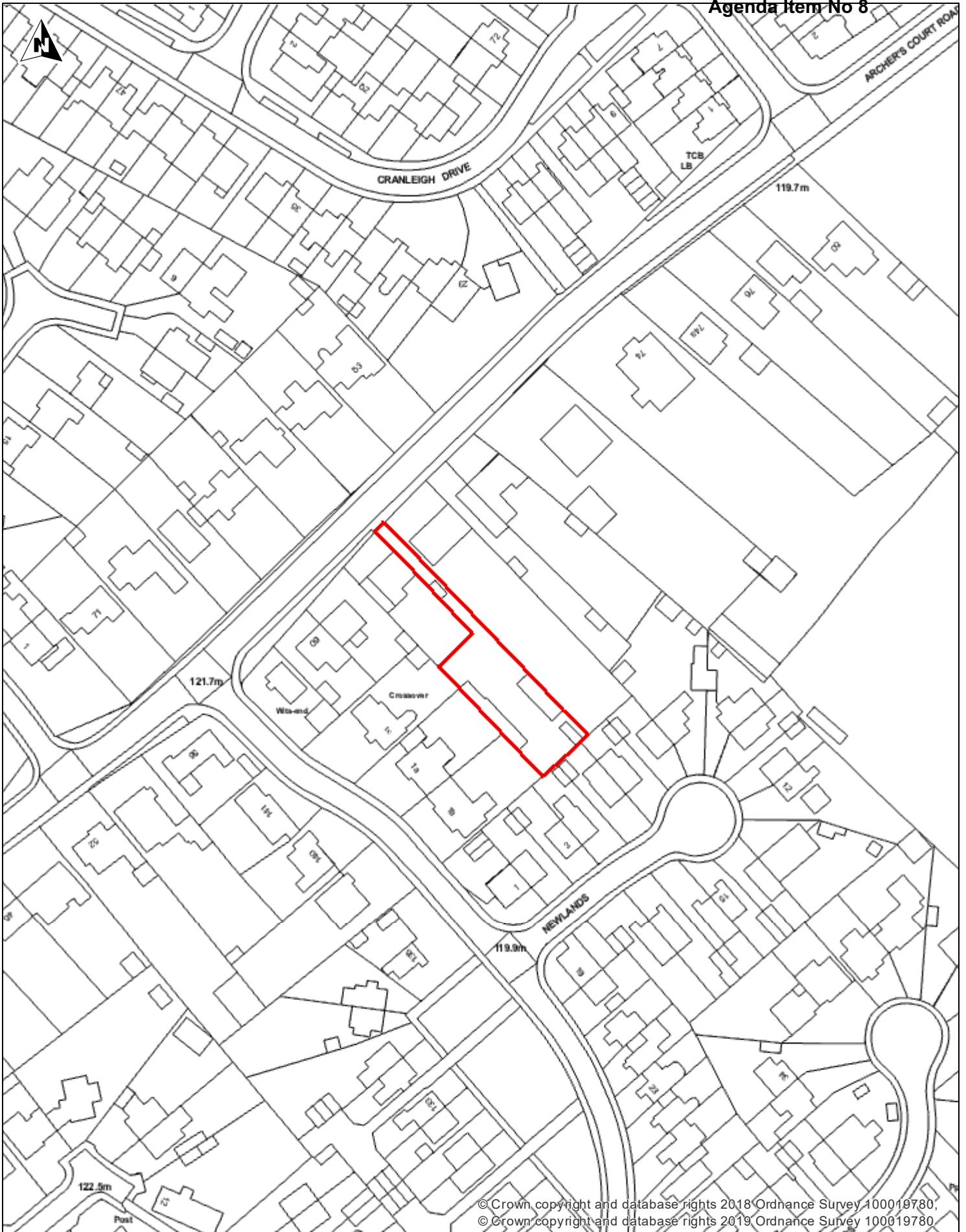
to protect the tree from damage in conformation with BS5837:2012. Development shall be carried out in accordance with the approved details and scheme and shall not be varied without prior written consent.

Reason: These details are required prior to commencement to ensure the protection of a protected tree. *This pre-commencement condition has been agreed with the applicant.*

- 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



DOV/18/01379

Author: Planning Services

Scale 1:1,250

Map Dated: 12/03/2019

64 Archers Court Road, Whitfield, CT16 3HU

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/18/01379 – Reserved Matters application pursuant to outline permission DOV/17/0082 for the erection of a detached dwelling, with driveway, garage and parking – 64 Archers Court Road, Whitfield, Dover**

Reason for report - Number of contrary representations (12)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries

Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2019)

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

Paragraph 59 states that 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 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and

history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

The Kent Design Guide (2006)

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

d) **Relevant Planning History**

DOV/17/00882: Outline application (with all matters reserved) for the erection of a detached dwelling, with driveway, garage and parking and parking and a garage for 64 Archers Court Road (existing buildings to be demolished) – ALLOWED AT APPEAL (APP/X2220/W/17/3189804). 13 conditions were attached, they are summarised below:

1. Approval of reserved matters by LPA
2. Application for reserved matters within three years
3. Development to begin within two years
4. Dwelling to be single storey
5. Side window of no. 64 Archers Court Road to be blocked up
6. Full details and samples if requested of materials to be used to be submitted
7. Details of arrangements to avoid damage to existing vegetation to be submitted
8. Details of boundary treatment to be submitted
9. Details of hard surfacing to be submitted
10. Refuse and recycling
11. Removal of permitted development rights for extensions, enlargements and alterations.
12. Details of scheme for disposal of surface water to be approved
13. Details of scheme for disposal of foul sewage

e) **Consultee and Third Party Responses**

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

DDC Arboriculturist: The report confirms that that the trees located at 1b Newlands, if managed appropriately, can remain unaffected by the proposed development, largely due to the footprint of the dwelling being located outside the tree's RPA. To ensure that this happens the following recommendations made within the report should be conditioned – (1) Above ground constraints (2) Ground protection.

KCC Archaeologist: In this instance, I have no comment to make.

Southern Water: No objections to the reserved matters application. Approval for the foul connection should be submitted under a separate application to Southern Water.

KCC Highways: Although the application is outside of the consultation protocol, KCC Highways have provided a recommended informative which will be attached to the decision notice, should members grant permission for this application.

River Parish Council: No objection to the reserved matters application. However, measures should be put in place to ensure that the conditions placed upon the original outline application are adhered to and it would be prudent to confirm that stakeholders have recourse to confirm that conditions are met.

Third Party Representations:

Objections

There have been 12 objections from the public consultation of the application, summarised as following:

- Dwelling is larger than approved on the outline application
- Dwelling is too big for the plot, overdevelopment
- Dwelling is sited too close to shared boundaries and overbearing
- Roof would be visible from street
- Dwelling would be imposing from street
- Increased noise from vehicle movements
- Would harm the re-sale value of surrounding properties
- Applicant would burn waste
- Hazardous pigeon waste would cause harm to our health
- Dwelling would lead to overlooking, interlooking and loss of privacy
- Fire safety concerns
- Development would lead to a loss of light
- Incorrect plans are submitted

Support

There have been 9 letters of support from the public consultation of the application, summarised as following:

- Dwelling is well designed and well thought out
- Dwelling would have minimum impact on the streetscene and on people's lives
- Building is hidden, out of sight from street
- Development would leave a good size garden for no. 64
- Outbuildings have been left to deteriorate and are an eyesore for neighbours, the new dwelling would provide a fresh new outlook
- Improves the appearance of the site
- Dwelling is not intrusive
- Single storey only and would be contained within existing development

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

1.1 The application site comprises a detached single storey dwellinghouse located on Archers Court Road in Whitfield, Dover. The existing dwelling benefits from a large rear garden, which has already been split into two separate plots. The site includes a number of outbuildings previously used for housing pigeons. These are now disused and some of them have been demolished. The rear garden, which is mainly laid to grass, can be accessed via the existing driveway to the side (north-east) of the dwelling.

