

# Public Document Pack



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12 June 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 20 June 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](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Planning Committee Membership:

J S Back (Chairman)  
R S Walkden (Vice-Chairman)  
D G Beaney  
E A Biggs  
T A Bond  
J P J Burman  
D G Cronk  
D P Murphy  
O C de R Richardson  
H M Williams

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 30 May 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/19/00177 - LAND AT 37 STONEHALL ROAD, LYDDEN, KENT CT15 7JU** (Pages 10 - 14)

**Full application for the erection of a first floor and single storey side/rear extension and insertion of rooflight to side roof slope (existing conservatory to be demolished)**

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

7 **APPLICATION NO DOV/18/00764 - STALCO ENGINEERING WORKS AND LAND REAR OF AND INCLUDING 126 MONGEHAM ROAD, GREAT MONGEHAM** (Pages 15 - 51)

**Erection of 35 houses, formation of new access road, associated landscaping including demolition of Stalco Engineering Buildings, former squash courts and no. 126 Mongeham Road.**

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

8 **APPLICATION NO DOV/19/00259 - KINGSDOWN & RINGWOULD C OF E PRIMARY SCHOOL, GLEN ROAD, KINGSDOWN** (Pages 52 - 63)

**Erection of new pre-school building (existing classroom to be demolished)**

To consider the attached report of the Head of Planning, Regeneration and Delivery.

9 **APPLICATION NO DOV/17/01523 - FORMER BUCKLAND HOSPITAL, COOMBE VALLEY ROAD, DOVER, KENT CT17 0HD** (Pages 64 - 87)

**Outline application for the erection of up to 150 dwellings (with all matters reserved)**

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

10 **APPLICATION NO DOV/19/00106 - LAND ADJACENT TO ST MARY'S GROVE COTTAGE, ST MARY'S GROVE, TILMANSTONE, KENT** (Pages 88 - 106)

**Erection of a detached dwelling with associated parking.**

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

**ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- 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](http://www.dover.gov.uk). Minutes are normally published within five working days of 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](mailto: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 PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 20 JUNE 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/19/00106**      **Land adjacent to St Mary's Grove Cottage, St Mary's Grove, Tilmanstone**

***This item is dealt with elsewhere on the agenda***

Background Papers:

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

**LOIS JARRETT**

Head of Planning, Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is 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

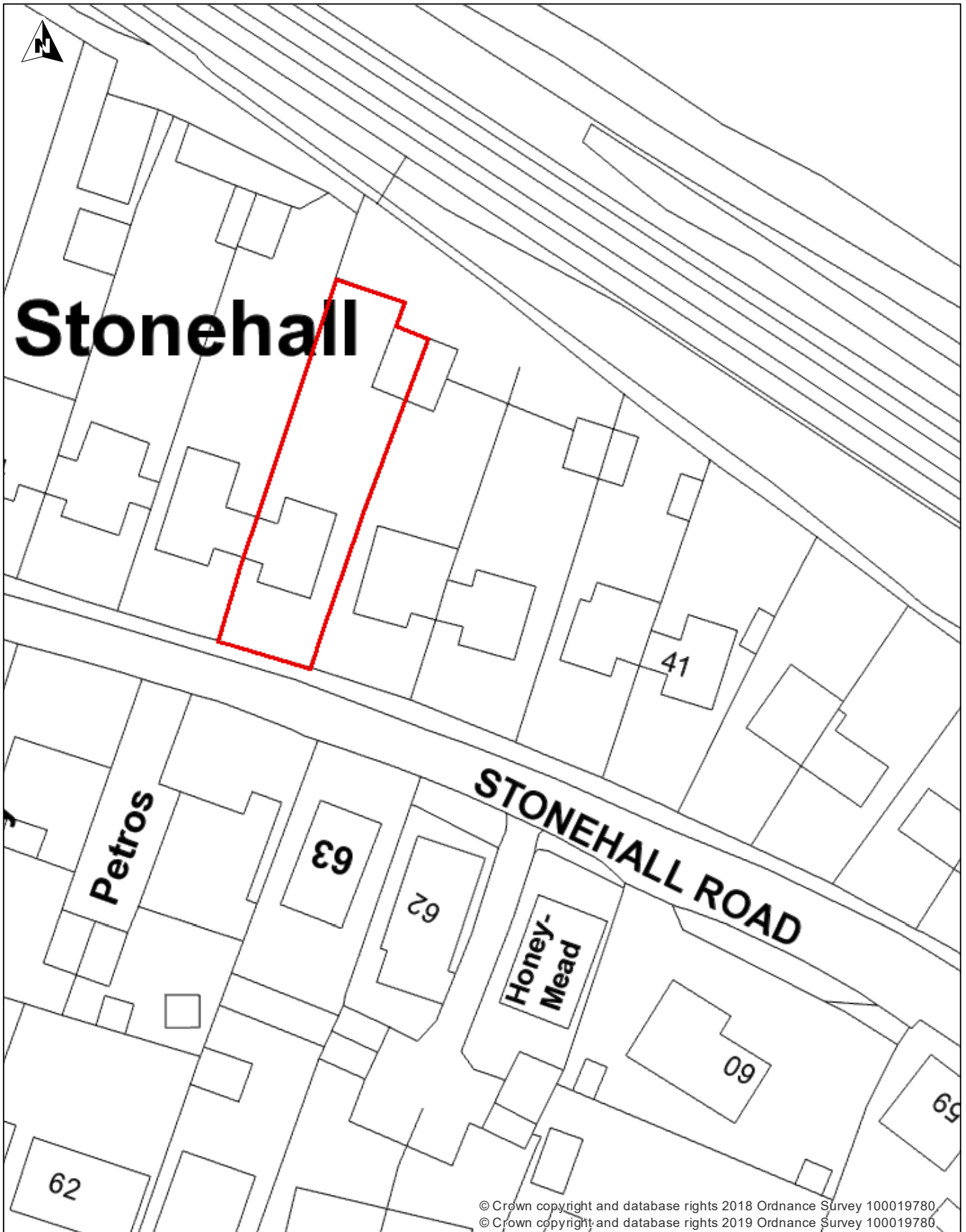


## PUBLIC SPEAKING AT PLANNING COMMITTEE

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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/19/00177

37 Stonehall  
Lydden

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/19/00177 – Full application for the erection of a first floor and single storey side/rear extension and insertion of rooflight to side roof slope (existing conservatory to be demolished)**

**Land at 37 Stonehall Lydden CT15 7JU**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework (NPPF)

- NPPF – Section 12 is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 122,127 and 130 seek to promote good design and resist poor design.

The Kent Design Guide (KDG)

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

- d) **Relevant Planning History**

18/000339 – Refused and dismissed on appeal, by reason of the impact of the extension on the living conditions of the adjoining property (No.36).

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

Parish Council: “Continues to have concerns with regard to this new application and the detrimental effect that the adjoining neighbours will suffer if the side extension is allowed to be erected. Despite the fact that the applicant has reduced the proximity to the next door property by 1 metre, it will nevertheless continue to block light because of the high wall.”

Public Representations: There have been 11 responses received from the public consultation exercise. There are 5 opposing and 6 supporting the application.

The objections are summarised as follows:

- The proposal is not significantly different to the proposal dismissed on appeal.
- The proposal would lead to loss of light, be intrusive and would, by reason of its height and proximity to the boundary, harm the living conditions of the occupiers of No.36 Stonewall.

The letters of support refer to the extension being permitted development, being similar to others built to the rear of nearby properties and there being no right to a view or rights to lights.

f)

1. **The Site and the Proposal**

1.1 The application property comprises one of a pair of substantial inter-war, semi-detached houses, being located on a sloping site with open views of the Kent Downs to the rear (northeast). The adjacent properties are of similar design and a number have been extended to the rear.

1.2 No.36 has a patio door in its rear elevation that leads to a well-maintained, sitting out area. The building also has a two storey rear extension further from the side boundary. There are views of the countryside from the rear patio doors and sitting out area.

1.3 The proposal can be considered in two parts. The first part is a two storey rear extension to the eastern side of the property. This would accommodate an extended kitchen area on the ground floor with bi-folding doors leading into the garden, with a new bedroom in the first floor extension. The existing bathroom would be served by a roof light.

1.4 The second part is a single storey rear extension, which will provide extended lounge accommodation.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- the impact upon residential amenity

Principle of Development

2.2 The application site falls within the village confines of Lydden. As

such, under Policy DM1, the extension to the application property is acceptable in principle.

#### Residential Amenity

- 2.3 The decision of the Inspector is an important material consideration in the determination of this application. In effect, the Inspector considered that it was the single storey rear extension, proposed adjacent to the boundary with No.36, which caused harm to the living conditions of the occupiers of No.36. The Inspector did not raise any other concerns with regard to the remaining components of the appeal proposal; and as these remaining components in the current application do not differ materially from the previous appeal proposal, they are not matters that give rise to any undue concern.
- 2.4 In view of the acceptability of the remaining components of the proposal (the two storey element), the Planning Committee is asked to focus its attention on the impact of the single storey rear extension on the living conditions of the occupiers of No.36.
- 2.5 Under the previous application, the single storey rear extension projected some 3.9m with a height of 2.7m. The extension had a flat roof and was located adjacent to the boundary wall with No.36. The boundary wall is some 1.6m high.
- 2.6 Under the current application, the single storey rear extension is some 3m deep, with a height of 2.7m. The extension has a flat roof, with a roof lantern located centrally within the roof. The extension is proposed along the boundary of the site, adjoining No.36.
- 2.7 The Appeal Inspector considered that the creation of an unrelieved section of wall that would be visible above the height of the boundary fence for much of the private patio area to no. 36 would appear as an over-dominant and overbearing feature when viewed from that property. He considered that it would also result in an unacceptable sense of enclosure to the patio and potentially bring about a loss of early morning sunlight.
- 2.8 This current proposal differs only in its reduction in depth from 3.9m to 3m. The determination of the application is very much in the balance. It is considered that the proposal's new projection of 3m has probably tipped the balance in favour of granting planning permission. Although there would remain an impact upon the living conditions of the occupiers of No.36, it is not considered that this would be unduly harmful and sufficient residential amenity would be retained by those occupiers.
- 2.9 With regard to permitted development rights, which is a matter raised by some of the responses received, the proposal as a whole is not permitted development. However, if only the single storey rear extension were to be proposed, not exceeding 3m in depth or 3m in height, the extension would be permitted development.
- 2.10 This additional consideration further weighs in favour of granting planning permission.

### Overall Conclusions

2.11 The proposal needs to be weighed in the balance. Given the Appeal Inspector's decision and the changes to the single storey element of the proposal, it is considered that the proposal would meet the requirements of the relevant Paragraphs of the NPPF.

g)

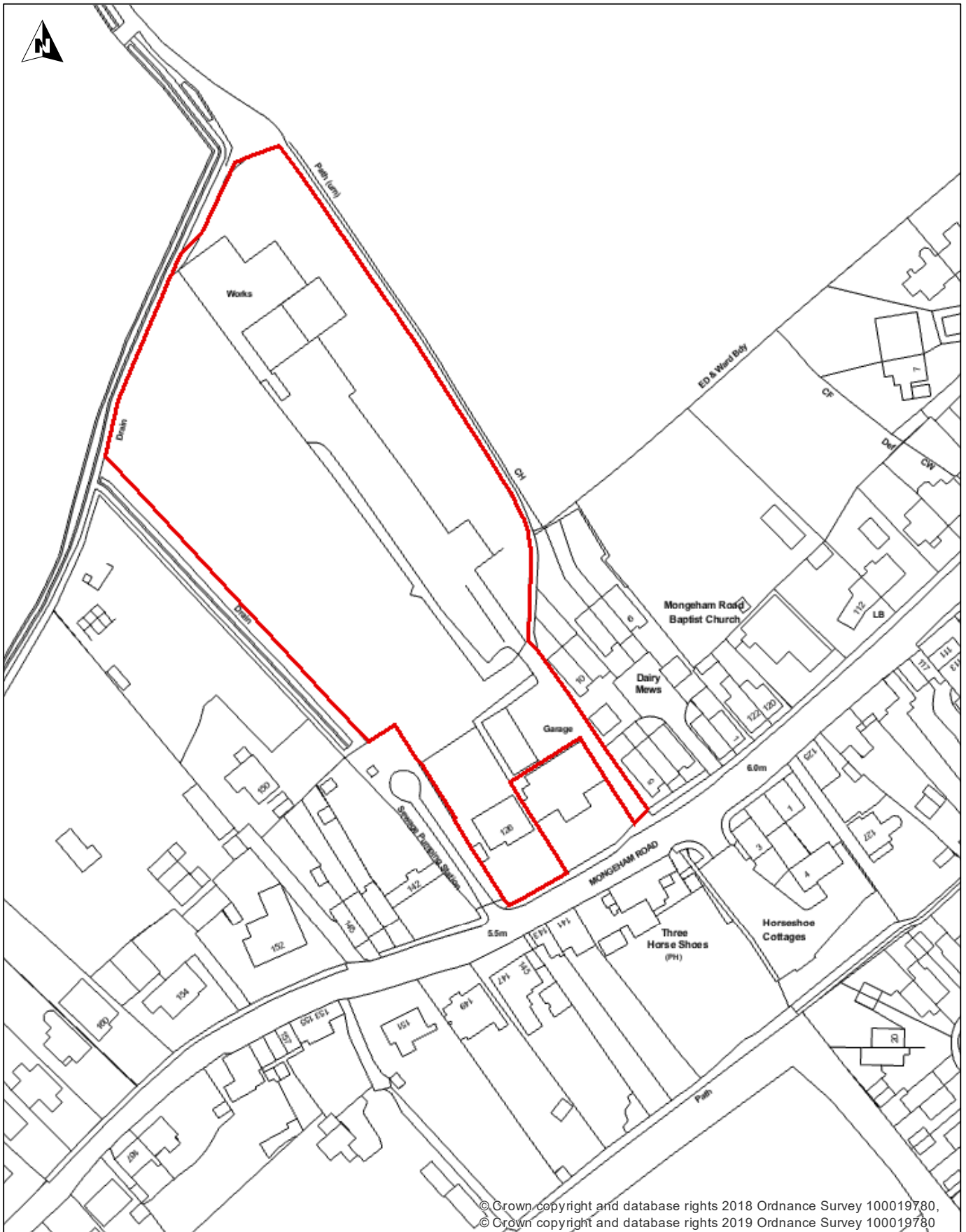
### **Recommendation**

- I PERMISSION BE GRANTED with the imposition of the following conditions:
  - i) 3 year time limit to commence development
  - ii) Development to be built in accordance with the submitted drawings
  - iii) the use of materials to match
  
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester

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18/00764

Stalco Engineering Works and land r/o and including 126, Mongeham Road  
Great Mongeham  
CT14 9LL

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/18/00764 – Erection of 35 houses, formation of new access road, associated landscaping including demolition of Stalco Engineering Buildings, former squash courts and no. 126 Mongeham Road.**

**Stalco Engineering Works and land rear of and including 126 Mongeham Road, Great Mongeham.**

Reason for report – The number of third party representations and Member Call-In by Cllr Manion for the following reason:

*'I note the flooding issue and I do not believe that this application deals with this issue effectively. I also note the impact on local roads and support comments by Kent Highways and again find this application deficient. Therefore I request that this application not be granted without being considered by the full planning committee'.*

### **b) Summary of Recommendation**

Grant planning permission subject to receiving Natural England's agreement to the conclusion of the Habitat Regulations Assessment and to agree any minor amendments to the planning application, draft conditions and Section 106 planning obligation matters.

### **c) Planning Policy and Guidance**

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires that where the development plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise. For the purposes of S38(6) the development plan comprises the adopted Dover District Core Strategy (CS) 2010 and the Land Allocation Local Plan (LALP) 2015. In addition to the policies of the development plan there are a number of policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF adopted in 2012 and amended February 2019) and National Planning Practice Guidance (NPPG).

**A summary of relevant planning policy is set out below:**

#### **Dover District Core Strategy (2010)**

CP1 – Settlement hierarchy. Great Mongeham is defined as a village which has a function with a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.

CP6 – Infrastructure.

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

DM1 – Settlement boundaries.

Development will not be permitted in land outside the rural settlement confines unless specifically justified by other development plan policies.

DM2 – Protection of employment land and buildings



Permission for redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.

DM5 – Provision of affordable housing.

The council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes.

DM11 – Location of development and managing travel demand.

Development that will generate travel will not be permitted outside the rural settlement confines unless justified by development plan policies.

DM13 – Parking provision.

Parking provision should be a design led approach but should be based on the standards set out in table 1.1 of the CS. The site is within a suburban edge/village/rural location a two bed house should be provided with 1.5 spaces a 3+ bed house should be provided with 2 independently accessible spaces.

DM15 – Protection of the countryside.

Development which would result in the loss of or adversely affect the character of the appearance of the countryside will only be permitted if amongst other things it is in accordance with allocations made on the development plan documents.

### Land Allocations Local Plan (2015)

LA15 - Land allocated for residential development at Deal

Land Allocated for Residential Development at Deal			
Site	Design Guidelines	Approx. no. of dwellings	Issues
Stalco Engineering Mongeham Road	Mix of housing type and density. Higher density adjacent to the existing built form, progressively reducing north westwards towards the boundary with the open countryside.	36	Comprehensive development; Flood Risk; Conservation Area; Close to European Nature Conservation Designation; Waste Water pumping station and connection to the sewerage system at nearest point of adequate capacity.

DM27 – Providing open space.

Planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space.

### Saved Dover District Local Plan (2002) policies

None relevant

### National Planning Policy Framework (NPPF)(2019)

Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF 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.

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

- a) an economic objective
- b) a social objective
- c) an environmental objective

Paragraph 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 (in this case the policy refers to areas at risk of flooding); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 43 - The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.

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

- a) promote social interaction,
- b) are safe and accessible, and
- c) enable and support healthy lifestyles.

Paragraph 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.

Paragraph 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.

Paragraph 127 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- 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.

Paragraph 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.

Paragraph 155 and 157 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development.

They should do this, and manage any residual risk, by (amongst other things):

- a) applying the sequential test and then, if necessary, the exception test.

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

Paragraph 159 - If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

Paragraph 160 - For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 161 - Both elements of the exception test should be satisfied for development to be permitted.

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

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

b) have appropriate proposed minimum operational standards;

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

d) where possible, provide multifunctional benefits.

Paragraph 170 - 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;

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;

Paragraph 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.

Paragraph 190 - Local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

### **Kent Design Guide 2006.**

This guide is designed to help achieve high standards of design construction and provide a tool for refusing poor design.

### **d) Relevant Planning History**

DOV/15/00829 – Outline application for the erection of 14 dwellings (all matters reserved). Land to the rear of Dairy Mews, Mongeham Road – Withdrawn.

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

#### Principal Heritage Officer

May 2019 – A brick wall surrounding plot 1 is acceptable, a condition should be imposed requiring material samples to be submitted.