1.2 The existing boundary treatment varies around the site and includes hedgerow along the north-eastern boundary together with an existing single storey timber

outbuilding that forms part of the boundary treatment, a 1.8m close-boarded fence along the rear south-eastern boundary and 1.8m close-boarded fencing with trellis above along the south-western boundary. There is a brick wall along the front boundary (north-west) and a 1.2m high timber fence along the driveway at the front (north-west) of the site.

- 1.3 The main dwellinghouse is visible within the streetscene and views of the roofs of neighbouring properties to the south-east and south-west are possible through the gaps and spaces between no. 64 and its adjoining neighbours on either side. Views of the rear roofslope of the main dwellinghouse can be achieved through the gaps and spaces between the dwellings Newlands, to the rear (south-east) of the application site. The main dwelling is a 1930s, detached chalet bungalow finished in red brickwork, with a plain tiled roof, a block paved driveway suitable for the parking of two vehicles and small front garden area.
- 1.4 Archers Court Road is a relatively straight residential road with no noticeable changes in ground levels. The properties on either side of the road are a mixture houses and bungalows, with houses being more prominent on the south side of the road. The properties in Archers Court Road vary considerably in size and design.
- 1.5 The approximate dimensions of the site are:
 - Width – 15.4 metres
 - Depth – 74.6 metres.

Proposal

- 1.6 The application is for the approval of the reserved matters pursuant to the outline permission DOV/17/00882 which was allowed at appeal on 26th March 2018. The reserved matters to be approved are: access, appearance, landscaping, layout and scale. The proposed development comprises the erection of a single storey dwellinghouse to the rear of no. 64 Archers Court Road, following the demolition of existing outbuildings on site. A garage would be erected to serve the proposed dwelling and the existing access driveway along the side (north-east) of no. 64 would be extended and block paved.
- 1.7 The plot would be subdivided and 1.8m high close-boarded timber acoustic fencing would be erected around the boundaries of the garden to be retained by no. 64 and also along the driveway. The existing 1.8m high closeboarded timber fencing along the south-west boundary of the site would be retained. The existing 1.5m hedge along the north-eastern boundary of the site would be retained where possible and infilled with 1.8m closeboarded timber fencing. The 1.8m closeboarded timber fence along the rear (south-eastern) boundary of the site would be retained.
- 1.8 The proposed dwelling would have four bedrooms, a bathroom, an open plan kitchen/dining room and a lounge. The double garage would provide parking and storage space and would host the bicycle storage. The proposed bin storage point would be to the front (north-west) of the proposed dwelling between two areas of planting. The dwelling would be finished in red brickwork on the external walls, its hipped roof would be finished in plain tiles with bonnet hip detailing, windows would be either grey aluminium or grey uPVC and the driveway and hard surfacing would be finished in grey permeable block paving.

- 1.9 The existing access driveway would be extended and would measure approximately 38 metres and would lead to a parking and turning area for the new dwelling, as well as the proposed garage. The existing 1.2m high and 7m wide fence at the front (north-west) of the driveway would be retained. The existing vehicular crossover would be used to provide access from the highway into the site.
- 1.10 The dimensions of the proposed subdivided plot are:
- Width – 15.4m
 - Length – 36.8m
- 1.11 The dimensions of the plot to be retained for no. 64 are:
- Width – 15.4m
 - Length – 37.8m
- 1.12 The dimensions of the proposed dwellinghouse are:
- Width – 11.6m
 - Depth – 19m
 - Height to eaves – 2.2m
 - Maximum height – 5m
 - Gap between dwelling and rear (south-east) boundary: 7m
 - Gap between dwelling and side (north-west) boundary: 2.8m
 - Gap between dwelling and side (south-west) boundary: 1m
 - Gap between dwelling and front (north-west) boundary: 10.8
 - Gap between front (north-west) elevation of proposed dwelling and rear (south-east) elevation of no. 64 Archers Court Road: 31m
- 1.13 The dimensions of the proposed garage are:
- Width: 6.7m
 - Depth: 5.5m
 - Height to eaves: 2.2m
 - Maximum height: 4.6m

2 Main Issues

Assessment

The main issues to consider are:

- Principle
- Visual Amenity and Design
- Residential Amenity
- Access, Parking and Highways
- The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment
- Other matters

Principle

- 2.1 The principle of the development was considered at the outline planning application and is not for consideration at this reserved matters stage. Application DOV/17/00882 established that the principle of the development is acceptable on this site.

2.2 The application for outline planning permission was refused under delegated powers for the following reasons:

1. The proposal would constitute unacceptable backland development, out of keeping with the established pattern of development in the locality. In particular, the indicative plans show a development that would have a much larger footprint than the surrounding dwellings; it would appear as a dominant feature, at odds with the hierarchical pattern that would be expected. It would result in a cramped overdevelopment of the site and would be detrimental to the prevailing spatial and visual character of the area. The proposal would be contrary to the NPPF, in particular paragraphs 17. 56, 57 and 58.
2. By reason of the intensification of the use of the access between the proposal would result in an unacceptable impact upon the amenities of the occupiers of no. 66 Archers Court Road and 1C Newlands, through the introduction of vehicle movements along th side and rear of these properties and the associated activity and disturbance that would arise from these movements. The proposed development is therefore contrary to Paragraph 17 of the National Planning Policy Framework.

2.3 However, the applicants appealed the decision, which was allowed. The Inspector considered the above reasons for refusal but stated that the proposal would not significantly harm the character and appearance of the area and although the development would have some effect on the living conditions of the occupiers of No.s 64 and 66 Archers Court Road and 1C Newlands in relation to noise and disturbance, it would not be so significant as to justify withholding planning permission.

Visual Amenity and Design

2.4 This application follows the outline planning permission which included an indicative plan to demonstrate how the development could be accommodated on the site. However the appearance, landscaping, layout and scale of the dwelling were all reserved. The current application proposes a layout which broadly replicates the layout shown on the indicate plans provided at the outline stage, however the current application proposes a larger dwelling with one more bedroom to accommodate the applicant's growing family. Comments were received stating that the dwelling illustrated in the plans submitted with the outline application was much smaller than the dwelling now proposed. Since the appearance, layout and scale of the development are all reserved matters to be considered in the present application, it is considered reasonable that the size and layout of the proposed dwelling could change. In any case, the dwelling illustrated in the outline plans was identified as a three bedroomed, single storey property and the dwelling proposed in this reserved matters application is a four bedroomed, single storey property.

2.5 The proposed dwelling would be single storey with no accommodation in the roof space. The low profile, single storey dwelling and detached garage are considered to be unobtrusive and it is unlikely that the dwelling and garage would not be overly prominent when viewed from the wider area. Numbers 64, 62-58 Archers Court Road and the properties in Newlands to the rear of the site are chalet bungalows and bungalows in variety of styles demonstrating that a range of buildings are suitable for the area. The proposed dwelling would retain a

good amount of amenity space along all boundaries of the site for intended occupants. The subdivision of the site has made the unusually large plot into two plots that are more reflective of the size of the adjoining plots. The scale of the proposed development is therefore considered to be acceptable. The existing trees in neighbouring gardens are also considered to provide value and would be unaffected by the proposal.