September 2018 - Plot 1 in particular which appears from the block plan to have a window facing out onto undesignated land with no other boundary treatment. Development seems rather dense on the site and is contrary to the established character of the part of the CA closest to the site which is linear in form and, apart from a few, properties generally with space around them. There is no street view from Mongeham Road and you might find this beneficial in considering implications on street scene and historic buildings opposite the access.

#### Housing Manager

17<sup>th</sup> January 2019 - The affordable housing provision is in accordance with the Council's planning policy. The type of affordable units to be provided and the split between affordable rent and shared ownership is in the process of being agreed.

#### Policy and Projects Manager

Advised that the Sequential Test was applied at the time of site allocation and the change in the flood zone mapping is not so significant to warrant a site-specific sequential test being carried out again.

### Environmental Health:

18<sup>th</sup> January 2019 - No further comments to add

22<sup>nd</sup> August 2018 – The findings of the Acoustic Assessment ref P1299/01 and the report conclusion that the land is suitable for development subject to the proviso that adequate attention is paid to the glazing specification and ventilation strategy is agreed with.

As advised in the Desk Top Study recommendation, further intrusive investigation of the site is required, as the former use has potential to have caused contamination and, that there is potential for the site to be contaminated by activities on the land that immediately surrounds it. Standard land contaminations conditions are advised.

### Tree and Horticultural Officer:

The hedgerow situated on the northeast boundary plays an important role in screening the proposed development site from the wider landscape. As such, it is imperative that it is sufficiently protected throughout all construction phases and is retained post-development. Details of suitable protection measures relating to all hedgerows and trees proposed for retention must be submitted for approval ensuring accordance with BS 5837:2012 – Tree in Relation to Construction.

A detailed landscaping plan must be secured through a condition of consent should the application be granted to include details of proposed tree/hedge planting to run the entire length of the northwest boundary.

### Senior Natural Environment Officer

June 2019 – Comments awaited, a verbal up-date will be provided at the Planning committee.

17<sup>th</sup> May 2019 – To complete the Habitats Regulation Assessment (HRA) details of: how pollution will be dealt with at the construction phase needs to be provided, this can be in outline form and a condition can be imposed requiring a detailed Construction Environmental Management Plan (CEMP); and details of other extant planning permission where there may also be a pathway for pollution to the RAMSAR.

Natural England can take up to 21 days to comment on completed HRAs so this still leaves the problem of factoring this time period in before the planning committee. It is a legal requirement to consult them at the Appropriate Assessment (AA) stage and we cannot progress until we have received their response.

8<sup>th</sup> April 2019 - I support their (Natural England) objection, based upon a lack of information to determine no adverse effect upon the site integrity of the Thanet Coast and Sandwich Bay Ramsar. The document submitted by the applicant entitled 'Mongeham habitats conservation' no mention of pollution impacts upon the Ramsar/SSSI. I agree with the advice

given by NE on the approach that the applicant should take to deal with any pollution impacts associated with surface water runoff.

### Principal Ecologist

Appropriate assessment will be required in respect of potential effects on the Thanet Coast and Sandwich Bay Ramsar Site which is less than 500m NW of the site accessed via a public footpath and also by a field drain. Therefore, both aquatic pollution and recreational impact pathways need to be addressed. This is in addition to the Thanet Coast Mitigation Strategy which deals with the impact of recreational activities on the European protected sites.

### KCC Development Contributions:

As the former residence at No 126 is being demolished, the proposal will deliver a 'net' of 34 new homes, the revised KCC contributions: Primary education - £113,016; libraries - £1632.68. These figures are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment and are valid for 3 months from the date of this letter after which they may need to be recalculated.

There is a need rising for secondary education although due to the CIL reg 123 restrictions KCC are unable to pursue currently.

INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project.

### KCC Archaeology

The area is of high archaeological importance and a condition (AR1) requiring a programme of archaeological works is suggested.

### KCC Highway Services

10<sup>th</sup> May 2019 – No objection: The amended plans now overcome the objection, conditions are suggested. The site is allocated for 36 dwellings in the current Local Plan under Policy LA15 and the principle of development has therefore been accepted.

The proposals may generate around 22 two-way vehicle movements in the peak hours. This is unlikely to have a severe impact on the highway network, especially bearing in mind that the

movements will be spread across several routes to/from the site.

3rd April 2019 – The proposals are now acceptable in highway terms, subject to the safety audit being satisfactory and any relevant issues raised in the audit being satisfactorily resolved.

23<sup>rd</sup> January 2019 –

1. I have no objection to 7 dwellings being served off the existing access as this does not represent a significant increase in use of the same, bearing in mind the existing permitted use.
2. I note the visibility splays now shown at the proposed site access onto Mongeham Road, however the splay shown to the east should be 2.4 metres x 43 metres and can be measured to the centre line of the road.
3. Parking restrictions are required to protect the visibility splays at the access, allow room for the manoeuvring of a refuse vehicle and allow an eastbound driver to pass a westbound driver waiting to turn right into the site. Whilst this will remove some existing on-street parking opportunities, five replacement spaces are being provided in the initial section of new access road. Double yellow lines should therefore be added to the plans as follows:
  - i) Westwards to the boundary of no. 142/144 Mongeham Road, on the north side of the road;
  - ii) Eastwards to the existing site access on the eastern side of the garage, on the north side of the road,
  - iii) On the south side of the road between the entrance to Horseshoe Cottages and the boundary of nos. 143/145 Mongeham Road.
4. The proposed pedestrian crossing point with build-out in Mongeham Road is noted, however the visibility splays required are 1 metre x 43 metres in each direction. As indicated on the plan double yellow lines are required on the north side of the road to protect the visibility splays for pedestrians crossing, and this together with the build-out will result in the removal of three existing on-street parking spaces. Clarification is required on the width of carriageway remaining at the build-out.
5. At the access onto Mongeham Road there will still be pedestrians on the highway footway crossing the access, and suitable visibility splays (1 metre x 25 metres) into the site will be required from the crossing point on each side together with dropped kerbs and tactile paving. The crossing point will need to be located where optimum visibility is available for pedestrians to drivers approaching from all directions. It appears the three lay-by parking spaces on the east side of the access road will need to be moved further into the site to allow the provision of the 1 metre x 25 metres splay detailed above.
6. A safety audit and designer's response to any issues raised are required for the proposed new access junction and pedestrian crossing point.
7. The applicant has confirmed that the new street is to remain private, i.e. it will not be adopted by the highway authority.

I wish to place a holding objection until items 1-6 above have been satisfactorily resolved.

Natural England:



17<sup>th</sup> April 2019 – Withdraw objection: Following receipt of further information on 9 April 2019 Natural England is satisfied that the specific issues raised in previous correspondence relating to this development have been resolved.

NE consider that the identified impacts on Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI) can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw our objection.

It is noted that the Addendum to the Surface Water Disposal Strategy specifies that the proposed surface water disposal strategy has been amended to incorporate permeable paving and that such measures have been assessed using Ciria's SUDS design manual. Natural England concurs that the pollution hazard index for the site has been correctly identified as "low". Based on the proposed mitigation measures, the SuDS mitigation index for permeable paving is greater than the pollution hazard index for each contaminant type. As such, Natural England is satisfied that, providing these mitigation measures are secured via appropriate planning conditions, that there will be no adverse impacts on the Ramsar site and SSSI. In order to meet the requirements of the Habitats Regulations, the effectiveness of the proposed mitigation measures should be assessed via an appropriate assessment.

4<sup>th</sup> April 2019 – Objection due to insufficient information. The applicant needs to provide outline mitigation measures which will prevent contaminated water runoff from entering the water courses that flow directly into the RAMSAR and SSSI.

If Dover is minded to approve this application without complying with the Habitats Regulation the the authority is at risk of legal challenge.

7<sup>th</sup> March 2019 - For the deciding authority to be confident that a proposal would not result in an adverse effect on integrity, details of the drainage scheme for this site should be provided as part of this submission to demonstrate that impacts to the water quality of the adjacent European site can be mitigated.

At present, there is not sufficient information within the 'Drainage Impact and Flood Risk Assessment' to conclude no adverse effects on site integrity of the SPA and Ramsar site. Measures described within the report, including the storage pond only address the rate of flow as opposed to addressing water quality.

Natural England advises that in order for Dover (the Competent Authority) to carry out an Appropriate Assessment, the applicant needs to provide outline mitigation measures which will prevent contaminated water runoff from entering the watercourses that flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI.

These outline mitigation measures must be able to be relied upon to avoid adverse effects on site integrity over the full lifetime of the plan or project and must be deliverable at the detailed design stage. The Appropriate Assessment should be able to demonstrate that such measures are known to be effective, reliable, timely, guaranteed and of sufficient duration. Such measures should be supported by evidence and there must be confidence that they will be effective and that they can be legally enforced (i.e. via suitable planning conditions) to ensure they are strictly implemented by the plan/project proposer.

Natural England advises that this application should not be approved until it has been confirmed that there will be no adverse impacts on the integrity of the European sites. If

Dover is minded to approve this application without complying with the Habitats Regulations then the authority is at risk of legal challenge.

25<sup>th</sup> January 2019 - As submitted, the application could have potential significant effects on the Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Natural England advises there is not sufficient evidence to screen out water quality impacts to Thanet Coast and Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes SSSI. There is a potential pathway of impact from contaminated surface water runoff entering the watercourse to the south-west and north-west of the site. These watercourses flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI.

At present, there is not sufficient information within the 'Drainage Impact and Flood Risk Assessment' to conclude no adverse effects on site integrity of the Ramsar site. Measures described within the report, including the storage pond providing 540m<sup>3</sup>, appear to only address the rate of flow as opposed to addressing water quality. Further, it is not clear where the attenuation pond will be situated on site / if the two attenuation tanks are being provided in place of the pond.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further details on the proposed drainage design, including what protection measures will be in place to ensure surface water runoff from the site does not significantly impact the designated sites.

Without this information, Natural England may need to object to the proposal.

With regards to the Habitats Regulations, for the deciding authority to be confident that a proposal would not result in an adverse effect on integrity, the proposal needs to be considered as a whole. In this respect, mitigation measures need to form an integral part of the proposal. Details of the drainage scheme for this site should therefore be provided in full as part of this submission to demonstrate that impacts to the water quality of the adjacent European site can be mitigated. We advise that this information is needed prior to determination, and not left to condition. Once mitigation measures have been provided, the Council, as the competent authority, will need to consider them via an appropriate assessment.

Recreational Disturbance at Sandwich and Pegwell Bay: It is noted that, as detailed in your email dated 9 January 2019, an Appropriate Assessment has been considered by the LPA which concluded that there is uncertainty with regard to the impacts of increased recreational activity at Sandwich and Pegwell Bay. We advise that the mitigation measures proposed appear to be ecologically sound. Our advice is that this needs to be confirmed by the Council, as the competent authority, via an AA to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017. Please note that Natural England is a statutory consultee for Appropriate Assessments.

Further impacts to Sandwich Bay to Hackling Marshes SSSI :

It is noted that there will be no direct link to Sandwich Bay to Hackling Marshes SSSI and therefore we are satisfied that additional impacts are unlikely to occur to the SSSI.

Kent County Council: Lead Local Flood Authority:

3<sup>rd</sup> May 2019 – No objection: Ground investigations undertaken at various locations across the site have demonstrated that infiltration through permeable paving may be a viable option and provides adequate pollution controls therefore, we remove our previous objections.

1<sup>st</sup> March 2019 - The information that has been requested is to demonstrate that the drainage system is feasible and will operate. Our earlier correspondence has indicated that there are issues in respect to both topographical levels and groundwater. I understand that these concerns have also been noted by the Environment Agency. We would have major concerns that planning proposal may not be deliverable as there would not be a working drainage system to support the development. Therefore we strongly recommend that this information is provided prior to determination.

31<sup>st</sup> January 2019 - We note that the proposals have been altered to located attenuation outside of Flood Zone 3 by installing cellular storage. However we would highlight that below ground storage would give no additional SuDS benefits other than peak flow control (contrary to paragraph 165 of the NPPF). Other SuDS features should be considered elsewhere within the development unless there is clear evidence that it would be inappropriate.

Notwithstanding the above, we have concerns that there could be insufficient depth between the proposed drainage and the invert level of the ordinary watercourse. We recommend that a topographic survey is undertaken on site to determine the invert level of the receiving watercourse and the site levels. In addition we would ask that a drainage layout is provided that includes the cover and invert level of the attenuation tanks and outfall.

The British Geological survey indicate that there may be shallow groundwater at the site. We would recommend that ground investigations are undertaken to determine the depth to groundwater as this may affect below ground storage.

Therefore, we recommend that the application is not determined until further information has been provided to demonstrate that the proposed drainage strategy is workable on site.

29<sup>th</sup> August 2018 - Whilst limiting the discharge rate to 2 litres a second for the site is acceptable however, attenuation features should not be located within areas of Flood Zone 3a. The possibility of a flooding event has the chance of impeding the storage capacity of the pond that serves the impermeable areas of the site. Therefore, the attenuation pond should be located outside flood zone to ensure that there is continuous free space within the pond to accommodate surface water from various storm events. The LPA should consider whether the positioning of attenuation within Flood Zone 3a would impact other fluvial flood risk matters (in consultation with the Environment Agency). As part of the drainage strategy we would expect to see drainage calculations provided. The calculations should include all storm events up to and including the 1 in 100 year plus an additional 40% allowance for climate change. We recommend that the application is not determined until further information is provided relating to the above points.

### Public Rights of Way (PROW)

No objection to the development. It would be an improvement if a top layer was added to footpath ED38 to the existing surface (e.g tarmac) It would make for a more attractive access to the development. The preference would be for the developer to carry out the work. For an overlay of tarmac we would expect between 20mm to 40mm, higher if there is to be a camber for drainage.

### Environment Agency:

Dated 5<sup>th</sup> April, received 8<sup>th</sup> May 2019 - We remove our objection to be replaced with the following condition; the development shall be carried out in accordance with the submitted flood risk assessment and mitigation measures and land contamination investigation

EA are aware that Kent County Council, as Lead Local Flood Authority, are now generally satisfied that the applicant's drainage and flood risk consultants have provided sufficient evidence to demonstrate that their latest surface water management strategy is conditionally acceptable.

We would still prefer to see a more 'sequential' site-layout that omits the residential units depicted in Flood Zone 3 (as required under the NPPF); however, we acknowledge that our flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event.

5<sup>th</sup> April 2019 – We have reviewed the updated information and maintain our objection. The fluvial flood risk from the adjacent drainage network maybe exacerbated if the drainage system cannot function as designed. We are concerned with the location and functionality of the proposed surface water management system.

There remains a residual risk from tidal flooding to a portion of the site if the defences are not maintained or are breached within the lifetime of the development.

The LPA should request that the site is sequentially developed such that the highest risk areas of the site are used for the lowest risk forms of development.

In addition to flood risk there is concerns about land contamination and if planning permission is granted conditions are suggested.

4<sup>th</sup> February 2019 – We still have concerns with the proposed surface water management strategy, particularly in light of the recently revised 'flood map for planning' for the area.

The only amendment to the Flood Risk Assessment (FRA) appears to be a minor rewording of the conclusions and a revised drawing depicting attenuation tanks in place of the previously proposed pond.

The recently revised flood map for planning now shows that a more significant area of the site lies within FZ3 than when the FRA was originally produced. It now appears as though the proposed attenuation tanks and several of the residential units now lie wholly or partially within the area considered to be at 'high' risk from flooding.

We therefore maintain our objection on flood risk grounds and would require the latest flood risk mapping to be fully considered in any future submission.

Southern Water:

4<sup>th</sup> February 2019 – The comments in our response dated 30/08/2018 remain unchanged and valid for the amended details.

17<sup>th</sup> September 2018 –

- Our advisory distance of 15 meters is for both existing and proposed pumping stations. Please refer to Sewers for Adoption Standards for more details on pumping station distances.
- The rising main shows on our records as a brown sewer with lines spurring off the side and is thicker in width and is shown as a short dash and a long dash. A rising main is taking sewerage that is being pumped from the pumping station.
- Our comments advise that Southern Water can accommodate the foul sewerage disposal from the proposed development. A Section 106 connection application for foul is required.

30<sup>th</sup> August 2018 - Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

The exact position of the foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Internal Drainage Board:

5<sup>th</sup> February 2019 - I note and support the comments made by KCC's Flood & Water Management team and the Environment Agency; that this application should not be determined until a suitable and workable SuDS has been agreed. The replacement of the originally proposed balancing pond with underground tanks is a retrograde step.

Kent Police, Designing Out Crime:

We have considered the amendments in relation to our response of 29 August 2018. Having reviewed the amended plans and documentation we are satisfied that the applicant/agent has addressed the points in the earlier response.

South Kent Coast Clinical Commissioning Group (SKCCG):

26<sup>th</sup> February 2019 - Any mechanism to create capacity of the Balmoral surgery has been fully explored with the only viable alternative being an internal redesign resulting in additional clinical space being created on the second floor. This investment will directly support

improvements within primary care by way of increased capacity at the site. This would also allow for the increase in patient numbers resulting from the housing development. The total indicative cost of the scheme would be in the region of £308,625 – broken down into £260,985 building cost, £32,640 IT and telephony costs and a further £15,000 to include professional fees. A draft indicative plan is attached for information only. The current NIA of the building is 991 sqm, the proposed expansion would create an additional 183 sqm of usable space. A surgery with an NIA of 1174 sqm would be able to cater for a patient list of up to 16,000, future proofing the delivery of services to the population of Deal.

SKCCCG has recently undertaken a review of the primary care estate portfolio and assessed each premises in terms of building condition and patients per sqm. NHS England latest guidance would suggest that for core primary care services to be delivered, primary care premises should offer an area of 0.08sqm per patient.

Therefore, in respect of this application a developer’s contributions is required as follows:

Build cost - £308,625  
 Extended area – 183 sqm  
 Cost per sqm - £1,686.47

<b>Predicted Occupancy rates</b>	<b>Total number in planning application</b>	<b>Total occupancy</b>	<b>Contribution sought (occupancy x 0.08) x £1,686.47</b>
<b>2 bed unit</b>	<b>12</b>	<b>12 x 2 = 24</b>	<b>£3,238.02</b>
<b>3 bed unit</b>	<b>17</b>	<b>17 x 2.8 = 47.6</b>	<b>£6,422.07</b>
<b>4 bed unit</b>	<b>7</b>	<b>7 x 3.5 = 24.5</b>	<b>£3,305.48</b>

SKCCCG therefore seek a total contribution of £12,965.57 plus support for our legal costs in connection with securing this contribution as calculated above which is believed to be just and fair and would be used as a contribution towards the build cost of the scheme outlined above.