- 2.6 The proposal would comprise a backland form of development which is not common in this area; however there are precedents along the road, behind no. 11a, a pair of houses behind nos 18 and 18a, and a similar permission behind no. 20. In any event, the proposed dwelling would be screened from the surrounding public roads by frontage housing, both on Archers Court Road and on Newlands and would only be readily visible from the driveway of no. 64 and between the gaps between nos 4 and 5 Newlands, above their garages.
- 2.7 The proposed dwelling is not considered to significantly detract from the spatial character or appearance of the area and is considered unlikely to have an adverse visual impact on the quality or amenity of its surroundings. The design of the dwelling is traditional and both the detached garage and dwelling would be finished in traditional materials to match each other. As the proposed dwelling would be single storey, with no accommodation in the roof space, the dwelling would have a fairly low profile and would be in keeping with the size and scale of surrounding development. For this reason, it is considered that the scale, design, appearance and materials are acceptable and comply with the aims and objectives of the NPPF, as set out in paragraph 124, in particular.

Impact on Residential Amenity

- 2.8 The dwelling would be single storey with no accommodation in the roof space. This could be secured by a condition, should permission be granted. Additionally, there are no noticeable changes to the ground levels in the immediate area. As such, no overlooking could occur from the proposed dwelling to the neighbouring properties. A condition requiring existing and proposed slab heights to be submitted and approved would confirm this. A single storey dwelling would not appear over prominent in its setting or overbearing when seen from neighbouring properties.
- 2.9 The Planning Inspector, in his decision letter dated 26th March 2018, discussed the living conditions of neighbouring occupiers. He considered the proposed access driveway and concluded that the proposal would have some effect on the living conditions of the occupiers of nos 64 and 66 Archers Court Road and no. 1c Newlands in relation to noise and disturbance but not so significant as to justify withholding planning permission. The applicants have included the erection of 1.8m acoustic fencing along the boundaries of the site closest to the access driveway and turning area to mitigate the noise and reduce any potential disturbance. It is considered that; given the size of the bungalow proposed, that the access is mostly existing, and that acoustic fencing would be installed, the development would be unlikely to result in a significant increase in noise and disturbance to neighbouring properties.
- 2.10 Additionally, the Inspector stated that it would not be appropriate, at outline stage, to specify any obscure glazed/non opening windows be installed. However, since the detailed design is included in this application, it is considered reasonable to specify that the window serving the en-suite bathroom on the south-west facing side elevation of the proposed dwelling be fitted with obscure

glazing, sufficient to prevent clear through views, and be non-opening. This condition is considered reasonable given the close proximity of this window to the shared boundary with no. 62. Other windows and doors on the south-west and north-east facing side elevations are set back and would be mostly screened by the proposed 1.8m closeboarded fencing along both side boundaries of the site. The Inspector also attached a condition requiring the side window of no. 64 Archers Court Road to be blocked up to preserve the standard of amenity enjoyed by the occupiers of that dwelling. This condition does not therefore need to be added to this permission.

- 2.11 Additionally, when visiting the site, the ground level of the application of the site appeared to be uneven. To ensure that the finished ground level of the site would match the ground level of neighbouring dwelling, it is considered reasonable to attach a condition to any grant of permission requiring existing and proposed slab heights to be submitted. This will ensure that the dwelling would not lead to any overlooking or significant loss of privacy to neighbouring occupiers.
- 2.12 Subject to conditions, the proposal is considered to adequately protect the residential amenities enjoyed by neighbouring occupiers and is therefore acceptable in this regard and would accord with paragraph 127 of the NPPF.

Access, Parking and Highways

- 2.13 The proposed dwelling would be accessed via the existing driveway. The access is already in place and can be used by the occupiers of no. 64 to enter their garden if required, however the access would be extended and finished in permeable block paving should permission be granted, to provide access for the new dwelling. Previously, there was a detached garage to the rear of the driveway, approximately 18m into the site. This has now been demolished and is not proposed to be replaced. The driveway now provides access to the subdivided plot.
- 2.14 As discussed above, to provide a good standard of amenity for the occupiers of no. 64, the window serving the bathroom on the side (north-east) elevation of the dwelling would need to be blocked up. A condition to this effect was attached to the outline planning permission.
- 2.15 In terms of the proposed parking, policy DM13 requires that two independently accessible parking spaces are provided in this location. The application shows parking space for two vehicles to be retained for no. 64 as well as two off street parking spaces for the proposed dwelling with sufficient turning space and a detached double garage which could also be used for parking. The turning space proposed ensures that no vehicle would have to enter the site in a reverse gear or leave the site and enter the highway in a reverse gear. The proposal is considered acceptable in terms of parking and complies with policy DM13 of the Core Strategy as well as Paragraph 109 of the NPPF.

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

- 2.16 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and

Pegwell Bay.

- 2.17 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.18 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.
- 2.19 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.20 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.21 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.

Other Matters

Trees

- 2.22 There are two trees in the rear garden of no. 1b Newlands that are located close to the south-west elevation of the proposed dwelling. A report on the trees and the protection of them was required by DDC's Arboriculture Officer for the present application. The report was received on 1st March 2019. After considering this report, the Arboriculture Officer stated in his comments that the trees located at 1b Newlands, if managed appropriately can remain unaffected by the proposed development, largely due to the foot point of the dwelling being located just outside of the tree's Root Protection Areas. To ensure this happens, the following recommendations that were made within the report were then recommended to be conditioned by the Tree Officer:
- Above ground constraints: pruning of the crowns of both trees by no more than two metres on the northern side only, prior to the erection of scaffolding. This will also assist in removing any future conflict between the trees and the proposed development.
 - Ground protection: installation of the recommended ground protection measures

in accordance with the associated tree constraints/protection plan prior to any construction works commencing.

The Inspector attached a condition relating to the protection of the existing vegetation on site. The conditions recommended by the Tree Officer do not overlap with the Inspector's condition and therefore should be attached to the present application, should the reserved matters application be approved.

Fire Safety

- 2.23 The fire engine access distance is 45m from the highway. The approximately length of the driveway is 38m and the width is 3m. Although this arrangement is considered to comply with the fire engine access distance it is considered reasonable to attach a condition to any grant of permission requiring an internal sprinkler system to be installed and maintained. In any case, a sprinkler system would principally be addressed by Building Regulations and therefore would not be a reason for refusing such a proposal.

Refuse and Recycling

- 2.24 The Inspector has attached a condition requiring details of refuse and recycling storage to be submitted. This was indicated on drawing no. 6084/A2/06, submitted with this reserved matters application. Guidance on refuse and recycling storage and collection recommends that occupants should not have to 'carry out' their bins more than 25m to the nearest collection point. Although no details of the refuse collection point has been submitted, it is expected that the occupants of the proposed dwelling's refuse bins would be collected from Archers Court Road. Although this does not comply with the recommended 25m carry out distance, it would ultimately be for the intended occupants to determine whether this arrangement is suitable for them or not. As no such details have been submitted, it is considered reasonable to attach a condition to any grant of permission requiring details of refuse and recycling collection to be submitted and approved in writing by the LPA prior to the first occupation of the dwelling.

Drainage

- 2.25 It is noted that there are known issues with drainage in Whitfield. The Inspector attached two conditions relating to drainage to the outline permission. The first condition requires details of a scheme for the disposal of surface water to be submitted and approved by the local planning authority and implemented before the dwelling is first occupied. The second condition requires details of a scheme for the disposal of foul sewage from the site has been submitted and approved by the LPA and implemented prior to the first occupation of the dwelling. The conditions are considered adequate to deal with the draining in relation to a single dwelling and no further conditions are required.