Great Mongeham Parish Council:

Object for the following reason:

- The Parish Council object to the new street crossing as it reduces the number of on street parking spaces and is a long way from the entrance to the proposed development. The members still believe the entrance to the proposed development is too narrow.
- Over development of an unsustainable site
- The density and poor design give insufficient parking spaces for a rural location
- No public transport links, the bus stops referred to in the transport statement are not in use
- The members feel that the Land allocation document is now out of date and that the data used to indicate a sustainable location for 36 houses has changed,
- There is no longer a shop in the village or a bus service,

- The main road into and around the development is not of enough width to give a necessary access for emergency and refuse vehicles once it is blocked by parked cars,
- The additional proposal to use the existing access for 7 dwellings will just mean two
- substandard access roads on to this very busy road,
- The plans to put in double yellow line will reduce the number of on street parking spaces used by residents,
- The property on the entrance to the site (plot No1) and allocated visitor spaces just inside the estate prevent the provision of an acceptable junction onto Mongeham Rd, which is already a very busy road, lined with parked cars preventing adequate sightlines,
- There are no footpaths along Mongeham Road, making it dangerous for pedestrians to access other parts of the Village,
- The members are extremely concerned about the risk of flooding for the site and the village at large. The dyke that runs along the edge of the site is no longer being maintained, nor is north stream further up the water course. These water ways have not been properly maintained for years and additional water from the site flowing into this dyke could lead to flooding further down in the village as has happened in the past,
- Great Mongeham is already used as a Rat Run by traffic going to Dover and out to the Whitfield
- bypass or by people wishing to get onto the Sandwich Road and out to Thanet,
- The members are not convinced that the noise assessment is correct, no mention has been made of the car horns being sounded during MOT tests in the Garage

Sholden Parish Council:

Strongly supports the objection raised by Great Mongeham Parish Council

Public Representation

At the time of writing this report 27 letters of objection have been received and the comments are summarised as follows;

- Proposed pedestrian build out which is between our property & our neighbours, this in no way aids site lines for proposed development. I welcome attempts to slow traffic in the village, but chicane type works have been shown to radically increase pollution in surrounding areas with vehicles slowing or stopping,
- The crossing should not be this far down Mongeham Road,
- A crossing outside my house will cause disturbance,
- The yellow lines will lead to higher speeds,
- The yellow lines will result in the loss of much needed car parking spaces,
- As an immediate neighbour I did not receive a notification letter from the developer
- Mongeham Road is a busy rat run to the A2,
- Mongeham Road is congested all the time and on-street parking is horrendous
- Cars park on both sides of the road, making it difficult to pull safely out of driveways,
- Sight lines at the proposed junction appear inadequate,

- Mongeham Road is heavily used by traffic including tractors and very large lorries,
- The speed limit on Mongeham Road is 30mph, but a recent survey by the Parish Council indicates that cars often travel up to 50mph,
- Insufficient car parking spilling out onto Mongeham Road,
- Car parking on Mongeham Road reduces visibility,
- Most properties in Mongeham Road do not have off-street car parking,
- Residents already find it difficult to park,
- Traffic turning onto London Road is a hazard,
- There is no continuous footpath on Mongeham Road,
- The access is at the narrowest point in Mongeham Road
- Street lighting in Mongeham Road is poor,
- Emergency services use this road frequently,
- Large unsuitable vehicles associated with the scrap yard in Ellen's Road use this road frequently,
- The pub car park is used as a turning circle,
- The dustbin lorry must mount the pavement next to Horseshoe Cottages in order to back into Dairy Mews,
- The road infrastructure cannot cope with more development,
- There will be dangerous repercussions in immediately adjacent areas of the village of Gt Mongeham
- There is no bus service,
- Bus services have recently been curtailed, increasing the need to use cars,
- There is no village shop,
- There are no cycle lanes,
- The site would be over-developed,
- The site is at risk of flooding,
- Will increase flood risk in the area,
- When the field dykes are full, nearby dwellings with basements have some 3ft of water,
- In recent years basements have had to be pumped out,
- The field ditches will struggle to cope with the extra surface water runoff,
- The road cannot cope with flood water now so taking up green space surely will create drainage problems,
- The water table beneath this site is close to the surface,
- The site is rich in flora and fauna which will be destroyed,
- The wildlife living in the area and over the marshes will be affected,
- Bats and reptiles have been seen at the site,
- The outlook from Dairy Mews will be blighted
- The dwellings proposed behind the garage could be disturbed by noise which would put pressure on the garage to close,
- The nearest primary school, Hornbeam, is already oversubscribed,
- Will put pressure on the health care system,
- Access to the public footpath would have to be retained,
- Some plots are within the Southern Water advisory distance of 15m from the existing sewage pumping station,
- Who will carry out the highway safety audit? And will a site visit be used to inform it?
- Removal of the boundary treatment will cause disturbance to residents,
- The dwellings are small,



30 letters of support have been received and the comments are summarised below, however it should be noted, that most of the letters of support just stated that their support was given in a direct response to a letter drop which was carried out by the applicant;

- There has been canvassing for objections,
- An increase in the village population will help to sustain local facilities such as the pub and may make a local shop and bus route viable,
- The development would remove the noise associated with the Stalco engineering works,
- The new access is no more of a risk than Dairy Mews,
- The new access will require drivers to be more careful and drive sensibly,
- Houses would improve the look of the surrounding area,
- The need for sensible housing is an important part of growth to local communities which bring much needed funds to the area to help them thrive,
- In 40 years the brook has not flooded and has been reduced to a dribble of a stream,

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

### **The Site**

- 1.1 The application site is located within the urban confines of Deal, albeit at the far edge of the confines to the north west of Upper Deal and adjacent to the open countryside. The village confines of Great Mongeham is circa 300m to the west
- 1.2 The site is an elongated parcel of land which projects from the northern side of Mongeham Road into the open countryside beyond. To the north east and north west, the site is surrounded by open agricultural land. To the west the site is abutted by the long rear gardens of those properties fronting Mongeham Road at a Southern Water pumping station. At the front of the site to the south is a commercial garage known as South Court and no. 126 Mongeham Road which is a detached bungalow.
- 1.3 The north west corner of the site is within flood zone 3 but the remainder of the site is unaffected by flooding. The site sits adjacent to a conservation area which runs along the front of the site and partly along the western boundary of the southern water pumping station.
- 1.4 Mongeham Road is characterised predominantly by linear development. The main land use in proximity to the site is residential with the exception to this being South Court garage, the Three Horse Shoes pub and Leather Bottle pub which are located on the southern side of Mongeham Road.
- 1.x5 The application site is in several ownerships, half of the site is occupied by an engineering company known as Stalco, within this portion of the site there is a mixture of structures ranging from steel framed buildings, to shipping containers, trailers, recycling bins and a large brick built building containing squash courts. The site is a mixture of hard surfacing and grassed areas, the undeveloped part of the site is not maintained and is heavily vegetated and overgrown.
- 1.6 The Stalco engineering site is currently served by a 5m wide access which is located to the east of South Court garage. The first 50m of the access is a designated public right of way, after this point the public right of way skirts around the outside of the site

adjacent to the full length of the eastern site boundary. This road also provides access to the garage workshop. South Court garage have a right to use the access but no ownership rights. The proposed development will safeguard the access to the garage.

## Proposed Development

- 1.7 The proposed development is seeking full planning permission for 35 dwellings, new access road, landscaping, boundary treatment and associated gardens and car parking. The demolition of existing buildings is also sought this will include all the buildings relating to the engineering works, the squash courts and no.126 Mongeham Road.
- 1.8 A new vehicle access into the site is required. It is therefore proposed to demolish the dwelling, no.126 Mongeham Road. This will ensure that an access can be provided which is of sufficient width to accommodate vehicles and pedestrians and for adequate sight lines to be provided at the junction. It is also proposed to utilise the existing access which will serve the car parking spaces associated with plots 27 – 35.
- 1.9 All the properties will be two storeys in height and will be a mix of detached, semi-detached properties and a few short-terraced rows of dwellings.
- 1.10 The development is proposing 35 dwellings, 25 of the units would be market and 10 of the dwellings would be provided for affordable housing. The housing manager has confirmed that the following mix of dwellings would be acceptable:

Size	Market	Affordable
2 bed flat	0	2
2 bed house	3	6
3 bed house	18	2
4 bed house	4	0
Total	25	10

- 1.11 The proposal also includes an equipped area of play space at the far end of the site and an area of open space which will also serve a purpose for biodiversity enhancement measures.
- 1.12 The site boundaries are well vegetated but there are no trees of any specific significance. The vegetation on the boundary will be tidied up and retained. New planting will occur within the site and on the boundaries where it is needed.
- 1.13 Plans will be on display.

## 2. Main Issues

- 2.1. The main issues to consider are:

- Principle of development
- Flood risk and drainage
- Ecology and Appropriate Assessment
- Visual impact on the countryside and conservation area
- Residential amenity
- Highways
- Development contributions
- Other matters
- Conclusion

## **Assessment**

### **Principle of development**

- 2.2 The site is located within the urban confines of Deal. The settlement hierarchy policy CP1 advises that Deal is a 'District Centre' and a secondary focus for development in the District; suitable for urban scale development. Policy LA15 of the LALP allocates this site for residential development. The policy advises that approximately 36 dwellings can be accommodated on the site. The preamble to the policy advises that 'the acceptability of any planning application proposals will be judged against general development plan policies and all other material considerations'.
- 2.3 In accordance with policy the principle of the development is acceptable and the assessment in this report will assess other general policies and all other material considerations.

### **Flood risk and drainage**

- 2.4 The north west corner of the site sits within flood zone 3a. The Environment Agency up-dated the flood risk map during the course of this planning application and as a consequence a larger part of the site falls within the flood zone than it did originally when the application was submitted in July 2018.
- 2.5 The NPPF and NPPG emphasises the responsibility of the LPA to ensure that flood risk is understood, managed effectively and sustainably throughout all stages of the planning process. The NPPF requires the actual risk of flooding to a development to be appraised. The actual risk considers the likelihood of flooding under extreme conditions whilst considering the influence of any defence infrastructure, which may provide a level of protection to the site. If the defences, or drainage system were to fail properties would be inundated by floodwater. This is termed the residual risk of flooding.
- 2.6 Evidence shows that the residual risk of coastal flooding is high and the application site would be inundated during a flood event. However the Deal coastline is protected by a new defence scheme (completed in 2013) and the actual risk of coastal flooding at the site is extremely low.
- 2.7 The adopted SFRA advises that 'the northern half of the district, where the geology is less permeable, is relatively flat. Surface water runoff in this area is intercepted by the extensive network of drainage ditches. Historic records identify that the capacity

of these drainage ditches may be exceeded following an extreme rainfall event, particularly if the pumping station fails to operate as required.

- 2.8 The introduction of new development has the potential to increase the risk of flooding to neighbouring sites and properties through increased surface water runoff resulting from an increase in impermeable area, preventing water from naturally infiltrating into the ground. As such, the management of surface water runoff is considered an essential element for reducing future flood risk to both a development site and its surroundings. One of the most effective ways of reducing and managing flood risk is to maintain the existing rate of discharge of surface water runoff from development sites through the use of SuDS. The NPPF encourages the use of Sustainable Drainage Systems (SuDS) in all developments. SuDS is a term used to describe the various approaches that can be used to manage surface water runoff in a way that mimics the natural environment. Appropriately designed SuDS can be utilised such that they not only attenuate flows, but also provide a level of improvement to the quality of water passed onto the watercourses.
- 2.9 There is a clear hierarchy of options for discharging surface water runoff from developments. The most preferential option is to infiltrate water into the ground, as this deals with the water at source and serves to replenish groundwater. If this option is not viable, the next option of preference is for the runoff to be discharged into a watercourse. Only if neither of these options are possible, the water should be conducted into the public sewer system.
- 2.10 A surface water management strategy (SWMS) incorporating the use of SUDs is therefore required for this development. The applicant has considered three options for the attenuation of service water, the first option considered a pond and the second option underground storage tanks. Both of these options are considered to be unacceptable due to their siting within the flood zone. The third option proposes the use of permeable paving across the development site. The Environment Agency and Lead Local Flood Authority have advised that this in principle is an acceptable solution, but further detail is requested pursuant to planning conditions.

### Sequential Test

- 2.11 Residential development is classified as a 'More Vulnerable' use and is not a compatible use in an area at high risk of flooding. The NPPF requires that the sequential approach to development is applied to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 2.12 The Environment Agency has advised that the site should be developed based on a 'sequential' site-layout that omits the residential units depicted in Flood Zone 3 (as required under the NPPF); however, they acknowledge that the flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event.

- 2.13 The applicant has provided a document called 'Sequential Test Statement' dated March 2019. The Statement does not refer to the Council's Strategic Flood Risk Assessment which was published in March 2019. The applicants have not identified any other comparable sites at a lower risk of flooding.
- 2.14 The Policy and Projects Manager has since advised that the Sequential Test was applied at the time of site allocation and the change in the flood zone mapping is not so significant to warrant a site-specific sequential test being carried out again.
- 2.15 However the sequential approach to locating development should be adopted at the site level. In this instance only the north west corner of the site is within the flood zone and 4 out of the 35 dwellings proposed are within the flood zone. For example, more vulnerable elements of the scheme should be located where the risk of flooding is lowest (e.g. on the higher parts of the site). The higher risk areas of the site (e.g. lower-lying parts of the site) should only be allocated for less vulnerable elements (e.g. parking or recreational land). The Sequential Approach should also be applied within the design of the internal layout of the building. This would mean that more vulnerable elements such as sleeping accommodation should preferably be located above the less vulnerable elements (e.g. parking, living accommodation on lower floors).
- 2.16 The applicant was asked to explain the rationale behind the site layout and why it is deemed necessary to site dwellings within flood zone 3. At the time of writing this report the rationale behind the sequential development of the site had not been submitted. However it is surmised that the less vulnerable uses such as the amenity space, equipped play area and reptile translocation area are all located within flood zone 3. It would be possible to put the majority of the car parking associated with the dwellings in the flood zone area, but car parking courts, remote from the dwellings would pose other problems such as security and design and would not be considered favourably. Members are reminded that the flood maps were amended after the planning application was submitted and therefore to avoid flood zone 3, the whole layout of the site would have to be re-visited. On balance it is accepted in the circumstances of this case, that the sequential approach has been taken as far as it can be whilst maintaining the reasonable functionality of the development.
- 2.17 Members will be given a verbal up-date at the Planning Committee regarding the applicant's sequential approach to the development of the site.

#### Exceptions Test

- 2.18 The exceptions test also needs to be passed. Members should note that there are two criteria which make up the exceptions test;
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk,
  - A site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

- 2.19 It is clear that the development will provide some wider sustainability benefits, such as; delivering much needed family sized dwellings, 30% of which would be affordable homes; the development of a brownfield (previously developed land) site; support to local services and facilities and an economic benefit during the construction process.
- 2.20 As explained above a variety of measures to provide rainwater attenuation have been considered and discounted. Permeable paving throughout the site is now proposed for surface water attenuation. The Environment Agency (EA) and the Lead Local Flood Authority (LLFA) are satisfied with the level of information relating to surface water drainage and flood resilient/ resistant measures. The LLFA advise that ground investigations undertaken at various locations across the site have demonstrated that infiltration through permeable paving may be a viable option and provides adequate pollution controls. As this is a full application, the LLFA request pre-commencement conditions are attached to this application because further details of the proposed drainage system are necessary before any work on site can take place. This ensures the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding. The suggested condition from the LLFA requires further infiltration testing to be done to ascertain the ground invert level before development commences. This condition is considered reasonable and necessary to ensure the site is developed in a proper manner.
- 2.21 The EA and LLFA have removed their original objections and are now satisfied that the details submitted, demonstrate in principle, that this development will not increase flood risk elsewhere.
- 2.22 The applicant has provided information relating to flood mitigation and resilient measures. Flood resistance is where water is prevented from getting into the building. Resistance can take the form of barriers over door openings and air bricks or raising the floor level. This type of measure is appropriate for development where the property is considered more vulnerable and where internal flooding could make recovery from an event less practical. Flood resilience measures are general used to minimise the disruption and damage caused by the flood. Typical flood resilience measures can include tiled floors and high-level plug sockets.
- 2.23 The applicant confirms that the following flood resistance and resilience measures will be used within the development (Members are advised that a condition should be imposed to secure the implementation of these features):
- The proposed minimum ground floor level for the proposed development is set at 4.9mAOD (as advised by the EA).
  - The design layouts include no sleeping accommodation at ground floor level.
  - All power sockets will be located a minimum 450mm above the finished floor level.
  - Solid concrete floor construction will be used with no underfoot voids.
  - Water resistant plaster will be used on the ground floor walls, the use of stud partitions on the effected plots will be avoided.

- The EA operate a flood warning broadcast in areas that are likely to be at risk, this serves operates 24 hours each day.

2.24 It is necessary for Members to be satisfied that the sustainability benefits of the scheme out weigh the flood risk. To clarify the level of flood risk, the Environment Agency have advised that flood map for the area shows that the site is appropriately defended from tidal flooding and would only be at risk during an extreme, combined, tidal/fluvial event - for which the above mitigation measures will address. Therefore, in this instance Members are advised that the residual level of flood risk is low. Bringing forward this allocated site for housing (including 30% affordable housing) will provide economic, social and environmental benefits which are considered to outweigh the harm.

### Appropriate Assessment

2.25 The development site is located approximately 3.3 kilometres from the Special Protection Area (SPA) and

approximately 463 metres from the Ramsar site. It is connected to the Thanet Coast & Sandwich Bay Ramsar and Site of Special Scientific Interest (SSSI) via the local ditch network.

2.26 This site is legally protected for its wildlife interest under both National and European law. The case of the People over Wind and Sweetman, ruled on at the Court of Justice of the European Union in April 2018, has had implications for the adopted approach that the Council had been utilising in respect of the potential impact of residential development on the European ecological sites at the Thanet Coast and Sandwich Bay. Until the ruling, the Council had been factoring in an ecological mitigation scheme at the screening stage, meaning that no Appropriate Assessment (in accordance with the Habitats Regulations 2017) was required to be undertaken. The European ruling determined that mitigation measures could not be accounted for at the screening stage. In consultation with Natural England it has been identified that an Appropriate Assessment needs to be undertaken in relation to the potential effects of recreational pressure and the potential for pollution from the surface water runoff entering the surrounding aquatic system during both the construction and operational phases of the development. Accordingly, on that basis, a likely significant effect on the European sites has been identified.

2.27 Paragraph 177 of the NPPF was amended in February 2019 and now states that: 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.

2.28 Accordingly, the presumption in favour of sustainable development does not apply in the case until an appropriate assessment has concluded that there will not be an adverse effect in the RAMSAR or SSSI.

2.29 DDC has a legal duty to consider potential impacts upon sites protected for their nature conservation value and functions as a 'competent authority' when addressing the requirements of the European Habitats Directive 1992, transposed into UK law by the Conservation of Habitats & Species Regulations 2017 (Habitats Regulations). The aim of the Habitats Directive is to "maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest". An Appropriate Assessment (The Conservation of Habitats and Species Regulations 2017 Regulation 63: Appropriate Assessment) has been undertaken on this basis and the formal comments of Natural England are awaited.

2.30 The Appropriate Assessment has a four-stage process:

- Stage1 - is the screening of likely significant effects upon European protected sites (it is a high-level risk assessment) - Two likely significant effects were identified at this screening stage:
  - Possible pollution runoff into a ditch during both the construction and operational phases of the project. The ditch borders the northern edge of the development zone and feeds into the Thanet Coast & Sandwich Bay Ramsar and Sandwich Bay to Hacklinge Marshes SSSI.
  - Disturbance of bird species forming notified features of both the Thanet Coast & Sandwich Bay SPA and Ramsar sites, caused by recreational pressure as a result of increased housing within the district.
- Stage 2- is called an Appropriate Assessment. DDC must proceed to this stage if likely significant effects have been identified at Stage 1. This examines the proposals in detail and must consider the development both alone and in combination with other live planning applications. It applies the integrity test, to establish whether the development would adversely affect the integrity of the European site(s) considering their Conservation Objectives (produced by Natural England).
- Stages 3 and 4 - are the derogations, they apply the tests of no satisfactory alternative and overriding reasons of imperative public interest (IROPI), respectively.

2.31 All four tests must be passed before the Council can grant planning permission for a development. In preparing the Habitats Regulation Assessment (HRA), the competent authority, may only grant planning permission where it is able to ascertain either:

a) that it will not have a likely significant effect on a European site (either alone or in combination with other plans and projects), or;

b) that it will have no adverse effect on the integrity of a European Site following an appropriate assessment. If such effects cannot be ruled out, the proposal cannot proceed unless the further tests given in Regulations 64 and 68 of the Habitats Regulations can be satisfied.

### **Pollution of the Ramsar ditches**

2.32 The applicant has provided outline mitigation measures which will be used to prevent contaminated water runoff from entering the watercourses that flow directly into the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hackling Marshes SSSI – The applicant relies upon the provision of a surface water drainage



strategy to mitigate any impacts at the operational stage of the development. They have followed the guidance in the CIRIA SUDS manual 2015 and chosen permeable paving as a SUDS feature.

- 2.33 The applicant was asked to supply additional information to include a construction environment management plan (CEMP), and to look at the possible effects of other extant planning applications which may act in combination with the Stalco site to contaminate the Ramsar/SSSI. The applicant has submitted a construction environmental management plan (CEMP) and details relating to the in-combination effects within the zone of influence (Titled 'Effect of surface water discharge on the RAMSAR site').
- 2.34 The assessment of risk takes into account the precautionary principle (where there is scientific doubt) and to comply with case law (People Over Wind & Sweetman v. Coillte Teoranta) The Senior Natural Environment Officer has completed the HRA to stage 2 Appropriate Assessment and concludes that on the basis of the mitigation measures proposed by the applicant that the development will not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay Ramsar when considered alone. The mitigation measures proposed by the applicant in the drainage strategy/CEMP should form a condition of any planning permission, with follow up compliance monitoring by the Competent Authority.
- 2.35 The precautionary principle is embedded in the integrity test, the Competent Authority needs to show that there would be no harm to the integrity of the site caused by the project either alone or in combination with other plans and projects before granting planning permission. The scheme has been assessed in combination with other live applications within the zone of influence of the Thanet Coast & Sandwich Bay Ramsar.
- 2.36 The Senior Natural Environmental Officer has carried out a review of many types of plans and projects within the Zone Influence and has identified three housing schemes (these are listed in the HRA report) which have been given planning permission but have not been built out to date.
- 2.37 The applicant has also submitted a short report titled the 'Effect of surface water discharge on the RAMSAR site' this report identifies a network of drainage ditches surrounding the application site and the RAMSAR site, this is considered to be the Zone of Influence. The applicant highlights two known developments one of which is extant and the other which has recently been 'put forward', the applicant concluded that they would not result in an in-combination effect.
- 2.38 In addition, the applicant submits that the ditches fall outside of the village settlements and for this reason other development opportunities are likely to be limited. Pollution control measures within the site will be implemented and this will prevent, and the surface water attenuation will ensure that no surface water will discharge into the adjacent network of ditches. The applicant concludes that there is unlikely to be a cumulative effect due to the limited opportunities of further development within the zone of influence.

### **Recreational pressure**

- 2.39 Detailed recreational 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.

- 2.40 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.
- 2.41 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The 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. The recreational impact of the development would be mitigated by this Mitigation Strategy.
- 2.42 The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that any harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.43 For the Thanet Coast & Sandwich Bay SPA, the applicant relies upon developer contributions to the Thanet Coast mitigation strategy. The applicant intends to pay the tariff levied on all schemes in excess of 15 units, (based on the total number of bedrooms constructed). The tariff is used to fund visitor surveys and analysis of bird survey data, to try to establish whether development in Dover district is having an adverse impact upon SPA bird species. The contribution will be secured by a section 106 legal agreement.

### **Summary of the Habitat Regulations Assessment (HRA) Conclusion**

- 2.44 The Stalco engineering site development proposals were considered in light of the assessment requirements of Regulation 63 of the Conservation of Habitats & Species Regulations 2017, by Dover District Council, which is the competent authority responsible for authorising the projects and any assessment of them, required by the regulations.
- 2.45 Having carried out a screening assessment of the projects, the competent authority concluded that the project may have a significant effect upon the Thanet Coast & Sandwich Bay Ramsar and the Thanet Coast & Sandwich Bay SPA, (in light of the definition of this term in the Waddenzee ruling of the European Court of Justice Case C-127/02). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the sites, in light of their Conservation Objectives.
- 2.46 Following the Appropriate Assessment, in accordance with the regulations, the competent authority has ascertained that the project would not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay SPA , or Ramsar,

either alone or in combination with other plans or projects. Natural England has been consulted on the Appropriate Assessment at their final views are awaited and a verbal up-date will be given at the Planning Committee Meeting.

## Ecology

- 2.47 A preliminary ecological appraisal was carried out in September and October and updated in December 2018. A visual bat survey of the buildings and trees was carried out, together with a bird, badger and a reptile survey. The report concludes that the site is suitable for reptiles. A reptile presence/absence survey included a series of seven visits between 13<sup>th</sup> – 29<sup>th</sup> September 2018 was carried out. The results indicated a small population of slow worms and a large population of lizards. The applicant's ecologist advises that translocation will have to be undertaken as the first operation on site and at some time during the period of usually April to September inclusive.
- 2.48 The applicant's architect has advised that the reptiles will be translocated to the open area adjacent to plot 12 at the far northern end of the site. The receptor site is within the flood zone and the Council's Senior Natural Environment Officer will need to confirm if this area is suitable for reptiles. A detailed programme for translocation procedure has been requested, as well as a plan for future management. It is likely that this can be secured by a pre-commencement condition, but the Natural Environment Officer will have to confirm this approach.
- 2.49 The applicant's ecologist also advises that 'it is strongly recommended that, in order to accord with the NPPF and to provide some positive ecological benefits, some of the wildlife conservation measures and mitigation suggested by Gunnell, Murphy and Williams (2013) for instance, for the built environment should be incorporated into any proposed Scheme by means of a biodiversity plan for any completed development. Such measures could include:
- The provision of bird and bat boxes.
  - The provision of log piles for invertebrates.
  - The provision of bumble bee nest boxes.
  - Provision for some of the species on the Kent BAP species list where applicable to the site and conditions.
  - A scheme of native species landscaping and similar measures'.
- 2.50 The above biodiversity enhancement measures can be secured by way of a planning condition if Members are minded to grant permission. The comments of the Council's Senior Natural Environment Officer will be provided verbally at the planning committee meeting.

## Visual impact

- 2.51 The site is located at the edge of the urban confines but projects into the open countryside, surrounded by agricultural land to the north, east and west. The visual appearance of the countryside is held in high regard and policy DM15 of the CS advises that if development would adversely affect the character or the appearance of the countryside it will only be permitted if amongst other things it is in accordance with land allocations.
- 2.52 There is a public footpath some 300m to the north of the site, the footpath cuts across the agricultural fields and runs east to west, parallel with the site boundary. The topography of the land is varied but in general the land level declines from the footpath down to the application site. The site is visible from this public footpath, the existing Stalco Engineering buildings are widely visible from many vantage points, but as the observer travels further west along the footpath, the mature vegetation on the northern boundary does soften and to some extent screens the Stalco building.
- 2.53 Plan drawing no.10D shows the footprint of the existing building overlaid on the proposed development, this plan clearly shows that the scale of the existing building is much greater than the proposed development and is also sited much closer to the site boundary than the proposed development.
- 2.54 The LALP policy LA15 offers some brief design guidelines and advises that 'Higher density adjacent to the existing built form, progressively reducing towards the boundary with the open countryside'. The applicant has followed this design advice, proposing just a few larger dwellings at the northern end of the site. An open space provides a buffer between the development site and the countryside, which helps to soften the visual impact and provides a transition from the built form to the open countryside. The provision and siting of the open space has also been informed by the extent of the flood zone and for the requirement to provide a reptile receptor site and an equipped area of play. This area and the use of it will be managed by a management company which the applicant can be required to set up by way of a planning condition.
- 2.55 Plot 13 is situated on the footprint of the Stalco building and its closest point would be 8m from the rear boundary. The rear garden extends to the east but would not abut the site boundary as the reptile receptor site provides a separation buffer. It is therefore considered that the dwelling and the associated domestic paraphernalia will not have a significant detrimental visual impact on the surrounding countryside.
- 2.56 A public footpath runs adjacent to the western site boundary and increases in height towards the north, when it becomes elevated approximately 2m above the ground level of the site. Vegetation on both sides of the footpath provides screening from the wider countryside and views from the east. During the negotiations the applicant was asked to extend the rear garden of those dwellings abutting the public footpath to approximately 10m (plots. No 24 – 27 and 14-16) to ensure that there was enough space for the vegetation buffer to be retained and for those properties to receive an ample amount of natural light to the rear garden.
- 2.57 Plots no. 1 – 12 run parallel with the west boundary and abut the southern water pumping station and the rear garden of no.150. Negotiations with the applicant sought to increase the depth of the rear gardens for these dwellings from less than

5m to depths which now range from between 8m – 10m. This boundary will remain screened by vegetation and separated from the wider countryside by the development in between, as such it is considered that the new development will not have an adverse impact on the character of the countryside.

- 2.58 Plan drawing 07E shows the proposed boundary treatments and indicates a 1.8m high timber post and rail fence with wire mesh to be sited on the inside of the existing vegetation on all the site boundaries. The plan also indicates that the existing hedge on the site boundaries will be infilled with a mixture of native species. This is a good form of boundary treatment which will provide security, whilst not being visually dominant.
- 2.59 The main access road is relatively straight, and the layout of the site allows for a framed vista straight through the site to the open countryside beyond. The layout of the site is dictated by the elongated shape of the site and the position of the new vehicle access.
- 2.60 The layout of the site provides a mixture of dwelling sizes and types, all of which have their own private garden space and allocated car parking. The site is not dominated by hardstanding as pockets of vegetation have been introduced to provide a soft visual appearance. The use of boundary treatments has been carefully considered, close boarded fences are used in between the rear gardens and are set back from the public realm, where boundary treatment is required in visually prominent positions such as surrounding plot 1 an attractive brick wall is proposed.
- 2.61 The site is not within the conservation area but the boundary wraps around the south and west of the site. The site entrance is clearly visible from the conservation area and therefore it is necessary to ensure that the development would not detract from the special character and appearance of the conservation area. The new access is facilitated by the demolition of dwelling no. 126, the dwelling is of no architectural merit and the loss would not be harmful to the conservation area.
- 2.62 The visual appearance of the site access is considered to be acceptable. It is proposed to plant some semi mature trees on either side of the access road, on the east side, 6 semi-mature trees are proposed, this will screen the side of South Court garage. On the west side 1 tree is proposed at the entrance (behind the sight lines) and beyond this 5 car parking spaces will be provided but will be surrounded by soft landscaping.
- 2.63 The design of the dwellings has been influenced by the surrounding architecture and the adjacent development at Dairy Mews. The dwellings will have steeped pitch roofs and gable ends on porches and garages. The material palette is varied and includes red brick, white render and timber boarding. The exact details are not known but if permission is granted a condition should be imposed requiring details to be submitted. The design approach is acceptable.

### **Residential Amenity**

- 2.64 The layout of the site has been carefully negotiated and amended to ensure that the future dwellings will have a good standard of amenity. The layout now shows that the rear gardens of the properties are all at least 8m in depth and where rear gardens

back on to the side of other properties the depths of the gardens are no less than 9m. This will ensure that all properties have a reasonable level of privacy.

- 2.65 It is advised that a condition is imposed to prevent first floor side windows in the elevations of plot, 18, 22, 24, 32 in order to prevent overlooking in the rear gardens of adjacent dwellings.
- 2.66 The separation distance and orientation of the plots ensure that the amount of natural light received at each dwelling and the outlook will be sufficient and not prejudiced by the layout of the site. Each dwelling is provided with a private amenity spaces and ample room to provide a bin and bicycle store.
- 2.67 The nearest dwellings are no. 5 and 10 Dairy Mews. They are situated on the other side of the existing vehicle access, with a separation distance of 13m between them and the nearest dwellings in the application site. This is sufficient distance to protect residential amenities.
- 2.68 To the west of the site the nearest dwelling is no. 150 Mongeham Road. This dwelling is set back beyond the frontage development along Mongeham Road and the rear garden is only separated from the site by a drainage ditch. There is a 30m separation distance between the rear elevation of plots 2 and 3. This is considered to be sufficient distance to avoid harm to residential amenities.
- 2.68 The removal of the engineering business could be seen as a positive enhancement to existing residential amenities. A heavy industrial business such as engineering would not normally be compatible with a residential use.
- 2.69 South Court garage is a commercial property which specialises in car mechanics and MOTs. It is important that any new residential development does not prejudice the working of this garage. In order to ascertain the noise levels generated at the garage, a noise assessment was carried out by the applicant and verified by the Council's environmental health officer. The noise results which were registered were deemed to be acceptable. Nonetheless, through negotiations with the applicant the site has been designed, so as to increase the distance and reduce the relationship between the garage and the residential properties.

### **Highway safety and car parking provision**

- 2.70 The majority of the third party concerns relate to the traffic impact on Mongeham Road. Particular concerns relate to congestion of traffic, car parking and traffic speed. KCC Highway Authority have been consulted and a safety audit has been carried out. The plans have been amended in accordance with their advice and the recommendations from the safety audit.
- 2.71 This housing site was allocated with no.126 Mongeham Road, on the understanding that this property would be demolished in order to provide a vehicle access into the site. It was agreed with the highway engineer on site that adequate visibility splays at the junction with Mongeham Road could be provided (2.4m x 44m x 44m). To ensure that adequate visibility is maintained at the new junction new yellow lines are required either side of the access and opposite.
- 2.72 The provision of yellow lines will result in the loss of available on-street car parking in an area where car parking is already limited. To replace those spaces lost as a

consequence of the yellow lines, it has been agreed to provide an additional 5 off-street car parking spaces just within the access road of the development.

- 2.73 It is proposed to retain the existing Stalco engineering access, this vehicle access will be retained to provide access to the South Court Garage workshop and to the car parking spaces associated with plots 27, 28, 31, 32, 33, 34 and 35. The highway authority have confirmed that this is acceptable as the level of use would be significantly lower than the existing use as Stalco engineering. The sight lines from this access are considered to be acceptable to the highway authority.
- 2.74 It is noted that the public footpath in Mongeham Road is intermittent and pedestrians walking to and from the site would be forced to walk in the road if approaching the site from south side. The nearest bus stop is in St Richards Road which is located a short walk to the south east of the site. To improve the pedestrian link and highway safety, the KCC Highway Engineer advised that a new pedestrian build out should be provided in Mongeham Road.
- 2.75 The crossing point is needed to allow residents of the new development access to/from the existing footway network, bus stops and services/amenities on the south side of Mongeham Road. The siting of the crossing point is to tie in with the end of the existing footway on the south side and also avoid the increasing level difference between footway and carriageway to the east of this point. A build-out is proposed to minimise the loss of on-street parking whilst still ensuring adequate visibility is available at the crossing point.
- 2.76 Plans have been submitted to show these off-site highway works and as a result of a highway safety audit the pedestrian build out location has been moved by a few meters. This has resulted in the need to re-advertise the plans. The public consultation has now expired and the additional third party comments have been included in the comment section above.
- 2.77 With regard to policy DM13 (parking provision) the site is considered to be a suburban edge location. The policy advises that the provision of car parking should be a design-led approach but as a starting point should be informed by the standards in table 1.1 of the CS. The parking plan drawing no. 05E shows the number of car parking spaces and their allocations. Plots 1 – 22 are provided with 2 car parking spaces and are either provided in tandem or adjacent. It is acknowledged that the policy advises the seeking of independently accessible car parking spaces however in this instance it was considered that tandem parking is appropriate in order to create a visually attractive street scene with soft landscaping.
- 2.78 The smaller two-bedroom dwellings will be provided with 1.5 spaces in accordance with the policy. Each property will be allocated 1 car parking space with the 0.5 of a space being non-allocated.
- 2.79 The site accommodates 13 visitor spaces, in bays and laybys throughout the site; 55 designated spaces; 6 non-designated spaces and 4 additional spaces (associated with plots 12-16). In addition to this the dwellings are all provided with a cycle shed or a cycle rack within the garage. The highway authority is satisfied that there is an adequate provision of parking within the site for the new dwellings and for the displacement of car parking from Mongeham Road.

- 2.80 The highway authority has reviewed the road network and the vehicle tracking paths within the site. The site is to remain unadopted and therefore the highway authority does not raise an objection to the internal road layout within the site.

### **Development Contributions**

- 2.81 The applicant acknowledges that the development would attract the requirement for affordable housing in line with Core Strategy policy DM5 which advises that 30% of dwellings to be affordable. In this case 30% of 35 dwellings is 10.5, representing 10 affordable dwellings on site. The applicant has agreed this requirement. Plan drawing no.06E highlights the tenure and size of each plot. The affordable housing are allocated at plots 26 – 35. Plots 31 and 32 are two bed flats, the remainder are a mix of 2 and 3 bed dwellings. The provision of the affordable housing can be secured by a planning condition, however at this stage a social registered landlord has now been secured.
- 2.82 KCC Property Services has also indicated that the proposed development would attract the need for the following contributions:
- Primary education – £113,016.00
  - Library book stock – £1632.68
- 2.83 A further informative is added by KCC Property Services recommending the provision and adoption of superfast broadband.
- 2.84 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 equipped play area, which will be sited adjacent to plot 12 at the rear of the site. The play area will be easily accessible by future residents and accessible to residents in Great Mongeham which will provide a wider community benefit. The management and future maintenance of the site will be provided by a management company, the details of which should be secured by a planning condition.
- 2.85 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 £1862 and has been agreed by the applicants.
- 2.86 The SKCCG has advised that the Balmoral surgery will be put under additional pressure as a direct impact from the proposed development. An internal remodelling of the surgery is proposed, and a build cost has been estimated and divided proportionately to this development. A figure of £12,965.57 is sought and the applicant has confirmed that this figure is acceptable.
- 2.87 In total, financial contributions of £129,476.25 are sought, which are considered to meet the requirements of the CIL regulations. The applicants have indicated that they are willing to meet these costs and a draft section 106 agreement has been submitted



## **Other Matters**

- 2.88 The applicant engaged with the LPA officers at an early pre-application stage. The applicant was made aware at an early stage that a number of robust technical reports would be required to support the planning application including a Flood Risk Assessment. During the course of the application the applicant liaised and negotiated with the planning officer to ensure that the layout of the development evolved to create an attractive street scene and to provide a good level of amenity for future occupiers.
- 2.89 All statutory consultees responded within the 21 day consultation period. The concerns raised by the statutory consultees were passed promptly onto the applicant and the additional technical information relating to flood risk, surface water management and pollution control measures were sought from the applicant in a timely manner.
- 2.90 A Planning Performance Agreement (PPA) is in place and timetables and targets were agreed with the applicant to ensure that the application was decided in a timely manner. The applicant has not been able to meet specific targets that were set, which has resulted in statutory consultee responses not being available for this report.