3. Conclusion

- 3.1 The proposal is considered acceptable and the design is considered to be sympathetic and it would not significantly detract from the character and appearance of the streetscene. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking, access and highway safety. The proposal is considered acceptable in all other material aspects,

accordingly the development would comply with the aims and objectives of the NPPF and is considered to represent sustainable development bringing with it the benefit of additional housing in line with Paragraph 59 of the NPPF.

g) **Recommendation**

I. PERMISSION BE GRANTED subject to the following (summarised) conditions:

1. Approved plans
2. Samples of materials to be submitted
3. Window on south-west facing elevation serving the bedroom of dwelling hereby approved, to be obscure glazed and non-opening
4. Details of refuse and recycling collection to be submitted
5. Provision and retention of parking and turning spaces
6. Existing and proposed slab levels to be submitted
7. Sprinkler system to be installed
8. Tree pruning restricted to no more than 2m on the northern side only
9. Installation of ground protection measures for trees

Informatives

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

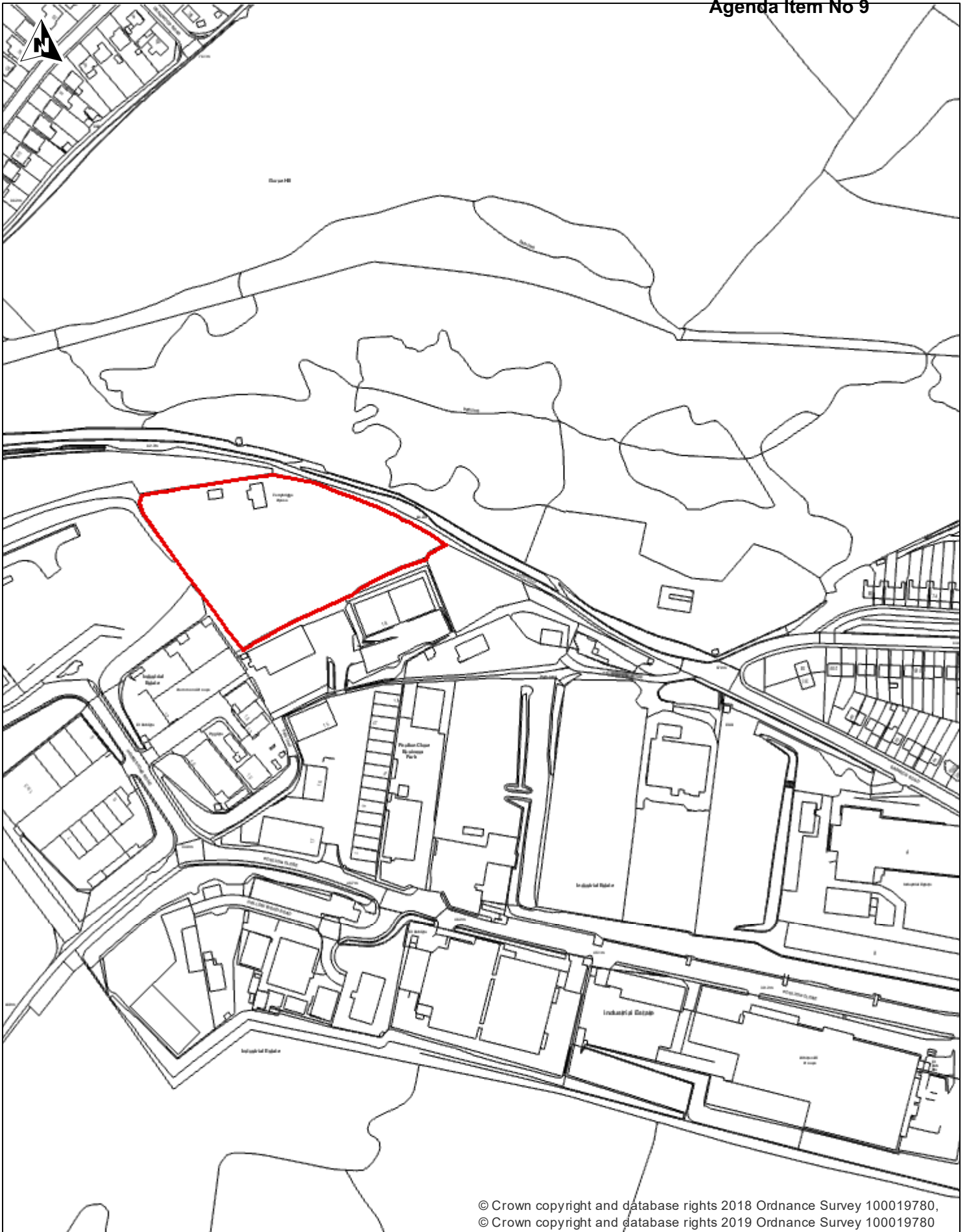
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective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

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

Case Officer

Elouise Mitchell



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DOV/17/01225

Author: Planning Services

Scale 1:3,000

Map Dated: 12/03/2019

Ferrybridge House, Abbey Road, Dover, CT17 0LF

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/17/01225 – Outline application for the erection of 31 dwellings (all matters reserved) – Ferrybridge House, Abbey Road, Dover**

Reason for report – Member call-in by Councillor Jones

- b) **Summary of Recommendation**

Refuse permission.

- c) **Planning Policy and Guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP6 – Infrastructure.

CP7 – Green infrastructure network.

DM1 – Settlement boundaries.

DM5 – Provision of affordable housing.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

DM27 – Providing open space.

National Planning Policy Framework (NPPF)(2019)

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.

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.

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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...

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;
- 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;

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 the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has

concluded that the plan or project will not adversely affect the integrity of the habitats site.

Other considerations

Kent Downs Area of Outstanding Natural Beauty.
Kent Downs AONB Management Plan 2014-2019.
Kent Design Guide 2006.

d) **Relevant Planning History**

DOV/16/00815 – Outline application for the erection of 31 dwellings (all matters reserved) – REFUSED.

DOV/89/01408 – Proposed formation of tractor unit parking and installation of a portacabin office – REFUSED.

DOV/89/00844 - The erection of a two and three storey side extension – GRANTED.

e) **Consultee and Third Party Responses**

DDC Ecology and Landscape – No formal comment made, informal discussion refers back to comments made under proposal DOV/16/00815 – below:

(Note: DOV/16/00815 was an identical proposal, until the applicant formally submitted an amended indicative layout in February 2019. The quantum of development, and development area, remains identical).

"Landscape

The site is on a southern facing slope above the Coombe Valley Industrial Estate. It is within the Kent Downs AONB. Abbey Road is a narrow, single track lane, of considerable age, that is cut into a chalk hillside. To the north of the lane is a very steep chalk grassland slope that then grades into a less steep area of grassland and scrub. To the south of Abbey Road, the land has been subject to much change over time. For instance, directly north of Ferrybridge House a track used to run into what is now the abandoned industrial unit at the far end of the estate. There have been various uses of the land that is within the curtilage of Ferrybridge House and, historically, the site is functionally linked to the valley, rather than the hillside above Abbey Road.

The boundary of the AONB is acknowledged as being poor here as it cuts through the industrial estate. It has been nominated for consideration should boundary changes to the AONB be progressed. Therefore, it may be more appropriate to consider proposed development at Ferrybridge House in the context of the setting of the AONB with particular reference to the land north of Abbey Road.

The Landscape Appraisal accompanying the application is competent [the same document has been submitted for previous and current applications]. However, it is considered that the conclusions regarding the settlement envelope are weak. The site itself has a strong interrelationship with the industrial estate, but not the residential areas, particularly the terraced housing of Barwick Road and St Radigund's Road. (The mixed housing of Deanwood Road which is probably no more distant is within a separate valley).

The position of Ferrybridge House, although historic, appears anomalous, a domestic building at some distance from and above large industrial units. In landscape terms,

there may be value in attempting to relate it more to the built environment. However, to achieve such by residential development on the site may simply create an isolated pocket of dwellings unrelated to the both the neighbouring built and natural environments.

Also, the comments on green infrastructure, below, indicate that the proposal, as it stands, could harm the local visual amenity and the setting of the undeveloped AONB north of Abbey Road.

Green Infrastructure

The site is adjacent to existing green infrastructure (GI), protected by Policy CP7 and is fully within the area marked for GI improvements (conserve and create). Developing the site for housing would not conserve GI here. There may be a small opportunity for habitat enhancement, but this would not significantly contribute to the wider habitat network. The proposed layout of the site, in particular the housing to the south, is curious. These dwellings lack any indication of rear gardens and the relationship to the open area is not addressed. This is of importance in understanding how this space could possibly work in a positive fashion both for the future residents and in respect of the AONB. Without such information, the principle of development here is not sound.

Ecology [same documents submitted for previous and current applications]

The site is maintained as garden to Ferrybridge House and is recorded in the Kent Wildlife Habitat Survey 2012 as 'improved grassland' with a small area of woodland (to the SE boundary of the site).

The ecological appraisal and subsequent documents are considered sound and should development be permitted, the recommendations should come forward as an integral part of a reserved matters application."

DDC Environmental Health – No objection, subject to condition – Notes former use of site as mixed industrial, and requests condition relating to land contamination. Also requests conditions relating to a construction management plan and to hours of construction. Advises an informative relating to burning. A comment is made regarding stacking arrangements in the proposed flat buildings, which would be more appropriately considered at any reserved matters stage.

KCC Highways – Recommends refusal

1. The document acknowledges that a 1.5 metre-wide footway is required between the site and the existing footway network in Barwick Road, and proposes such a footway on the south side of Abbey Road. However, as shown on the plan provided by our Highway Definition Team, there is no highway verge in the western section of Abbey Road between the site and Barwick Road, and minimal width of highway verge in the eastern section. The proposed footway cannot therefore be provided within what is considered to be highway verge. The document also acknowledges that retaining structures and excavation of banks would be required, and these are likely to be beyond the 1.5 metre width of footway in order to support it. It has therefore not been demonstrated that the necessary footway can be suitably provided on land within the control of the applicant and/or the highway authority. The section of Abbey Road between the site and Barwick Road is narrow, unlit and subject to the national speed limit, and would therefore be hazardous for pedestrians from the development to use without a footway. I note that public open space is also proposed on the site and this may encourage additional pedestrian use of this unsuitable route.

2. The eastern section of the stretch of Abbey Road between the site and Barwick Road has no passing place and there is insufficient intervisibility between the last passing place and the wider section of Barwick Road, meaning that vehicles may meet

in this narrow section and one will have to reverse back to a passing place. The incidence of this is likely to increase as a result of proposals and an additional passing place with suitable intervisibility is therefore required. The submitted document acknowledges that vehicles will meet and need to pass each other, and suggests that a proposed footway is likely to be overrun by vehicles passing each other. The document suggests that a barrier or posts within the footway would prevent such overrunning but would reduce the width of footway to an unacceptable level, suggesting instead a Traffic Order to prevent parking on the footway supplemented by the placement of signs. These measures are unlikely to prevent overrunning of the footway in this location and a formal passing place is therefore required, which cannot be provided.

3. The document refers to a speed survey to assess visibility requirements at the access, however the survey output data and location of the survey have not been provided. Therefore, whilst the visibility splays shown at the proposed access point are acceptable for the measured speeds indicated, the above information is required to verify those measured speeds. Nevertheless it appears the visibility splay required to the east of the access is outside land under the control of the applicant and/or the highway authority, and could not therefore be provided or maintained.

As the proposals stand I would therefore still recommend refusal, as the development does not provide safe access in accordance with the NPPF.

I would also point out the following:

4. Whilst layout is indicative I would advise that the access road would need to meet Abbey Road at between 80 and 100 degrees, and Abbey Road would need to be widened in the vicinity of the junction, to enable two cars to pass each other and allow suitable access for an 11.3 metre refuse vehicle. The gradient of the access road on the approach to the junction with Abbey Road would need to be in accordance with Kent Design, as would the layout of the access road within the site.

5. Parking provision would need to be in accordance with policy DM13 of the Adopted Dover Core Strategy, for a suburban edge situation. The suggestion in the previous Transport Statement of one parking space per dwelling would therefore be insufficient.

KCC Development Contributions – Seeks the following development contributions:

- Primary education – £69,804 – towards White Cliffs Primary School expansion.
- Secondary education – £86,417 – towards Dover Grammar School for Girls, phase 1 expansion.
- Library book stock – £1488.49 – towards large print books for Dover library.

A further informative is added recommending the provision and adoption of superfast broadband.

South Kent Coast CCG – No comment received at time of publication.

Natural England – Refers to comments under previous application – Proposal falls within requirement to contribute to the Thanet Coast Mitigation Strategy. Guidance offered, but no conclusion, on assessment of Kent Downs AONB impact and impact on protected species.

Environment Agency – No objection, subject to conditions – For the following:

- Contaminated land.
- No infiltration drainage unless approved by the LPA.

And informatives for the following:

- Fuel, oil and chemical storage.
- Waste.

With further information to be provided to the applicant, relating to:

- Source protection zones 1 and 2.
- Contamination.
- Surface water drainage.
- Foul drainage.
- Best practice for developers.

Kent Wildlife Trust – Objects – This part of Dover contributes much to the area's biodiversity, in particular:

Immediately north of the site, and crossing north of Abbey Road – Local wildlife site designation (LWS DO09 St Radigund's Valley) – an extensive area of high quality, unimproved chalk grassland, scrub and ancient calcareous woodland.

Roadside verge north of Abbey Road – Roadside Nature Reserve (RNR DO03) – flower rich chalk grassland regarded as a valuable stepping stone in the council's green infrastructure network.

Objects about the effects of the proposal on the locally designated sites and how the accommodation of dwellings on this site, including hard standing and ground works, along with suburbanisation from any necessary highways works, may destroy a valued and sensitive habitat.

KCC SUDS – Recommends that proposal is not determined until a surface water drainage strategy has been provided:

KCC Archaeology – No objection subject to condition – Programme of archaeological work in accordance with a written specification and timetable.

Crime Prevention Design Advisor – Recommends condition relating to minimising the risk of crime, incorporating the principles of 'Crime Prevention through Environmental Design'.

Southern Water – No comment received at time of publication.

Southern Gas Networks - No objection – Subject to excavations in accordance with HSE publication HSG47 "Avoiding danger from underground services".

Affinity Water Comments – Network reinforcements might be required to support this development. Development is located within a source protection zone (SPZ) thereby requiring that any construction works should be undertaken in accordance with the relevant British Standards and Best Management Practices relating to groundwater pollution risk. Also refers to CIRIA publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

UK Power Networks – No response received, however, the applicants have paid for a plan from UK Power Networks which indicates supplies near to the site.

National Grid Plan Protection – No response received.

Dover Town Council – Objects – Land not in LALP 2015, supports KCC comments regarding access.

River Parish Council – Objects – River Parish Council believes that this proposal is not sustainable and would create additional traffic on roads which already struggle with existing volumes. Furthermore, the reasons for the previous refusal of the proposal are all still valid and we, therefore, believe that the application should not be approved.

Public comments – 16x objections

Reasons

- Road not wide enough to accommodate traffic.
- Road not wide enough to accommodate pedestrians.
- Works to accommodate pedestrians could not be accommodated without harm to AONB and rural character.
- AONB location.
- Traffic increase in River.
- Design is insular.
- Ecological impacts.
- Demands on infrastructure.