## **Sustainability**

- 2.91 The site represents a significant vacant brownfield site within the urban confines of Deal. The application site is allocated for residential development in the LALP and is acknowledged to be a sustainable site. There is an identified need for housing in the district – the extent of which has necessitated greenfield releases. National guidance and other complementary development plan policies seek to focus and prioritise development on this type of site.
- 2.92 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.

## **Economic impact**

- 2.93 The development would bring some economic benefits in terms of the development contract for 35 dwellings, although this would be finite in terms of time. The development would also provide 35 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. This also has to be balanced with the loss of engineering business (which in any event has wound down in recent years). Accordingly, this limits the contribution that the proposal makes to the economic role that the planning system seeks to achieve.

## **Social impact**

- 2.94 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.

### **Environmental impact**

- 2.95 A Construction Environmental Management and details relating to the 'in-combination' effects of other planned development within the zone of influence have been submitted. A screening assessment has been completed by the competent authority and following the Appropriate Assessment, in accordance with the regulations, the competent authority has ascertained that the project would not have an adverse effect upon the integrity of the Thanet Coast & Sandwich Bay SPA , or Ramsar, either alone or in combination with other plans or projects. Natural England has been consulted on the Appropriate Assessment and their comments will be reported verbally at the meeting.
- 2.96 It is acknowledged that the site has a population of reptiles, including the common lizard and slow worms. A plan highlighting the translocation process and the future management of the receptor site is still awaited. Reptiles are a protected species and therefore officers must be satisfied that the development will not cause harm. Further information is expected from the applicant but had not been received at the time of writing this report – it is expected that a verbal up-date can be given to Members at the Planning Committee.
- 2.97 In the absence of a rationale to provide justification to the sequential approach, residential development will be situated in an area at high risk of flooding, which is strongly discouraged by the NPPF. If the applicant provides further information Members will be verbally updated at the Planning Committee meeting.

### **Conclusion**

- 2.98 The NPPF paragraph 11 and the three core principles of sustainable development, as considered above is a key consideration. It states that permission should be granted unless the adverse impacts of the proposal demonstrably outweigh the benefits.
- 2.99 In this case, the benefits of the proposal can be considered to be the provision of 35 new dwellings, some of which would be affordable, and the, albeit limited, economic benefits. This must be considered against the environmental impact.
- 2.100 The adverse impacts of the proposal will need to be outweighed by the benefits. Members will be given a verbal up-date at the Planning Committee meeting.

### **g) Recommendation**

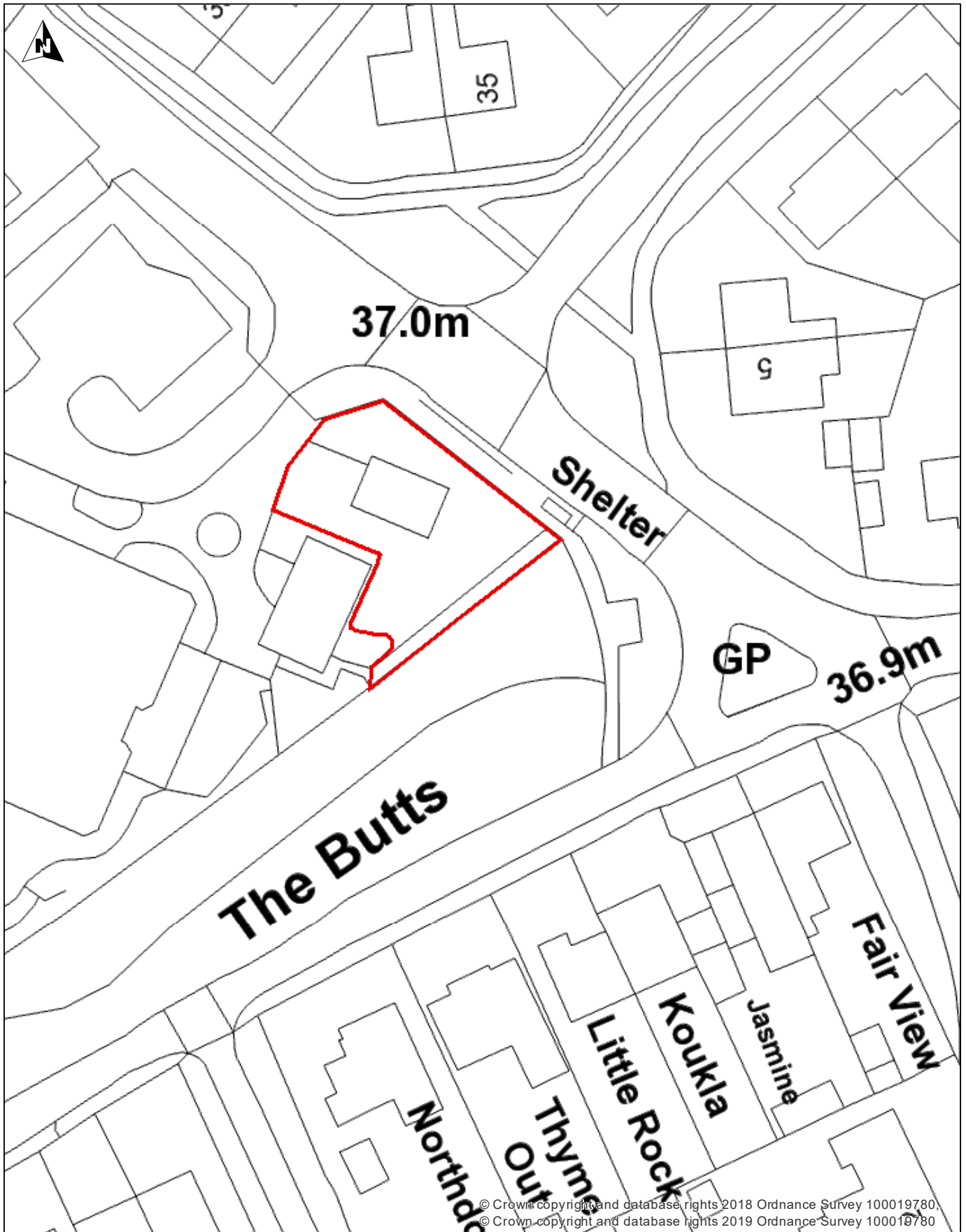
- I. **SUBJECT TO** receiving Natural England's agreement to the conclusion of the Habitat Regulations Assessment and to agree any minor amendments to the planning application, draft conditions and the entering into of a Section 106 planning obligation covering the matters outlined in this report **PERMISSION BE GIVEN** subject to:

- 1) Commencement within three years from the date of this permission; Development to be carried out in accordance with approved plans;
  - 2) Submission of materials for approval;
  - 3) Submission of details of surfaces for approval;
  - 4) Submission of details of boundary treatment;
  - 5) Submission of details of bin storage;
  - 6) Removal of permitted development rights for alterations, extensions and out buildings
  - 7) Submission of details of landscaping scheme;
  - 8) Submission of details of lighting scheme;
  - 9) Submission of details of drainage;
  - 10) SUDS management scheme;
  - 11) To be completed in accordance with the submitted CEMP received 3<sup>rd</sup> June 2019;
  - 12) To be completed in accordance with flood risk resistance and resilience measures received 3<sup>rd</sup> June 2019;
  - 13) Submission of Land contamination survey;
  - 14) Details of PRow re-surfacing;
  - 15) Details of procedure for reptile translocation and future monitoring.
- II** Powers be delegated to the Head of Planning, regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee

Case Officer

Rachel Humber

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DOV/19/00259

Author: Planning Services Kingsdown And Ringwold C Of E Primary School, Glen Road, Kingsdown

Scale 1:500

Map Dated: 12/06/2019

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



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

a) **DOV/19/00259 Erection of new pre-school building (existing classroom to be demolished)Kingsdown & Ringwould C of E Primary School, Glen Road, Kingsdown**

Reason for reporting to committee: Number of contrary views (20).

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1-The location and scale of development in the District must comply with the Settlement Hierarchy. Kingsdown is identified as a village and a tertiary focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to essentially its home communities.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 8 achieving sustainable development via three overarching objectives- social, economic and environmental.
- Paragraph 11 determining applications for sustainable development.

- Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Paragraphs 92 and 94 aim to ensure that established facilities are able to develop and modernise and are retained for the benefit of the community. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. Great weight should be given to the need to create, expand or alter schools through decisions on applications.
- Paragraphs 102 and 103 identify that it is necessary to consider the potential impacts of development on transport and the environmental impacts of traffic.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

**d) Relevant Planning History**

DOV/08/767 Provision of 2 x 2 bay mobile classroom units-no objection.

DOV/11/675 retention of mobile classroom unit-no objection.

DOV/15/00587 renewal of existing temporary planning permission for two single classroom units. No objections.

DOV/18/01015 masonry cavity wall extension to provide extra classroom space. No objection.

**e) Consultee and Third Party Responses**

**Parish Council**

Support this application as long as parking provisions are discussed.

**Southern Water**

Requires a formal application for connection to the public foul sewer to be made by the applicant or developer and that this matter is covered by an Informative in the event that planning permission is granted.

There do not appear to be any public surface water sewers to serve this development. Alternative means of draining surface water from the development will be required and this should not involve disposal to a public foul sewer.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition and potential means of access before any further works commence on site.

### **Tree Officer**

Trees-the submitted Tree Report states that individually the trees at the site are of low value and can be replaced.

The Councils Tree Officer notes that the proposal shows the removal of a large number of trees, situated in a prominent position. Collectively they have moderate amenity value, although individually they are defined as low quality specimens. Whilst their loss will undoubtedly have a detrimental impact on the immediate area, it is understood that the pre-school cannot be sited anywhere else and on balance accept their loss. The planting of trees to compensate for this loss is imperative and details of the planting scheme must be submitted for approval by way of a condition.

### **Public Right of Way**

Confirm they do not have any comments to make.

### **KCC Highways Engineer**

The KCC Highways Engineer notes that:

"The pre-school will cater for a maximum of 30 children with 6 staff but cannot provide any car parking within the application site. The information submitted together with my own observations on site indicate that around half of both children and staff at the existing pre-school arrive by car. Around 30% of children at the pre-school also have siblings at the primary school.

The number of additional cars generated by the proposal is therefore unlikely to be more than around 18 (15 children and 3 staff), assuming that all pre-school pupils will attend all day every day. This makes no allowance for cars carrying both pre-school children and siblings at the primary school or that some children may not attend the pre-school every day or may attend at different times, so this is likely to be a worst case scenario.

The proposed nursery will be open from 8am to 6pm and the greatest impact in terms of trip generation and parking demand is likely to be between 8am and 9am when children are also being dropped off at the primary school. The peak time period for primary school drop off is around twenty minutes between 8.40am and 9.00am. The

likely drop off of pre-school pupils is likely to be spread across the hour, such that around 5 additional cars may be trying to park during the peak 20 minute period as a result of the new pre-school. Whilst the existing primary school generates a peak parking demand during this time, the survey information submitted and my own observations on the site indicate that parking is available in the streets around the site, to meet the short term demand as well as the similar long term demand for some staff who will drive and park all day.

At present during this short period the existing on-street parking situation means that two way traffic flow is not possible in some sections of the highway and drivers sometimes have to give way to each other, which is typical of the situation outside most primary schools during this time. However this does not appear to cause a significant problem and there are no recorded personal injury crashes in the ten years to the end of September 2018 in the vicinity of the school.

Whilst the primary school also generates traffic and an associated parking demand around the school closing time, the extended opening hours of the pre-school means that it is unlikely to generate much additional traffic or parking demand at all during this time and any collection of pre-school children is likely to be linked to the collection of siblings at the primary school.

The existing pre-school in the village hall has no parking available on site and is also not served by any footways, requiring parents to walk to/from the site in the carriageway. The relocation of the primary school would provide an improvement on this existing situation.

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

I note the primary school has an active travel plan and encourages sustainable modes of travel, as well as encouraging parents to drive and park considerately. The plan should be updated to include the pre-school or a separate plan provided. The pre-school will presumably occasionally have deliveries and these should be coordinated so they are outside drop-off and pick-up times for both the pre and primary schools.

It is recommended that conditions are attached to secure a Construction Management Plan, a Travel Plan and implementation of a Delivery Plan.

It is appreciated that residents have concerns about on-street parking and there is the suggestion that some form of residents permit scheme could be introduced. This would be a matter for the District Council to consider although the introduction of such a scheme is likely to simply move parking by staff and parents to other streets in the vicinity.”

#### **Environmental Health Officer**

Notes that part of the land has a former use as a blacksmiths, sand quarry/gravel pit and as filled land and therefore there is the potential for the land to be contaminated.



No objections raised but has recommended conditions in the event that planning permission is granted including a desk top survey to identify potential pollutants and any necessary mitigation measures. In addition a Construction Management Plan shall be submitted to and approved in writing in relation to hours of operation, dust mitigation, the control of noise and vibration.

### **Third Party Representations**

A total of 70 representations have been received. Of these 48 are in support and 21 raise objections. Some respondents state that whilst they have no objection to a new pre-school they do have reservations about the associated highways impacts.

Those in support make the following comments:

- Proposal will provide an essential local service and a purpose built unit would provide improved opportunities for children. Use of the village hall is restricted as not always available throughout the whole day due to other activities taking place, limited storage and lack of access for disabled.
- The current opening hours are limited by the location in the village hall which results in children having to attend all day nurseries elsewhere.
- A new pre-school would provide an important piece of rural infrastructure that would encourage families to settle locally and be of benefit to the community.
- Single drop off point for parents with children at both pre-school and primary school.
- Improved links between pre- and primary schools.
- Excellent design that would be an improved in the street scene.
- The village hall would become available for other activities or events.
- Proposal would provide additional employment.
- Air pollution levels are low locally. Some vehicle activity is inevitable outside primary and pre-schools.

Those against the proposal make the following comments:

- No relocation should take place until arrangements are made for vehicle access from Ringwold Road, rather than Glen Road. School drop off point should be from field to rear.
- Increased number of children and staff will lead to increase in the requirement for parking.
- Parking facilities are inadequate. Parents should park further away from the school. There should be more enforcement of inappropriate parking.
- Consideration should be given to road safety measures such as traffic calming, traffic regulation orders, speed restriction signs and introduction of residents' only parking permits.
- A mini bus service should be introduced.
- Car engines are left running/inconsiderate parking takes place obstructing residents' drives and the bus stop.
- Abuse from parents
- Road safety problems for those walking to the site.
- Noise nuisance from outdoor play.

- Dangerous pollution levels from additional car activity. The situation is likely to become worse with new housing planned in the area.
- Increased vandalism.
- Traffic report inadequate and parking survey is not statistically valid.

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

- 1.1 Kingsdown & Ringwould C of E Primary School campus is situated on the south side of Glen Road close to its junction with The Rise to the east and Kings Close to the north. The school playing area lies to the south west. The site is adjoined on the south eastern side by a narrow wooded strip of land known as The Butts, a protected Open Space, through which leads a Public Footpath. The premises lie within the confines of the village in a predominantly residential area. The site falls outside of the AONB and Conservation Area and there are no TPOs on site.
- 1.2 The primary school buildings are single storey and of brick construction and date from the 1980s. They have been extended in the past and the school has had permission for two mobile classrooms on site, one of which is situated adjacent to the front boundary of the site. The condition of this structure has deteriorated over time. The site incorporates a number of mature and early mature trees ranging in height from 2m to 12m which provide some screening to the north, east and southern boundaries.
- 1.3 The application relates to the front north eastern corner of the Primary School grounds to the east of the main entrance. The location is currently occupied by a mobile classroom (dating from 1996) set within an area of medium sized trees. Immediately to the south of the mobile classroom is a brick classroom occupied by year 1 pupils. This is due to be linked to the main school buildings by a link addition that has been given planning permission.
- 1.4 The existing Pre-School currently operates from St Johns Village Hall in Upper Street, Kingsdown. As is to be expected this venue is used by other organisations apart from the pre-school which limits the days/times it is available for use. The site also suffers from limited parking.
- 1.5 In support of the proposed development it is stated that the shared nature of the village hall means that there are time and space restrictions on the number of pupils that can be accommodated and operational hours. A public consultation event was instigated by the pre-school in relation to a purpose designed pre-school building.

## 2 **Main issues**

The main issues to consider are:

1. The principle of siting a pre-school in this location
2. Design and location of the proposed building
3. Removal of trees and the impact on the character and appearance of the area.
4. Impact on highway safety.
5. Impact on residential amenities of neighbours.

## **ASSESSMENT**

### **Principle of the development**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 The site falls within the confines of Kingsdown and the proposal is therefore compliant with policy DM1 of the DDC Core Strategy, subject to other material considerations. It is necessary to give careful consideration to the specific nature of the scheme including the associated parking matters and the impact on the character of the area.

### **Design and Location of the proposed building**

- 2.3 In support of the application supporting information has been received, as summarised below:
- 2.4 *“The design has been developed through careful consideration and analysis of the Pre-Schools requirements, the context in which the building is located as well as the planning policies and constraints. The existing “temporary” portacabin does not address the street or add positively to the architectural character of the area. It is reached via raised steps which do not meet current accessibility standards. The trees that formed part of the scheme to screen the portacabin are of low value.*
- 2.5 *Operationally it is important that the Pre-School maintains a clear identity and one that is separate from the Primary School. The purpose built design would include a level access entrance with a “positive and welcoming street frontage”. It is stated that the design will offer a significant architectural improvement compared to the portacabin and will resolve what is currently a neglected and undistinguished corner of the village. The surrounding buildings are mostly pre-war, of varying architectural styles and the site is not within a Conservation Area or adjacent to a Listed Building.*
- 2.6 *The size of the building is dictated by Ofsted requirements per child. The dormer feature is considered to be an important and integral feature of the design that provides a sense of welcome to the entrance space and would illuminate the interior space. The use of lettering as signage at first floor level is said to be part of a long standing tradition incorporated into school buildings and this element is considered to be consistent with the scale of the building. It will also add a lively addition to the street scene and avoids the need for any secondary signage.*
- 2.7 *With regard to the trees at the site it is noted that they are closely planted and that some lower branches have started to die off. The screening effect of the trees is likely to decline further in time. Whilst collectively the trees provide some screening value, individually they are of low value. Consideration will be given to any alternative planting that could take place in this location.”*
- 2.8 The location of the Pre-School within the Primary School site is limited by the availability of space within the grounds and the need to retain a separate identity and entry point. Whilst restricted in size and irregular in shape, this location would appear to be the only option available at the site to accommodate the Pre-School building.
- 2.9 The proposed design shows a single storey pitched roof building that would be sited adjacent to the back edge of the pavement, behind green metal railings. The design incorporates a dormer style window to the front elevation which would provide light to the lobby area. The front elevation of the dormer would incorporate the words

“Kingsdown Pre School”. It is considered that the proposed wording would constitute a sign for which Advertisement Consent would be required.

2.10 It is appreciated that this proposal involves the introduction of a permanent building in a prominent location at the front of the site. The removal of the existing tree screen will result in the building being more visible in the street scene than the Portacabin which is currently screened by some trees at certain times of the year.

2.11 The proposed building is of a satisfactory design and the size and scale would be appropriate in this location. The location at the front of the site will clearly make drop off and pick up of young children easier for relatives/carers. Whilst the appearance of this part of Glen Road will be altered, the Pre- School building will not result in undue harm to the visual amenities of this part of the village.

2.12 **Removal of trees and impact on the character of the area**

2.13 As noted above the existing mobile classroom is now in poor condition and does not enhance the street scene. During the spring and summer months it is screened by the belt of trees along the site frontage but is more exposed during autumn and winter. There are no objections to the removal of this structure given its age and condition.

2.14 The Tree Officer has noted that individually the trees are of no particular merit although together they have some amenity value. The removal of the trees is regrettable but as has been indicated there are no other possible locations for the proposed Pre-School within the Primary School grounds.

2.15 The Tree Officer has recommended that some replacement tree planting should take place to enhance the site. Whilst space is restricted around the proposed building, it will be necessary for consideration to be given to replacement planting in alternative suitable locations in the school grounds.

2.16 The removal of the trees is unfortunate but unavoidable in this situation. New tree planting in front of the building would not be desirable or practical due to the limited space remaining. The proposal will result in a change to the character of the street scene but will not be so unduly harmful as to justify withholding consent.

2.17 **Highway Impact**

2.18 The Highways Engineer notes that whilst the Pre-School has longer opening hours than the Primary School, the peak drop off time is likely to be between 8 and 9am. It is estimated that around 5 additional cars may be trying to park during the peak 20 minute drop off time for the Primary School. The on site observations and survey results indicate that parking is available in the surrounding streets to meet the short term demands of parents and longer term needs of teachers.

2.19 Although on street parking congestion was seen to exist in the area, the Highways Engineer noted that there does not appear to be a significant problem in the vicinity of the school site.

- 2.20 It is noted that the existing Pre-School in the village hall has no on-site parking available for those dropping off children. In addition there are no pavements in the vicinity of the village hall, so that parents are required to walk in the carriageway. The proposal will provide an improvement in this regard given that there are pavements along Glen Road.
- 2.21 On balance it is concluded that the relocation of the Pre-School will provide an improvement and that the proposal is unlikely to have a severely detrimental impact such as to recommend refusal for highway reasons. The proposal will need to be subject to safeguarding conditions covering Construction Management and Travel Plans.
- 2.22 In response to the above the applicants have provided a revised Travel Plan for the site which includes details of the operational hours, staff/pupil numbers and parking facilities available for both the Primary School and the proposed Pre-School. The Travel Plan recognises that the site is set in a residential area where some roads are narrow and that not all dwellings have allocated off street parking facilities. There are School “clearway markings” outside the premises and a local speed limit of 20 mph. In addition the Head Teacher is present at the school gates to monitor parking and parental courtesy to other road users.
- 2.23 The Travel Plan acknowledges that Glen Road does become congested at drop off and pick up times and that parental parking reduces the width of the road to a single track. There are a limited number of parking places within the site and staff regularly double park in the grounds or are required to park in nearby roads. Walking, car sharing, cycling and scootering to the school are encouraged and targets are in place to increase the percentage of pupils and staff who travel in these ways.
- 2.24 It is clear the school is aware of the congestion issues associated with the site at peak times and the need for off-site parking due to limited spaces within the grounds. The Travel Plan confirms that the school is committed to working with parents and residents to reduce dangers for children and conflict with other road users, as well as improving the parking behaviours of parents. The School agrees to complete an annual review which will feed in to the KCC Travel Plan Management System.
- 2.25 **Impact on residential amenities of the Neighbours**
- This is a largely residential part of the village with a number of road junctions in the vicinity of the site. The nearest dwellings to the application site lie on the opposite side of Glen Road, approximately 30m away. It is acknowledged that the proposed re-location of the Pre-School from elsewhere within the village will inevitably lead to intensification in the use of the existing Primary School site. It is also recognised that there will be peaks of activity at the beginning and end of the Pre-School day and associated activity in the form of cars drawing up and people chatting. There will therefore be a degree of activity and noise associated with the Pre-School that currently does not occur at the site.
- 2.26 The protected Open Space between the school and The Rise is largely wooded and as such the dwellings to the south west of the application site are well screened from the proposed development. It is necessary however to assess whether the proposed

use would have a detrimental impact on the residential amenities currently enjoyed by the existing residents on the opposite side of Glen Road.

- 2.27 The proposed development will result in an increase in the number of young children at the site and it is recognised that there will be some associated impact on the amenities of the occupants of the nearby residents. This is most likely to take the form of additional vehicle activity, the noise of car engines, car doors closing and general chatter. The impact of the proposal can be limited by parents taking a responsible approach and parking slightly further away to avoid the possibility of congestion and car engines being left running. Whilst the amount of noise may increase compared to the current use, it should be for a short lived period of time at the beginning and end of the working day, when some local residents may be out at work themselves.
- 2.28 With regard to noise associated with external play, it is again appreciated that the Pre-School will generate some additional external noise during break times or outdoor activities. Again any noise will be limited to certain parts of the day and should not create such high noise levels as to constitute a statutory nuisance.
- 2.29 The concerns of neighbours about increased vehicle activity outside the site have been acknowledged. Unfortunately there is not an option to provide additional parking spaces within the site, which will undoubtedly lead to some on street parking in the vicinity. A drop off point at the rear of the site with access from Ringwoud or Glen Road would not be an option in this instance. The request for an updated Travel Plan has however been addressed by the applicants. As is the case near many schools the success of the Travel Plan will depend on considerate behaviour by those dropping off/picking up children.

### 3 **Conclusion**

- 3.1 The NPPF at paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing communities. Local Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. The proposed development would be in line with the broad aims of the NPPF.
- 3.2 The proposed development will clearly be of benefit to those with young children in the village and local environment in that it will provide an essential, purpose built facility with improved opportunities for learning and growth. Unlike the current location in the village hall the Pre-School will be available throughout the working week and will be designed to incorporate storage and the needs of those with access disabilities. The proposal will provide an enhanced standard of accommodation, better facilities for supervising staff and opportunities for children. The siting close to the Primary School will also will a useful link and make the transition from Pre-School to Primary School easier for the young children. The Pre-School is therefore considered to be an important piece of rural infrastructure that should be supported in the interests of the youngest members of the local community.
- 3.3 The impacts of the relocation of the Pre-School have been recognised and understood and it has been acknowledged that the use will lead to an intensification

in the level of activity/noise in this part of Glen Road at certain points of the day. The comments of the neighbours have been given very careful consideration but the impact of the proposed Pre-School is not considered to be so unduly harmful to residential amenity or highway safety, such as to justify withholding planning permission.

- 3.4 The proposed building would not result in undue harm to the visual amenity of the street scene generally or to existing residential amenities. As such the proposal is considered to comply with the objectives of the NPPF and policies DM1 and DM13 of the Core Strategy.

**g) Recommendation**

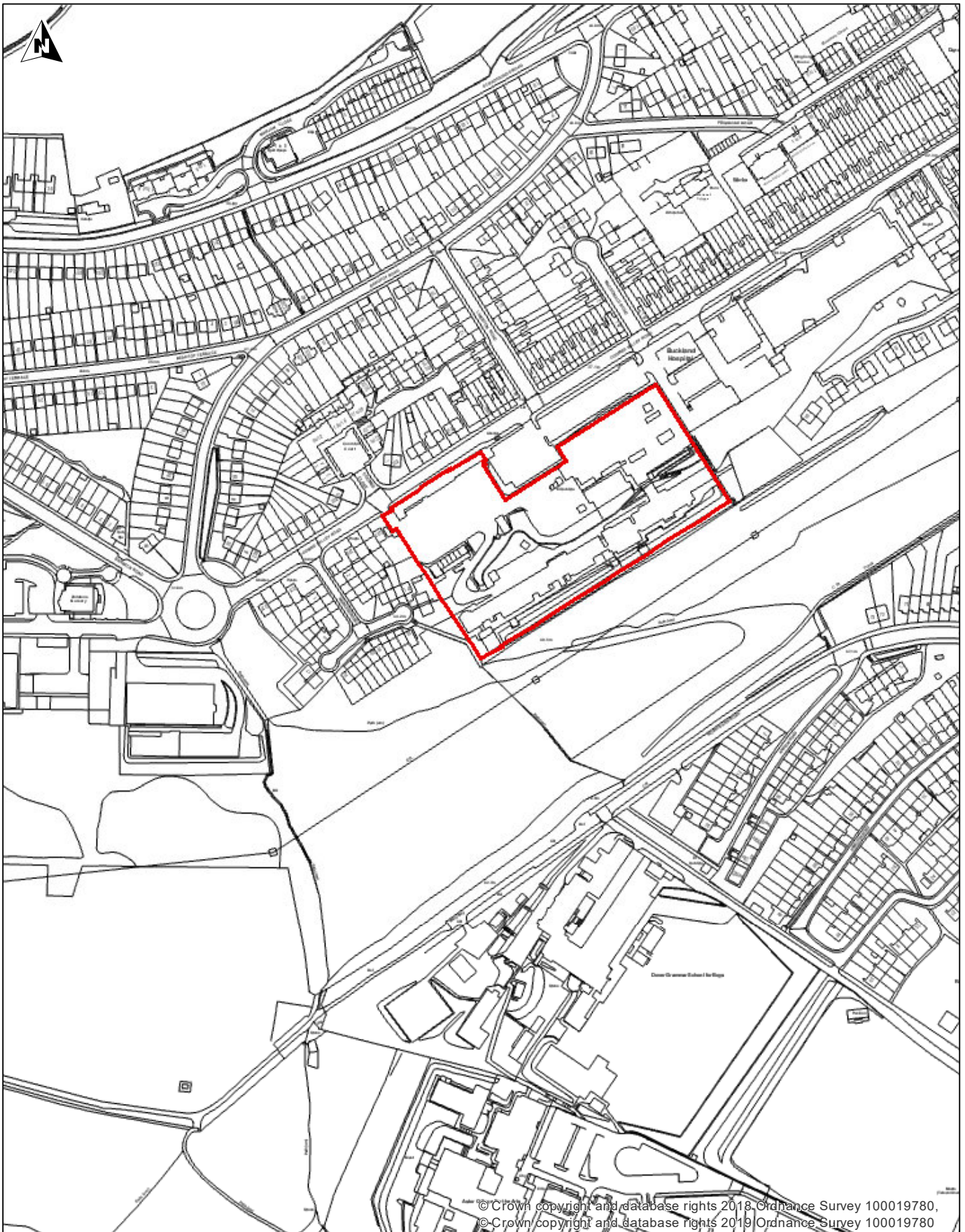
- I Planning permission be GRANTED subject to the conditions covering: (i) Standard time period; (ii) list of submitted plans; (iii) slab level; (iv) materials to be used; (v) contamination investigation; (vi) construction management plan; (vii) landscaping scheme; (viii) travel plan; (vix) details of delivery times.
- II The applicant be advised that Advertisement Consent would be required for the proposed sign.
- III Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee

Case Officer

Hilary Johnson



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



DOV/17/01523  
Former Buckland Hospital  
Coombe Valley Road  
Dover

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/17/01523 – Outline application for the erection of up to 150 dwellings (with all matters reserved)**

**Former Buckland Hospital Coombe Valley Road Dover CT17 0HD.**

Reason for report – Number of third party contrary comments.

- b) **Summary of recommendation**

Grant permission.

- c) **Planning policy and guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None applicable.

Land Allocations Local Plan (2015)

LA8 – Land in Coombe Valley.

DM27 – Providing open space.

National Planning Policy Framework (NPPF)(2019)

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.

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

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

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.

**Other considerations**

Kent Downs AONB – 470 metres west of the site.

Kent Design Guide.

d) **Relevant planning history**

DOV/17/00225 – Prior notification for the demolition of the former hospital buildings – PRIOR APPROVAL REFUSED.

DOV/17/00353 – Screening opinion: redevelopment of site – ENVIRONMENTAL STATEMENT NOT REQUIRED.

DOV/17/00379 – Demolition of building number five – GRANTED.

DOV/17/00380 – Prior approval for the demolition of former hospital buildings (except building 5) – PRIOR APPROVAL NOT REQUIRED.

e) **Consultee and third party responses**

**DDC Regeneration and Delivery (Planning Policy) – comments as follows –**

From a policy perspective, we have identified the Coombe Valley as a key area of Dover that is in need of improvement and regeneration. The Stage 1 Coombe Valley study identified 9 objectives – one of the key ones that specifically relates to this development proposal was to ‘create a better environment through improving the character and appearance of the urban environment’. We would be supportive from a policy perspective of re-using this important brownfield site and fully appreciating that the site was previously occupied by a series of redundant hospital buildings. In this respect, whilst I am happy to support the redevelopment of this brownfield site, I would suggest that this proposal would benefit from having an independent design review panel in order to ensure that we are meeting our Local Plan objectives of improving and transforming the perception and appearance of the Coombe Valley area through physical, economic and environmental changes (paragraph 3.93 of the LALP).

**DDC Infrastructure Officer – no objection – subject to the following contributions –**

- Open space – on-site locally equipped area of play (LEAP) and associated amenity area.
- Off-site sports facilities financial contribution – no response received – a verbal update will be presented to the meeting of planning committee in this regard.
- Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy – £6,021.59.

**DDC Strategic Housing – no comment received.** A verbal update will be presented to the meeting of planning committee in this regard.

**KCC Highways – no objection subject to conditions and informative – comments as follows:**

The site is allocated in the Local Plan and therefore the principle of residential development has been accepted. The Transport Assessment submitted indicates that approximately 70-84 two-way vehicle trips may be generated in the network peak hours. These figures are considered to be very robust and the actual trip generation may well be less bearing in mind the proximity of the site to the town centre, local amenities and bus services, together with the implementation of a Travel Plan.

Assessments have been carried out for the signal junctions at Coombe Valley Road/London Road/Cherry Tree Avenue; Cherry Tree Avenue/Buckland Avenue, Charlton Green and Bridge Street/High Street, together with the signals at the railway bridge in Coombe Valley Road. These assessments show that mitigation is required at the Cherry Tree Avenue/Buckland Avenue and Bridge Street/High Street junctions to accommodate the additional vehicle trips. This mitigation takes the form of altering and optimising the timing of the signals to accommodate the additional traffic, and is acceptable in highway terms. These alterations will be funded by the developer.

The majority of Coombe Valley Road allows for two-way traffic flow, however the length between the hospital service/delivery access and Randolph Road has three single-way working sections, due to the presence of on-street parking. Nevertheless there are regular waiting and passing opportunities within this stretch of road and the additional traffic from the development is unlikely to have a severe impact that would warrant a recommendation for refusal.

There will be a need for pedestrians to cross Coombe Valley Road in the vicinity of the site access and therefore dropped kerbs and tactile paving are proposed just to the east of the site access. There are existing single yellow line parking restrictions on the north side of Coombe Valley Road which will need to be changed to double yellow lines, to protect visibility for pedestrians crossing the road. These highway alterations will be funded by the developer.

The proposed site access is acceptable and provides adequate visibility. As the application is in outline form the amount of car parking would be dealt with through reserved matters.

The proposals include commitment to a Travel Plan which will include financial incentives for cycle purchase and travel on public transport.

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

**Highways England – no objection – comments as follows –**

Summary

On the basis of the evidence available and our own analysis, Highways England can only conclude that the proposals will not result in a “severe” increase in queues and delays on the SRN (the test set out in C2/13 para 9) and under current national planning policy, we would not be able to sustain an objection to the proposals.

Therefore we do not offer any objections or requirements relating to the proposal, and enclose our HEPR form to this effect.

**Stagecoach – no objection** – notes the proposed travel plan and comments that this could include provision of the Stagecoach smart card.

**DDC Environmental Health – no objection** – subject to conditions for land contamination and construction management plan, including hours of working.

**DDC Ecology – no objection** – subject to provision of a bat-friendly external lighting scheme, which would be secured through condition. It would be expected that this would inform the detailed design of the final scheme should outline permission be granted. Informal comments provided by the White Cliffs Countryside Partnership [which manages the High Meadow local nature reserve (LNR) point towards the need for preventing residents from discarding of domestic waste within the LNR, typically this refers to garden clippings, but the same principle applies with residential units proposed in close proximity to the LNR, and local wildlife site (LWS).

**Natural England – no objection** – comments as follows – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site’s conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

**Kent Wildlife Trust – objects** – comments as follows –  
*First comment.*

I note that this development site is adjacent to Local Wildlife Site DO10 Whinless Down and Long Wood. The development should be assessed for potential negative impact on this site of County importance for wildlife, in particular the avoidance of adverse impact from increased recreational pressure and excessive lighting. This needs to be considered from early design stages in order to avoid “unofficial” access to the site and undue additional pressure on recreational facilities. It is particularly concerning that no reference appears to have been made in the application to this important local site, considering the proposal is of multiple storeys and high density.

The impact of excessive lighting on this protected site is likely to be high, particularly from the upper floors of such a tall building and its associated parking areas. This is likely to impact upon foraging bats, invertebrates and breeding birds on the boundary and in the surrounding areas. The application does not appear to be accompanied by either an ecological appraisal of the site itself or any protected species surveys- in particular I would expect particular consideration to be given to the potential impact upon bats currently using the site and its boundaries (I note the report on bats in the roof). This site is very constrained and as such there is no buffer provided to the south or west boundary in order to reduce likely impacts upon the Local Wildlife Site or provide any green infrastructure to link the development with its surroundings.

In addition to this, careful consideration will need to be given to the impact upon the coastal sites of conservation importance, in particular Thanet Coast and Sandwich Bay SPA. The application needs to comply with Dover District Council's Mitigation Strategy and consideration should be given to cumulative impact of this development in combination with others in the district.

Kent Wildlife Trust objects to this planning application. We look forward to commenting on future submitted documents, as requested above.