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

The Site

- 1.1. The site is located on the southern side of Abbey Road, and is approximately half way up the northern bank of Coombe Valley. The land rises from south to north. It is broadly triangular in shape with a road frontage of approximately 115 metres. There is an existing access at the western end of the road frontage, leading to a single dwelling – Ferrybridge House, as well as an informal one at the eastern end. Abbey Road is a single width country lane with a speed limit of 60mph.
- 1.2. The site is located within the AONB although its relationship to this is interrupted by the existing commercial development on its south western, southern and south eastern boundaries. All of the commercial development is set at a noticeably lower level than the site. North of the site on the opposite side of Abbey Road, the land rises steeply to the top of the valley slope.
- 1.3. The land level falls from the road towards the south across the site by approximately 20 metres. The site is managed land relating to Ferrybridge House, some of which would be regarded as domestic garden and some is recorded in the Kent Wildlife Habitat Survey as 'improved grassland'. The site has tree screening along its south eastern, south western and northern boundaries. The site is generally screened from Abbey Road by a mixture of trees and shrubs, except for at the access points. The approach to the site has a prevailing rural character. Views are achievable through the site to the AONB beyond.
- 1.4. The site was not assessed as part of the Dover SHLAA in 2009 or 2012. The site was discussed at the examination into the Dover Land Allocations Local Plan, which was adopted in 2015, however, the Inspector made no changes to the plan as a result of this.

- 1.5. Site dimensions are:
- Width – 189 metres (maximum extent).
 - Depth – 106 metres (maximum extent).
 - Area – 1.09 hectares.

Proposed Development

- 1.6. The proposed development is an outline scheme for 31 dwellings with all matters reserved. The scheme includes an indicative layout with one access point (involving a formalisation of the eastern access) and a circular access road within the site, which forms the perimeter to open space located in the centre of the site. The current access to Ferrybridge House would be closed off. The indicative plan shows the dwellings laid out facing the access road on its northern side. There is no indication of gardens or how the rear of the dwellings would relate to the proposed open space.
- 1.7. The indicative mix of dwellings is:
- 4 x 1 bed flats.
 - 6 x 2 bed flats.
 - 4 x 2 bed houses.
 - 11 x 3 bed houses.
 - 2 x 3 bed flats.
 - 4 x 4 bed houses.
- 1.8. A number of trees are shown as being removed to make way for the development. New trees are also proposed on the southern and south western boundaries. A play area would be located west of the western access point.
- 1.9. Associated with the scheme but outside of the site boundary, a footpath approximately 1.5 metres in width, is proposed between the site and the end of Barwick Road, along the southern side of Abbey Road. This footpath would require the cutting and removal of some vegetation as well as the creation of retaining structures where the land falls away to the south.
- 1.10. Plans will be on display.

2. Main Issues

- 2.1. The main issues to consider are:
- Consultation period
 - Principle and sustainable development
 - Countryside/landscape impact
 - Ecology
 - Development contributions
 - Highways
 - Other matters

Assessment

Consultation Period

- 2.2. Drawings showing an amended indicative access point were formally submitted to the council on 11 February 2019. These drawings were re-advertised in order not to disadvantage any consultees, however, the consultation period ends the day after the March planning committee meeting (22 March 2019).

- 2.3. Given the considerations as laid out in the report below, and how close the end date of the consultation period is to the committee meeting, it was considered that on balance, the council would not be disadvantaging any particular person or body by reporting the application ahead of the consultation period closing.
- 2.4. As detailed below, the recommendation, subject to member agreement, is to delegate powers for the Head of Regeneration and Development to resolve any reasons for refusal in line with the issues set out in the recommendation, as resolved by the Planning Committee, and as may be indicated in any consultation responses received during the consultation period after the committee meeting.

Principle and Sustainable Development

- 2.5. The application site is located outside of and adjacent to the Dover urban settlement boundary. This means that the development proposed, 31 new build dwellings, is not normally acceptable in principle. The site is also located within the Kent Downs Area of Outstanding Natural Beauty.
- 2.6. DM1 sets out in essence that development will not be permitted outside urban boundaries, unless justified by other development plan policies, it is functionally requires such a location, or it is ancillary to existing development or uses. Dover District Council as the local planning authority (LPA) has acknowledged that Policy DM1 no longer carries full weight in the decision making process, due to the need to update the objectively assessed housing need (SHMA 2017). However, the LPA considers nevertheless that the policy does carry significant weight as a primary tool for delivering the district's adopted spatial vision. Accordingly, where the site is located outside of the Dover urban boundary, the presumption is still weighted against the proposal being granted permission, unless it meets the exception criteria of the policy as noted above. The proposal is not considered to meet any of these criteria.
- 2.7. The LPA is currently unable to demonstrate a five year supply of deliverable housing land (on 4 March 2019 the Dover annual monitoring report (AMR) was reported to Cabinet indicating a housing land supply equating to 5.56 years – this is not yet formally adopted due to a call-in period). Accordingly, under the terms of the NPPF at paragraph 11 (footnote 7), this application should be considered in the context of the presumption in favour of sustainable development i.e. permission should be granted unless there are specific policies within the NPPF that provide a clear reason for refusal, or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.
- 2.8. Such specific policies referred to include those relating to development within the AONB, which this proposal represents. NPPF paragraph 172 notes:

“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... 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.”
- 2.9. Consideration of the extent to which the presumption in favour of sustainable development might apply is given below and then concluded on at the end of this report.

Countryside/Landscape Impact

2.10. Great weight is afforded by the NPPF to the conservation of landscape and scenic beauty of the AONB.

2.11. Referring to NPPF paragraph 172, and taken in turn:

- a) There are not considered to be any national considerations that overtly advocate the need for this development in this location, beyond the general impetus for housing development. It is considered that the refusal of this development would not negatively affect the local economy to any noticeable degree given the relatively low numbers proposed. Similarly, were the development granted, the benefits to local economy of 31 dwellings would, in the wider context of Dover, be negligible.
- b) The cost of developing outside of the AONB is considered not to be a factor on which any significant weight should be placed. The most recent land allocations local plan (LALP) was adopted in 2015 and while the LPA cannot currently demonstrate a five year supply of deliverable housing land, land is allocated for residential development across the district. As noted, this site was considered at the examination for the 2015 LALP, but not taken forward. The proposal is, in effect, speculative, and does not conform to any wider spatial vision for the district.
- c) The presence of the commercial development to the south of the site, which itself is partially within AONB designated land, does detract in part from an argument that the site should be protected purely for its own character. Indeed, this is recognised by the landscape officer’s comments on the previously refused application. However, it is not considered that this justifies the further encroachment into AONB designated land. Due to topography, the site is separated from the commercial development by way of height, located clearly above that area, and this is also recognised by the landscape officer’s comments, noting that the site is connected in terms of character to the land above, which leads to the top of the valley slope. There is therefore, a detrimental effect that would arise from the carrying out of this development. This is combined with the proposed highways works, which would also alter the character of Abbey Road towards the site with the installation of a footpath and retaining structure and the clearance of vegetation to maintain access visibility splays. The extent to which highways works would be required means that it is difficult to understand how any adequate/successful mitigation works could be implemented.

2.12. Core Strategy. Policy DM15 relates to the protection of the countryside. The proposed development, which would result in the loss of countryside and adversely affect its character/appearance, does not meet the criteria of DM15 in so far as: (i) it is not in accordance with allocation made in development plan

documents, (ii) it is not justified by the needs of agriculture, (iii) it is not justified by a need to sustain the rural economy or a rural community and (iv) it could be accommodated elsewhere. The landscape and ecology officer notes that the ecological information submitted with the application is competent and therefore criterion (v) relating to the loss of ecological habitats is considered to be satisfied.

- 2.13. The proposal is therefore considered to be contrary to policy DM15.
- 2.14. Policy DM16 relates to landscape character. The proposed development, which it is considered would harm the character of the landscape, which is in the Kent Downs AONB, is not considered to meet the criteria at (i) it is not in accordance with allocations made in development plan documents, or (ii) it is considered that the development and associated works required cannot be sited such that harm caused can be mitigated to an acceptable level.
- 2.15. The proposal is therefore considered to be contrary to policy DM16.
- 2.16. In terms of green infrastructure, which is protected by policy CP7, the site is in within an area marked for improvements (conserve and create). The landscape officer has noted previously that developing the site would not conserve green infrastructure. The officer considered the layout of the site to be curious, with no indication of how dwellings might relate to the wider open space.
- 2.17. The proposal is therefore considered to be contrary to policy CP7.
- 2.18. Kent Downs AONB Management Plan 2014-2019. The Kent Downs AONB Management Plan sets out that the primary purpose of its designation is to conserve and enhance the natural beauty of the AONB and that its protection and special characteristics and qualities will be pursued and supported. In this case it is difficult to see how the development of this site, in such a prominent and important transitional location, in the manner, or similar, prescribed within the submitted application would achieve the aims and objectives set out in the NPPF or meet intentions of the AONB Management Plan. The development would be likely to be intrusive and thereby harmful and introduce a creeping form of development beyond the existing built form and would be likely to require significant road edge works which would further expose the engineering and operational development required within the site in the development of it.
- 2.19. Countryside/landscape conclusion. The site is in a transitional location and when travelling west towards it, the commercial development at the end of the valley is screened and set below the site, giving a rural character from the start of Abbey Road onwards. It is considered that the site in its current form, albeit to an extent, managed, provides a buffer to the commercial development beyond and below. Were the application to be permitted, the built form would extend up the side of the valley and to the southern boundary of the highway, creating a hard, developed, edge and harming the prevailing character of this corridor. This would damage the existing visual amenity provided by a green open space and alter the sense of transition provided when travelling along this route. There is significant concern over the layout (albeit assumed to be indicative as all matters are reserved) in respect of the effects and impacts on existing roadside hedgerow at this location – which is considered to contribute towards the rural, country lane environment and character prevailing along Abbey Road. The hedgerow would likely need to be cut down to provide visibility splays in both directions. Additional to this, in order to provide sufficient turning room, the access which currently has an informal character, would need to be significantly

widened and opened up. Taken together, there is significant potential for the character of this part of Abbey Road to be irreversibly harmed.

Ecology

- 2.20. As noted above, the advice received from the ecology officer was that the submitted ecology information is sound.
- 2.21. Following the ruling of the European Court of Justice on case C323/17 (People over Wind, Peter Sweetman v Coillte Teoranta), it was determined that mitigation measures could not be taken into account when assessing whether a likely significant impact might occur in relation to habitats sites. Accordingly, an appropriate assessment is required to determine if such an impact is likely, which is the stage prior to any mitigation measures being considered.
- 2.22. Due to the European habitat sites at Sandwich Bay, and the potential for any residential development to affect the integrity of these sites, the following appropriate assessment is necessary.

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

- 2.23. 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.
- 2.24. 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.
- 2.25. 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.
- 2.26. 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.
- 2.27. 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).
- 2.28. 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 the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

- 2.29. The Kent Wildlife Trust has referenced a designated local wildlife site and a designated roadside nature reserve in its objection. These sites are addressed in the NPPF, however, they do not carry equivalent weight to sites with statutory designations. Given that the wildlife sites referenced are either outside of the application site, have a relatively limited interface with the application site, or are affected to a degree by existing traffic movements on Abbey Road; combined with the consultation response made in relation to the submitted ecological survey, it is not considered in these circumstances that these designations in themselves carry enough weight to form part of a reason for refusal.

Development Contributions

- 2.30. The applicant acknowledges that the development would attract the requirement for affordable housing in line with Core Strategy policy DM5 i.e. 30% of dwellings to be affordable. In this case 30% of 31 dwellings is 9.3, representing 9 affordable dwellings on site. The applicant has agreed this requirement.
- 2.31. KCC Property Services has also indicated that the proposed development would attract the need for the following contributions:
- Primary education – **£69,804** – towards White Cliffs Primary School expansion.
 - Secondary education – **£86,417** – towards Dover Grammar School for Girls, phase 1 expansion.
 - Library book stock – **£1488.49** – towards large print books for Dover library.
- 2.32. Large print library books are not considered to differ in terms of infrastructure type from any other form of library book and as such, given that five or more contributions have already been sought towards book stock at Dover library, this contribution would not be sought.
- 2.33. A further informative is added by KCC Property Services recommending the provision and adoption of superfast broadband.
- 2.34. Policy DM27, contained within the land allocations local plan, defines the amount of open space contributions required for new development. The application does propose a dedicated play area and the applicants have indicated that if necessary they would work to improve access to this space. The size of the area has not been indicated by the applicants, however, given that this is an outline proposal and the plan is indicative, amendments if necessary, could be secured at a reserved matters stage, were permission to be granted.
- 2.35. The applicants have recognised that the development falls into the category requiring contributions to be made to the Thanet Coast Mitigation Strategy. As described above, the required payment is **£1500.69**, and has been agreed by the applicants.
- 2.36. In total, financial contributions of **£159,210.18**, are sought, of which **£157,721.69** are considered to meet the requirements of the CIL regulations. The applicants have indicated that they are willing to meet these costs.

- 2.37. South Kent Coast Clinical Commissioning Group (CCG). No comments had been received from the CCG at the time of the report being published. Any comments received will be verbally reported to the planning committee.

Highways

- 2.38. Kent County Council recommends refusal of the planning application related to the following issues:
- 2.39. 1. The applicant has submitted a speed survey which indicates due to actual speeds on this stretch of road, a 50 metre visibility splay either side of the access is adequate (rather than a 215 metre splay either side). The highways officer raises no objections in relation to this survey and visibility calculation, however, the officer does contend that regardless, the splay cannot be assured to be provided and maintained on land to the east of the access (down the hill) due to a dispute over whether this is highways land. Kent Highways does not agree that this is highways land.
- 2.40. 2. Due to Kent Highways not agreeing that this is highways land and the applicants not being able to prove otherwise, the provision of the footway would rely on the building works on third party land, which cannot be assured.
- 2.41. 3. Travelling east from the site access towards Barwick Road/St Radigunds Road there is a combination of no passing place and insufficient forward visibility/intervisibility. This means that when cars meet, one would be required to reverse back to a passing place. The incidence of this is likely to increase as a result of the proposal and is likely to lead to an overrunning of the proposed footway (assuming one could be provided). The two available options appear to be placing physical impediments within the footway, or a Traffic Regulation Order (TRO) in order to prevent stopping on the footway, complemented by signage. Physical barriers would reduce any provided footway to an unacceptable width, and it is considered that a TRO is unlikely to be effective for these purposes.
- 2.42. It is considered therefore that the development does not provide safe and secure access. While it is also unlikely that these concerns could be adequately addressed or overcome, if they could be, the resultant effect would be to significantly alter and formalise the character of Abbey Road at this point, including hard engineering for a footway, including a retaining structure built onto the bank with associated removal of vegetation, a passing place meeting highways standards and street lighting. It is considered that this would be unduly harmful to the prevailing character and appearance of the location in the AONB.

Other Matters

EIA

- 2.43. The LPA is required to adopt a Screening Opinion under the EIA Regulations 2017 (as amended) due to the proposal being in a defined "sensitive" location. The thresholds set out in Schedule 2 10(b) (Urban development projects) do not apply. In this case statutory consultees have raised no issues with regards to the Schedule 3 – selection criteria for screening Schedule 2 development. The characteristic type, location and potential impact characteristics of the development in isolation, cumulatively and in combination with other development have been considered and the conclusion drawn is that whilst in planning terms and in isolation, as such the development would result in material

harm (for the reasons set out in this report), as far as the wider environmental effects are concerned those effects and impacts would not require mitigation measures sufficient to require an EIA.