*Second comment.*

Thank you for the opportunity to comment on the Preliminary Ecological Appraisal (PEA) submitted in support of this planning application.

I welcome the preparation of the PEA. It begins to address the Trust's objections as set out in our letter dated 26 January 2018 and ranges over a series of appropriate considerations. However, its response to likely impacts is disappointingly generalised and superficial.

Whilst it recognises the value of landscape buffering along the south east boundary in mitigating harm to the adjacent Local Nature Reserve and Local Wildlife Site, it offers little expectation that this will be delivered. It's impossible to see how an external lighting strategy can prevent harm to wildlife interests (particularly foraging bats) on the LNR without an intervening landscaped buffer. This will require a radical review of the layout (if not the scale) of built development and of car parking/circulation space.

The PEA offers no evidence of the effectiveness of the proposed surfaced footpath into the Reserve. A much more ambitious management response to the extra recreational pressure arising from the development is required.

Finally, the PEA makes no assessment of the cumulative impact of this development in combination with other residential development in the District on the Thanet Coast and Sandwich Bay SPA.

In these circumstances, I am not yet persuaded that the development can be designed/mitigated to avoid harm to the Local Nature Reserve and Local Wildlife Site. I remain opposed to the grant of planning permission.

**DDC Trees – no objection** – subject to condition – comments as follows – The intention as stated in the Design and Access Statement submitted with the application is to retain those trees currently present within the development site as part of the new scheme. On this basis, it is imperative that suitable protection measures are implemented prior to any potentially damaging activity commencing. A Tree Protection Plan has been submitted as part of the Arboricultural Report which seeks to avoid damage to the trees through any necessary demolition works. The implementation of the measures shown in this plan along with those set out in the associated Arboricultural Method Statement must be secured through the use of a condition of planning consent if granted. Details of protective fencing to be used in conjunction with this plan must be submitted for approval prior to any works being undertaken.

In addition to the above, a further Arboricultural Method Statement that conforms with BS3857:2012 will need to be submitted for approval that sets out protection measures in relation to construction of the proposed development. This is to ensure that all trees intended for retention remain unharmed as part of the construction process.

**Environment Agency – no objection** – subject to conditions for land contamination, verification of any remediation works, restrictions on infiltration drainage, restrictions on foundation designs, and foul drainage strategy. Also informatives relating to foul drainage, piling, waste and remediation.

**KCC SUDS – no objection** – subject to conditions – comments as follows:

It is noted that the site lies within Groundwater Source Protection Zone (SPZ) 2, and is very close to SPZ1. The report notes there is a relatively limited unsaturated zone beneath the site, and up to 3m of Superficial Deposit. Notwithstanding this, infiltration is likely to be acceptable for clean roof water and may be acceptable for other impermeable areas providing infiltration is kept as shallow as possible and adequate pollution mitigation measures are included. Infiltration must occur within clean, uncontaminated natural ground.

Where infiltration is demonstrated to be unviable in parts of the site, the SuDS report notes a surface water sewer is located adjacent the site and discharge into the sewer may be acceptable. This may be permitted by the undertaker where it is demonstrated that the site previously connected to the surface water sewer. Discharge rates should be as possible to greenfield rates due to the known flood risks downstream.

At present there is little evidence that the recommendations of the SuDS strategy have been included into the site masterplanning, however it is recognised that the application is outline with all matters reserved. Should the development be granted outline planning consent, we would expect a detailed surface water drainage strategy to be presented for approval of reserved matters (to ensure that the site layout incorporates a suitable sustainable drainage scheme) followed by confirmation of the detailed design prior to commencement. These should include site specific ground investigations and testing.

At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the

requirements of our latest drainage and planning policy statement (June 2017); the FSR dataset should not be used.

**KCC Infrastructure contributions – no objection** – subject to the following contributions being met:

- Primary education – £137,115 – towards White Cliffs Primary School.
- Secondary education – £169,777 – towards Phase 1 Dover Christ Church.
- Community learning – £3,846 – towards relocation of Dover Adult Education Centre.
- Libraries – £11,799 – towards Dover Library enhancement and book stock.
- Social care - £8,772 – towards the new Dover Adult Social Care hub.
- Wheelchair adaptable homes – 2x – as part of on-site affordable homes delivery.
- Fibre optic broadband – informative for provision of next generation access broadband.

**KCC Archaeology – no comment received.**

**South Kent Coast CCH (NHS) – no objection** – subject to requested financial contribution of £113,100 towards the extension of Pencester Surgery.

**Kent Fire Officer – comments as follows** – Following examination of the plans the provision of an access roadway of 3.7m in width which allows an appliance to within 45m of all points within the dwelling must be provided.

In addition, turning facilities should be provided in any dead end access route that is more than 20m long. This can be by a hammerhead or turning circle in accordance with Table 8, B5 (ADB).

**Southern Water – no objection** – subject to condition and following comments – Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

*“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”*



It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates
- Flow monitoring (If required)
- Detail design, including land negotiations
- Construction

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

**Affinity Water – no comment received.**

**EDF Energy – no comment received.**

**National Grid – no comment received.**

**Kent Police – comments** – recommends that the applicant liaises with Kent Police to implement secured by design. Makes reference to the following aspects of the proposal:

- Perimeter
- Undercroft parking
- Ground level parking
- Siting of cycle and bin stores
- Access and movement including permeability
- Landscaping and setting
- Lighting
- Access between units and blocks
- Stairs and lifts including communal areas
- Doorsets and windows

**Dover Town Council – objects** – ‘Object. Committee does not alter its previously expressed views. The development is at risk of causing flooding (Environment Agency/Southern Water responses) and will increase on road parking restrictions in an area where there are parking pressures already due to KCC Highways’ requirement of double yellow lines.

Council believes that affordable housing in line with DDC policy must form part of the application. It does not accept that this would make the project financially unviable. The

outline application with its height and encroachment on views of the Local Nature Reserve for local residents does not deliver acceptable quality.’

### **Public comments – Support x 10, Object x 18**

#### Support

- Site is currently in a bad condition.
- Area needs more houses.
- Existing local facilities are good.

#### Objections

- Too many extra residents for the area, density too high.
- Infrastructure is stretched.
- Concerns about attracting anti-social behavior.
- No affordable housing.
- Design is bland, looks Soviet/eastern block.
- Design should follow prevailing Victorian vernacular, would support houses.
- Negative impact on LNR and views towards it.
- Poor road access to area, too much traffic generated.
- Utilities concerns.
- Flooding on site.
- Hazardous materials from hospital needs remediation.

#### Neutral

- Has concerns about the development proposal but is more concerned about the current condition of the site.

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

### 1.1. The site

The site is located on the south eastern side of Coombe Valley Road in Dover. Coombe Valley is a dry valley, which runs south west to north east. The road runs along the valley bottom, meeting up with London Road at its north eastern end. Towards the north eastern end of the road, the Dover to London railway line crosses the road over a bridge, which restricts the width of the road to one lane – vehicles passing this restriction are controlled by traffic lights.

1.2. The character of the area is mixed. Along the core section of the road from the railway bridge, travelling south west, passing the site and on towards the roundabout junction with Barwick Road and Poulton Close, the south east side of the road the area is largely post-industrial with residential uses taking over from former concerns such as the Powell print works, and with features such as a gas holder awaiting decommissioning. On the north western side of the road, the area is largely residential with Victorian terraces and later semi-detached dwellings prevailing in a tight knit street pattern. This housing extends to both sides of Coombe Valley Road and meets the site adjacent on its south western boundary at Whinless Road.

- 1.3. Formerly occupying the site was the Buckland Hospital. This has now been demolished with a new hospital reprovided approximately 60 to 70 metres north east of the site. The site itself is now empty. A predominant feature of the site is that it is set on two distinct terraces – upper and a lower. Where the former hospital was fronted by a car park, situated adjacent to Coombe Valley Road, this car park has been retained for use by the new hospital, meaning that approximately two thirds of the site frontage is actually set back from the road behind this car park. The site is accessed at its south western end where the other third of the site frontage is directly adjacent to Coombe Valley Road.
- 1.4. Policy LA8 of the Land Allocations Local Plan (LALP) (2015) covers “Land in Coombe Valley” including this site. The policy is as follows:

#### Policy LA 8

##### Land in Coombe Valley

The sites identified on Figure 3.4 are allocated for residential development with a total estimated capacity of 450 dwellings. Planning permission will be permitted provided that:

- i. the mix of dwellings should includes larger units, to reflect the SHMA, to promote family housing;
- ii. development seeks to maximise the use of available land, at a minimum of 40dph;
- iii. proposals comply with the Health and Safety Executive’s (HSE) requirements for development in proximity to gas holders;
- iv. If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB; and
- v. the development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.

- 1.5. Behind the site (south east, up the valley slope) is the High Meadow local nature reserve (LNR) and the Whinless Down and Long Wood local wildlife site (LWS).
- 1.6. Approximately 460 metres west of the site is the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.7. Approximate site dimensions:
  - Depth – 110 metres (at site access), 70 metres (behind hospital car park).
  - Width – 180 metres.
- 1.8. Proposed development

The proposed development is outline in form with all matters reserved, although for practical purposes details of the proposed access have been agreed with Kent Highways. The development comprises the erection of up to 150 dwellings. The

indicative drawings show a site layout on the upper and lower terraces, comprising apartment blocks, and terraced dwellings facing onto the street adjacent either side of the site access.

1.9. The indicative proposed blocks would have undercroft parking accessed from a one way ring road around the site. Around and in between the roads and blocks of flats would be amenity open space.

1.10. The indicative breakdown of the proposed development is as follows:

Upper terrace:

- 4x 6 storey apartment block (ground floor parking)
  - 1x 1 bed apartment
  - 15x 2 bed apartment
  - 2x 3 bed apartment
- 1x 5 storey apartment block (ground floor parking)
  - 1x 1 bed apartment
  - 11x 2 bed apartment
  - 2x 3 bed apartment

Lower terrace:

- 1x 6 storey apartment block (ground floor parking)
  - 1x 1 bed apartment
  - 15x 2 bed apartment
  - 2x 3 bed apartment
- 2x 5 storey apartment block (ground floor parking)
  - 1x 1 bed apartment
  - 11x 2 bed apartment
  - 2x 3 bed apartment
- 1x 4 storey apartment block (ground floor parking)
  - 1x 1bed apartment
  - 7x 2 bed apartment
  - 2x 3 bed apartment

Road fronting:

- 2x 4 dwelling terrace
  - 4x 3 bed house

1.11. In total, the provision of units within the indicative layout is as follows:

- 1 bed – 9 units.
- 2 bed – 115 units.

- 3 bed – 26 units.

1.12. Plans will be on display.

## 2.. **Main issues**

2.1. The main issues to consider are:

- Principle of development
- Design and street scene
- Residential amenity
- Highways and traffic impact
- Ecology considerations
- Viability – affordable housing and planning obligations
- Other matters

## 3.. **Assessment**

3.1. Principle of development

The site is located within the Dover urban boundary, meaning that the proposed development is accepted in principle.

3.2. Further to the location of the site within the urban boundary, it is also identified as part of the wider Land in Coombe Valley residential allocation policy LA8. This policy seeks the regeneration of sites within Coombe Valley, with an estimated capacity of 450 dwellings across seven sites.

3.3. The expected capacity of 450 dwellings has not been reached. This would remain the case if an upper capacity of 150 dwellings proposed as part of this application were permitted. The land allocation policy does not set an absolute limit and subject to material considerations, it is reasonable to expect that the dwelling number may not be achieved, or alternately, may be exceeded. Such material considerations will include design, residential amenity, infrastructure, highways and any other policy consideration. These aspects of the proposal are considered below.

3.4. Notably, the proposed indicative mix of dwellings is balanced towards the provision of apartments, of which there are 115 two bed units (76%). The 26 three bed units represents 17% of the proposed number. While the wider picture of development might not represent the housing mix as identified in the SHMA, reasoning behind the development proposal is considered below and it should be noted that housing mix is only one factor in the evolution of the proposal.

3.5. Design and street scene

The proposed development is currently in outline form only, with all matters reserved. Therefore, in terms of appearance, scale and layout, were outline permission to be granted, the detailed consideration of these issues would be left until the reserved matters stage. That said, there needs to be some comfort that the proposal can be accommodated even if the detailed design is not actually being considered at this stage, this is particularly important where the proposal comprises

up to 150 dwellings.

- 3.6. The application as now reported has been through a number of iterations and public consultations. The originally submitted application comprised 188 dwellings, indicatively laid out in two apartment blocks, with terraced houses located adjacent to the site access. This design evolved to test whether an apartment block could be accommodated at the site access. Ultimately it was considered that in either formation, the proposal comprised too many dwellings.
- 3.7. The comments of the policy and projects manager are noted. During the negotiation process the opportunity to undertake a design review was available, however, given the outline nature of the proposal, where detailed design was not being considered, advice was instead sought from the council's in-house architect. The purpose of this aspect of the process was to understand if by reducing numbers the proposal, indicatively in this form, could be made acceptable.
- 3.8. The current iteration results from a reduction in numbers to 150 dwellings overall, and involves the reinstatement, albeit indicative, of the terraced dwellings facing onto the street adjacent to the site entrance.
- 3.9. Notwithstanding the above and the outline nature of the application, key influences on the design should normally derive from the wider context of the location in which it is proposed. For this location in Coombe Valley such influences would include the topography, the tight-knit terraced streets and/or the commercial enterprises that were once a strong aspect of the character along the southern side of the road. Influence could also be taken from the hospital buildings which once stood on this site, or from the newer additions such as the care home at the junction with Randolph Road, or indeed, the new Buckland Hospital. All the while, it should be borne in mind that Coombe Valley is a focus for local regeneration with transformative development a key aim of the local plan.
- 3.10. Given that this is an outline proposal with all matters reserved [for future approval], the focus of the submitted drawings is towards a consideration of scale and hierarchy within the street while also seeking to understand what might constitute an achievable layout. The indicative proposal, in seeking to accommodate larger numbers on site, perhaps inevitably leans in the direction of apartment blocks and in doing so eschews the tight knit and intimacy of development seen primarily on the opposite side of the valley. In doing so, the heights of the apartment blocks are increased beyond any of the existing smaller residential units that are a feature of the area.
- 3.11. The site section illustrates that the indicative proposed apartment blocks would exceed the height of the previous hospital buildings. In giving consideration to this, attention must be paid to how the buildings might fit into the street scene and if such variances in scale, relative to existing development, can be comfortably achieved. The buildings, particularly those on the upper terrace, would stand up in the site much more than any other development that can be found within the valley and their mass would be unmistakeable. However, in reducing the dwelling numbers, the applicants have been able to reduce this impact, such that the amended blocks

would nevertheless still be seen in the context of verdant valley slope to the south. This is considered necessary to aid accommodation of such a proposal.

- 3.12. In terms of how the buildings might appear within the street, the yellow brick facades of the old hospital buildings have provided a starting point, with the aim to illustrate the effect of a high quality, articulated and industrial aesthetic. The applicant has submitted drawings with this character to give an indication of what the proposal could ultimately look like, although for the consideration of this application, it is important to recognise that were permission granted, the submitted proposal at reserved matters stage could be something that bears no similarity in form or appearance to that currently presented. That said, it is considered important that any development, and particularly one that seeks to incorporate a large number of dwellings, should have a high quality finish.
- 3.13. The indicative site layout is undoubtedly driven by the need to accommodate parking for the 150 dwellings. Policy DM13 of the Core Strategy specifies parking at a rate of 1 space per unit for 1 and 2 bed apartments, 1 space per unit for 3 bed houses in edge of centre locations, and 0.2 spaces per unit for visitors. Spaces for 3 bed apartments are not specified, but for the purposes of assessment, are taken at 1 space per dwelling. Accordingly, this equates to a need for 150 residential parking spaces and 30 visitor spaces – 180 in total. Combined with topographical considerations i.e. the split level, the indicative layout does appear very road/highway engineer orientated, and necessitates an undercroft parking solution. Site cohesion, including how amenity green space has been incorporated, does come across as somewhat of an afterthought. However, as noted previously, layout is a reserved matter and with further detailed design consideration, which would be a necessity for any reserved matters application, the ultimate character of the development may be able to be improved.
- 3.14. In design terms, the proposed development is considered to be at the very limit of what can be reasonably be accommodated on the site. The constraints of the site, which have influenced these design illustrations are acknowledged and if increasing the number of dwellings is the necessary way to improve viability to a point that development can proceed, in an area acknowledged as being constrained by lower land values, then there are trade-offs that need to be made. It is hoped, however, and would be pursued vigorously at any reserved matters stage, that the illustrative design choices for this proposal could be revisited, particularly if land values increase.
- 3.15. Residential amenity  
Given that the application is outline in form with all matters reserved, any assessment of the effect of the proposal on residential amenity must be undertaken in broad terms. In principle, the number of dwellings proposed – up to 150, means that the indicative drawings, at least in terms of form and scale, and to a slightly lesser degree layout, allow for assessment of where any issues relating to residential amenity might arise.
- 3.16. Any effects that could be determined based on the application submitted are likely to be related to overbearing or overshadowing effects. There is also the potential for

overlooking from the development, however, such matters could reasonably be expected to be addressed at a reserved matters stage, where detailed elevations, including window locations, and layouts would be submitted.

3.17. In terms of overshadowing, the relative locations of the blocks of flats and distances between them and existing neighbours, i.e. approximately 35 metres north and east of the dwellings in Whinless Road (the immediate neighbours) and approximately 50 to 60 metres from the dwellings to the north on the opposite side of Coombe Valley Road, means that any shadows that are cast are unlikely to result in undue harm to neighbours. This is particularly true where the illustrative iterations have resulted in the proposed 8 terraced dwellings adjacent to the site entrance.

3.18. The scale and bulk of the indicative buildings could result in undue harm to neighbouring residents, particularly those at Whinless Road. However, where the iterative process has resulted in the number of dwellings being reduced, this has allowed the nearest apartment block (on the upper terrace) to be moved away from the neighbours and be reduced in height, albeit still recognising that it is indicatively five storeys tall.

3.19. It is nevertheless considered that the applicants have adequately demonstrated that development could be accommodated which would preserve the amenity of neighbouring residents. This of course, would be addressed through matters of layout and scale in any reserved matters application, were outline permission to be granted.

3.20. Highways and traffic impact

A key concern about the proposal is the impact of 150 dwellings and their associated traffic movements. However, it should be recognised in considering this principle, that the site is part of a wider allocation in Coombe Valley for 450 dwellings, which would not be exceeded even if permission were granted.

3.21. Consequently, the highways officer has commented on this matter and raised no objection. The officer comments that the submitted transport assessment shows that in the network peak hours approximately 70-84 two way vehicle trips may be generated. Due to the proximity of the site to the town centre, however, the availability of local amenities, and public transport services, and the implementation of a travel plan, which would be secured through condition, the number of trips may actually be lower.

3.22. Assessments submitted with the planning application show that as a result of the development, mitigation is required at the Cherry Tree Avenue/Buckland Avenue and Bridge Street/High Street junctions to accommodate the additional trips. Such mitigation would include alteration and optimisation of the timing of traffic signals.