KCC SUDS Team

- 2.44. The Kent County Council SUDS team has recommended that the application is not determined until a surface water drainage strategy has been provided. No strategy has been provided, and neither has this been pursued with the applicant due to the proposal being considered to be unacceptable in principle. Were members minded to support the development proposal, it is not considered to be a technically insurmountable issue and as such, this could be addressed through a pre-commencement condition.

Previously Developed Land

- 2.45. The design and access statement considers that the site conforms to the definition of previously developed land. However the site comprises garden land, and land beyond that garden land to Ferrybridge House. Garden land is not defined as previously developed land and with regards to any development on the remaining land evidence of such development as such is fairly limited. Historic aerial imagery indicates that in 1960 land around the site was used for some form of agricultural holding or allotments – this would also not be considered previously developed land. In the 1990 image some form of earthworks appears to be in progress in the eastern portion of the site, with evidence of exposed chalk. However, by 2002, there is no evidence of development on the site beyond that of Ferrybridge House.

3. Sustainability and Conclusion

Sustainability

- 3.1 To assess any impacts of the development, it must be considered in terms of the dimensions of sustainable development as set out in paragraph 7 of the NPPF. These are economic, social and environmental. In undertaking the assessment it should be recognised that the proposed development is outline with all matters reserved, so while indicative layouts have been submitted to demonstrate a possible development scenario, a reserved matters application would be required to confirm such details. Consequently, it is the principle of the application that is being considered.

Economic Impact.

- 3.2 The development would bring some economic benefits in terms of the development contract for 31 dwellings, although this would be finite in terms of time. The development would also provide 31 new dwellings for residents, although there is no certainty about where these people would come from or, accordingly, how much additional economic benefit for the area that would represent. Some benefit would be available to local shops in the vicinity, however, for a wider range of facilities that the new residents might support, they would need to travel beyond the immediate area i.e. outside of Coombe Valley. Accordingly, this limits the contribution that the proposal makes to the economic role that the planning system seeks to achieve.

Social Impact

- 3.3 In terms of the social role, the occupants of the new dwellings would to some degree become part of the local community and support the viability of local services e.g. schools and nurseries, health facilities etc. Furthermore, 30% of the total number of housing units would be affordable housing. These are social benefits weighing in favour of the proposal.
- 3.4 However, it is considered that the proposed location of the development does not lend itself to creating social cohesion. The eastern extent of the site is approximately 245 metres removed from the western extent of the existing residential development in Coombe Valley. The road between the site and the nearest residential development is a single width, unlit country lane, with limited forward visibility and no dedicated footpath, which rises significantly towards the site from that existing development. It is considered that this route would be less than suitable for parents with children, the elderly or less mobile. The nearest bus stop is located at the existing residential development in Coombe Valley and there is no suggestion that the bus service would or could serve the proposed development. The site is bounded to the south west, south and south east by existing commercial development that would not assist in creating a safe and usable link to the edge of the existing community at the western end of Coombe Valley. Accordingly, taken together, it is considered that the location of the proposed development, in principle, would not assist in creating an environment in which a community might develop or be supported to develop, and which would lead to an over reliance on the use of private motor vehicles.

Environmental Impact

- 3.5 The proposed development is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). The NPPF directs that AONBs, along with national parks, should be afforded the highest status of protection in relation to landscape and scenic beauty. As previously noted, the NPPF directs that permission for major developments in the AONB should be refused unless there are exceptional circumstances where it can be shown that the development is in the public interest. It is not considered that in this case that there are exceptional circumstances which justify the proposal.
- 3.6 The landscape officer does note that the AONB boundary at this location might be the subject of amendments at any future review and that it may be more appropriate to consider the application in terms of the setting of the AONB in particular that of the northern valley slope above Abbey Road to the north of the site. However, it is also noted that in attempting to relate the site to the existing built environment with a residential development, the result may be an isolated pocket of dwellings unrelated both to the neighbouring built and natural environments.

Conclusion on Principle and Sustainability

- 3.7 Dover District Council cannot currently demonstrate a five year supply of deliverable housing land. Accordingly, the assessment of the proposal is undertaken in accordance with NPPF paragraph 11 and the three core principles of sustainable development, as considered above. The key consideration is if the adverse impacts of the proposal demonstrably outweigh the benefits.
- 3.8 In this case, the benefits of the proposal can be considered to be the provision of 31 new dwellings, some of which would be affordable, and the, albeit limited, economic benefits. However, this has to be considered against how the development would function in social terms, as a detached settlement, which

would not provide sustainable transport linkages to the existing residential development, and facilities, in the area. In terms of the environmental harm caused, development of the site would alter the prevailing rural character at this location and extend the built form to the southern highway boundary.

- 3.9 To make the development acceptable in highway terms would require significant works to the boundary treatment, comprising mature hedgerow removal to create any required visibility splay beyond the extent of the site frontage onto Abbey Road and were that splay achievable, along with engineered footways, retaining structures, vehicle passing places and any necessary street lighting, the existing edge of settlement transitional character and rural street scene would be unduly harmed.
- 3.10 While an indicative layout plan has been provided, it is unclear how the proposed dwellings could be accommodated and successfully relate to the existing land form.
- 3.11 The significant adverse impacts of the proposal are not considered to be outweighed by what are considered to be limited benefits. The proposed development is therefore considered unacceptable.

g) **Recommendation**

I. Planning permission be REFUSED, for the following reasons:

(1) The proposed development, if permitted, by virtue of its location outside of the Dover urban boundary, detached and isolated from the existing residential settlement in Coombe Valley with inadequate pedestrian links connecting to that settlement, would represent a socially and environmentally unsustainable, and spatially incongruous, form of development, contrary to the aims and objectives of Core Strategy policy DM1 and the aims and objectives of the NPPF at paragraphs 8, 11, 91, 127, 130, and 172 in particular.

(2) The proposed development if permitted, by virtue of its character, location, siting and form would result in an inappropriate and poorly related development at odds with its sensitive and transitional countryside/edge of settlement location. This would lead to the loss of open countryside, which would have an adverse and harmful effect upon this distinctive rural landscape and the natural beauty of the Kent Downs Area of Outstanding Natural Beauty, resulting in a loss of green infrastructure, contrary to Core Strategy policies CP7, DM15 and DM16, the aims and objectives of the NPPF at paragraphs 127, 130, 170, and 172 in particular, the Kent Design Guide and the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019.

(3) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine, in the interests of highway safety, that the proposed access can achieve acceptable highway visibility standards, south east from the proposed access, in a manner that ensures the safe operation/use of the access on to Abbey Road. Accordingly the proposal is contrary to the aims and objectives of the NPPF paragraphs 124 and 130 and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).

(4) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine, in the interests of pedestrian and highway safety, that on Abbey Road between the site and the junction of Barwick Road/St Radigund's Road, sufficient space is available within highway land to accommodate a

connecting pedestrian footway and a single vehicle passing space, which would enable the safe use of the highway for travel between those locations. Accordingly the proposal is contrary to the aims and objectives of the NPPF paragraphs 8, 91, 124, 127 and 130 and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).

- II. That powers be delegated to the Head of Regeneration and Development to settle any reasons for refusal in line with the issues set out in the recommendation, as resolved by the Planning Committee, and as may be indicated in any consultation responses received during the consultation period after the committee meeting.

Case Officer

Darren Bridgett