3.23. The highways officer notes that in the vicinity of the new Buckland Hospital, Coombe Valley Road does operate, in effect, single lane working, due to parked cars along one side. It is not considered, however, that as a result of the development this aspect of the road's functioning would be severely impacted to any degree that might warrant recommending refusal of the application.



- 3.24. The highways officer also notes that works will be required to allow pedestrians to cross Coombe Valley Road near to the site access. This would include dropped kerbs, tactile paving and the change of some single yellow line parking restrictions to double yellow lines, in order to protect pedestrian visibility.
- 3.25. In highways terms therefore, the proposed development is considered to be acceptable.
- 3.26. Ecology considerations
- 3.27. **The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment**
- 3.28. All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.29. Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.30. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 3.31. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 3.32. 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).
- 3.33. 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.

- 3.34. **Local nature reserve and local wildlife site.** Located south of the site are the High Meadow local nature reserve (LNR), which extends along the crest of the landform down to the site and prevents coalescence between Coombe Valley and Tower Hamlets, and the local wildlife site (LWS) Whinless Down and Long Wood. These sites partially coincide with each other, and together form the southern boundary of the site.
- 3.35. Concerns have been raised by Kent Wildlife Trust in relation to the impact of the development in terms of recreational pressure, and the effect of light pollution on bats in the Whinless Down and Long Wood LWS. For the purposes of assessment, the LWS and LNR at this location are taken together.
- 3.36. The preliminary ecological report proposes a landscape buffer between the site and the LNR/LWS, and a bat-friendly external lighting strategy, with the intention of reducing light pollution and any associated impact that this might have on bats foraging in neighbouring trees. It is considered that the previous hospital buildings did set some precedent at this location for light disturbance, although the nature of the development proposal is such that potentially taller buildings, as illustrated, could increase that disturbance if not designed in a sensitive manner. The submitted preliminary ecology report proposes that bat bricks or tubes be incorporated into any new buildings.
- 3.37. The submitted ecology report recommends that a formalised path is proposed at design stage which would relieve the need for informal access points being made between the site and the LNR/LWS. Some concern has been raised by the Kent Wildlife Trust about the impact of such a connection being made, however, the White Cliffs Countryside Partnership – the organisation that maintains the LNR, has commented informally that the LNR is open access and is intended for residents to enjoy. Details of such a connection would be expected at the reserved matters stage.
- 3.38. There is some difficulty in making an absolute determination in this regard due to the outline nature of the proposal, with all matters reserved. It is possible that the effects of the detailed development may be less than are anticipated and that the form of development on the upper terrace is lower than might be expected, or that it is sited such that impacts are reduced. Additionally, with the detailed design of the proposal not yet evolved, it is reasonable to expect that were outline permission granted, when the reserved matters are submitted light pollution could be significantly reduced by design and use of materials.
- 3.39. It is considered that the ecological implications of the development are able to be mitigated through detailed design including where the proposed bat-friendly external lighting scheme would inform that design.
- 3.40. Viability – affordable housing and planning obligations  
Policy DM5 of the Core Strategy requires that for developments comprising 15 or more dwellings, 30% of these dwellings should be affordable, subject to economic viability. For this proposal, that would require that 45 affordable dwellings are provided on site. However, the applicant has submitted a viability appraisal

alongside the application, which states that the viability of the scheme would be negatively affected by complying with policy DM5, such that the scheme would not be able to come forward.

3.41. Independent review of the submitted viability appraisal concurs with its findings. Since the independent review was undertaken, the scheme has been amended from 188 dwellings to 150 dwellings. Further discussion with the viability consultant confirms that the change in numbers would not affect the conclusions of the review, such that the proposal would now be able to support the provision of any affordable housing.

3.42. The review recommends that due to the nature of the proposal, i.e. prevailing market conditions, land values, and the potential for detailed design input at reserved matters stage to affect scheme viability, a further review should be conducted at reserved matters stage. The applicant has agreed to this recommendation, which would be secured as part of the legal agreement.

3.43. In the viability appraisal, which the applicants submitted alongside the proposal of 188 dwellings, a section 106 cost of £1,500 per dwelling, totalling £282,000, is assumed. This figure is presumed to be available for contributions toward infrastructure. However, taking the same rate for 150 dwellings equates to £225,000.

3.44. The following infrastructure requests have been made:

3.45. **Kent County Council** has requested the following contributions:

- Primary education – £137,115 – towards White Cliffs Primary School.
- Secondary education – £169,777 – towards Phase 1 Dover Christ Church.
- Community learning – £3,846 – towards relocation of Dover Adult Education Centre.
- Libraries – £11,799 – towards Dover Library enhancement and book stock.
- Social care - £8,772 – towards the new Dover Adult Social Care hub.
- Wheelchair adaptable homes – 2x – as part of on site affordable homes delivery.
- Fibre optic broadband – informative for provision of next generation access broadband.

3.46. Of these requests contributions towards book stock at Dover Library have already exceeded the statutory limit of five, and it is not clear that general enhancement is reasonably related to the proposed development. Therefore this part of the request will not be pursued. As noted, the viability review confirms that affordable housing cannot be delivered, therefore the wheelchair adaptable homes which would form part of those affordable dwellings, will also not be pursued.

3.47. The **South Kent Coast CCG** has requested the following contribution towards the extension of Pencester Surgery – £113,100. Comment is awaited from the infrastructure officer as to the validity of this request in respect of the CIL

regulations. This matter is being pursued and will be updated verbally at the meeting of planning committee.

- 3.48. **Open space.** An on-site locally equipped area of play (LEAP) is required, including an associated area of amenity green space. The infrastructure officer has previously indicated that an off-site payment towards sports facilities is required, but no details of this have been received. This matter is being pursued and will be updated verbally at the meeting of planning committee.
- 3.49. As addressed in the ecology section, the required contribution to the **Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy** is £6,021.59.
- 3.50. The total requested contributions are **£450,430.59**. Of these **£438,631.59** are being pursued. Of this figure **£113,100** (the CCG request) is subject to review for compliance with CIL (2010) regulations 122 and 123. Advice on this matter is awaited from the infrastructure officer. A verbal update regarding this will be given at the meeting of planning committee.
- 3.51. The applicants have indicated that they are content to follow this approach, and that this is subject to awaiting the comments of the infrastructure officer. As noted, the applicants also agree to a further viability review at reserved matters stage, should outline permission be granted.
- 3.52. Other matters
- 3.53. **AONB** – the site is located approximately 470 metres east of the Kent Downs AONB, which at that point coincides with the industrial estate at the western end of Coombe Valley Road. It is a further 380 metres to the open part of the AONB. In any case, when assessing the site on numerous visits no clear or uninterrupted views of the site were available from the AONB. It is not considered therefore that the proposal would cause any harm to the natural beauty of the AONB.
- 3.54. **Archaeology** – no comments were received from the archaeological officer. Notwithstanding, it is considered prudent to impose a condition on any future development that would require works to cease if archaeological remains are found and for a scheme of investigation to be submitted to the LPA for agreement at that point.
- 3.55. **Fire officer** – the fire officer has commented regarding the specifications of internal site roads for the purpose of appliances being able to manoeuvre within the site. It is considered, given that layout is a reserved matter, that this can be dealt with at the detailed design stage.
- 3.56. **Stagecoach** – comments provided by Stagecoach in reference to the proposed travel plan point to the use of the Stagecoach smart card with one week of bus rides pre-loaded. While this is potentially an option, it is considered that the travel plan should seek to encourage sustainable travel on a longer term basis, which might be better served through the use of exchangeable vouchers for items such as bicycles.

3.57. Sustainability and conclusion

Dover District Council, as the local planning authority (LPA), can demonstrate a five year supply of deliverable housing land. Nevertheless, it is considered good practice to assess the development in general sustainability terms. As defined in the NPPF, planning undertakes three roles in respect of sustainability – that is economic, social and environmental.

3.58. **Economic** – the proposed development would bring economic benefits to the Coombe Valley area through construction contracts in the short term, and in the longer term through an increase in residents. Discounting where residents may be moving within the area, 150 new dwellings represents new people, which potentially represents more resources supporting local shops, facilities and services. In economic terms, it is not considered that there are any disadvantages to this proposal.

3.59. **Social** – the proposed development cannot support the provision of any affordable housing, which represents a significant disadvantage, however, the applicant has submitted a viability appraisal that has been verified by independent experts. In terms of local facilities, as noted above, the potential for a significant increase of new people in the area does represent a benefit where these people would play a role in the local community and support those existing facilities. The former hospital buildings have been lost prior to this application, however, this loss was predicated on the provision of the new Buckland Hospital, and therefore no disadvantages are associated with this aspect of the proposal. It should also be noted that one of the key NPPF endeavours is to seek to increase the supply of new homes.

3.60. **Environmental** – the proposed development could result in a very prominent change to the street scene of Coombe Valley Road. However, it is fair to make broad comparisons between the buildings that once occupied the site, and which were of an institutional character, and the proposed apartment blocks which would bear some similarity. The site as it now stands is barren and empty, so its development has the potential to lift the character at this part of the valley, particularly as it would represent the provision of housing on previously developed land. Where the proposed development may impact on the environment enjoyed by neighbours, it is considered that the applicant has submitted sufficient information to satisfy the LPA that at the reserved matters stage these issues could be designed out.

3.61. In relation to the LWS to the rear (south) of the site, these are not a statutory designation as considered by the NPPF so it is difficult to attribute any significant weight to any potential impacts that the proposal might have on these. The local consultee has referenced paths from the development entering into the LWS but given that this is an outline proposal in any case, with all matters reserved, such considerations can be more usefully addressed at a detailed design stage.

3.62. Concluding generally on the proposal, the development would certainly be transformative at this part of the valley. Originally submitted information led to concerns that the proposal represented an overdevelopment of the site, particularly where a nine storey building stepping down across the rear of upper terrace had

been proposed. The applicant has worked within the constraints that the site presented and has worked with the LPA to try to address these matters while seeking to deliver a scheme that could be delivered in viability terms.

3.63. It must be remembered that the proposal is outline in form with all matters reserved, meaning that there will be further opportunity to improve the design and layout of the scheme at a later date.

3.64. While the LPA can demonstrate a five-year land supply, the local plan is nevertheless considered to be out of date, including in its references to the objectively assessed housing need. Paragraph 11 of the NPPF, regarding the presumption in favour of sustainable development, directs LPAs to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered ultimately that it is not the case that the adverse impacts outweigh the benefits, as considered above, and accordingly the recommendation is to grant permission.

g) **Recommendation**

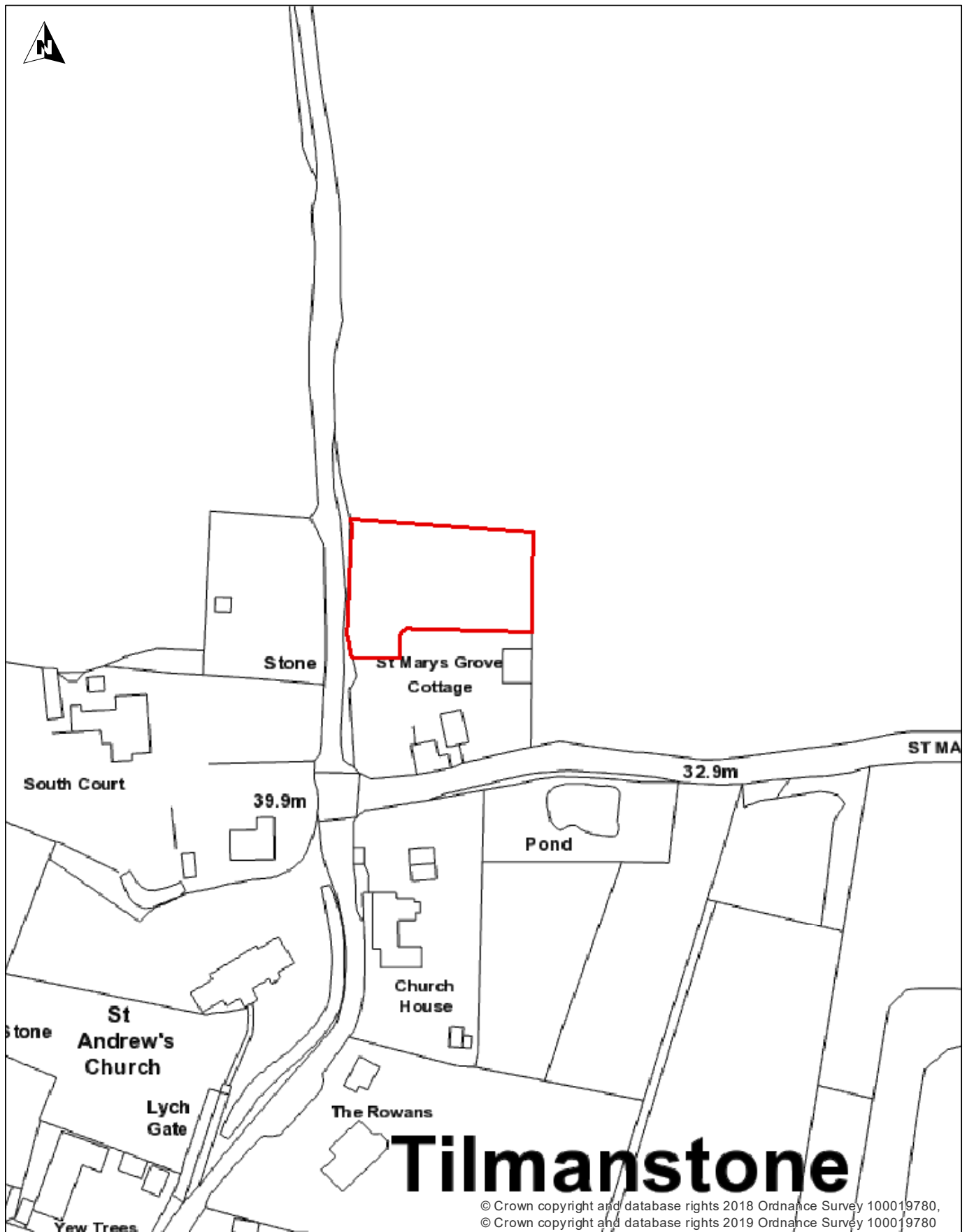
- I. Subject to a section 106 legal agreement, and conditions including the following, outline planning permission be GRANTED: (1) Drawings (2) Reserved matters – layout, scale, appearance, landscaping, access (3) Reserved matters time period for application (4) Reserved matters time period to commence (5) Accessible green space and equipped play space (6) Public realm management strategy (7) Highways – travel plan including exploration of Stagecoach smart card (8) Highways – visibility splays (9) Highways – parking and turning facilities, including provision for electric vehicle charging (10) Highways – cycle parking (11) Highways – completion of access prior to use of site commencing (12) Highways – completion of uncontrolled pedestrian crossing and associated highways alterations prior to use of site commencing (13) Highways – provision of measures to prevent discharge of surface water onto highway (14) Highways – bound surface first 5 metres from edge of highway (15) Highways – completion of alterations to traffic signals at Cherry Tree Avenue/Buckland Avenue, and Bridge Street/High Street junctions prior to use of site commencing (16) Sewerage – occupation of site phased in line with sewerage network reinforcement (17) Sewerage – foul drainage strategy (18) SUDS – detailed surface water drainage scheme (19) SUDS – operation and maintenance manual for proposed drainage scheme (20) SUDS – verification report for provision of scheme (21) SUDS – infiltration drainage only where agreed with LPA with reference to risk to controlled waters and ground stability (21) EH – land contamination and risk assessment (22) EH – remediation scheme, if necessary (23) EH – verification of remediation scheme, if necessary (24) EH – unidentified contamination (25) Foundation design – no piling unless consented by LPA (26) Trees – arboricultural method statement, including tree protection measures (27) Archaeology – cease works if remains found (28) Provision of recommended ecological enhancements (29) External lighting strategy, with regard to impact on ecology (bat-friendly) (30) Topographical details (31) Utility strategy (32) Marketing areas (33) Refuse bins (34) Construction management plan, noise remediation, vibration remediation, dust suppression, hours of working.

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

Case officer

Darren Bridgett

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DOV/19/00106

Author: Planning Services

Scale 1:1,120

Map Dated: 21/05/2019

Land Adjacent To St Marys Grove Cottage, Tilmanstone

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/19/00106 Erection of a detached dwelling with associated parking at Land adjacent to St Mary's Grove Cottage, St Mary's Grove, Tilmanstone**

Reason for report: At call-in request of Cllr Manion

b) **Summary of Recommendation**

Planning permission be refused.

c) **Addendum to Committee Report of 30 May 2019**

1.1 Members will recall that this application was considered at the Planning Committee meeting held on 30<sup>th</sup> May 2019. It was resolved to defer the application to enable a site visit, in order that Members could make an assessment of the impact of the proposal on the open character of the landscape and have regard to the personal circumstances of the applicants. The site visit will take place on Tuesday 18<sup>th</sup> June 2019.

1.2 A copy of the May committee report is attached for reference and should be read in conjunction with this report. The issues raised in this report are set out in response to points raised in the previous meeting and to clarify matters.

1.3 As outlined in the committee report the proposal represents a departure from the Development Plan (Core Strategy) in that it involves development at a Hamlet, outside of any identified settlement confines (paragraph 2.4 of the committee report refers). Policy DM1 states that development will not be permitted on land outside settlement confines unless:

- a) It is specifically justified by other development plan policies. (e.g. rural exception affordable housing).
- b) The development functionally requires a rural location (e.g. an agricultural workers dwelling).
- c) The proposal is ancillary to existing development (e.g. an annex for older relatives).

The proposed development does not fall within any of the above categories and as a result is contrary to policy DM1 which seeks to restrict development in the rural area in the interests of protecting the countryside and reducing travel by non-sustainable modes. The proposal is also contrary to the settlement hierarchy of the Plan (Policy CP1) which identifies Tilmanstone as a hamlet, not suitable for further development unless it functionally requires a rural location.

1.4 At the same time it needs to be recognized that part of the evidence base underlying the Core Strategy is not up to date which has the effect of applying less weight (for decision making purposes) to those policies which seek to control/manage residential development in the rural area, namely Policies CP1 and DM1. It's important to point out however that general countryside protection policies (DM15 and DM16) are not held to out of date and are considered to accord with the objectives of the NPPF. Therefore they can be afforded full weight.

- 1.5 Where relevant policies are not held to be 'up to date', the NPPF (paragraph 11) indicates, in line with the presumption in favour of sustainable development, that planning permission should be granted for the development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal when weighed against the policies of the NPPF as a whole.
- 1.6 This assessment, known as the "tilted balance" requires a clear understanding of the benefits and adverse impacts of the proposal relative to the overall aims of NPPF policy which is to achieve sustainable development having regard to economic, social and environmental objectives.
- 1.7 In economic terms and in the event that planning permission is granted, the proposal would provide some limited employment opportunities for a short period of time whilst the dwelling is constructed. In addition the occupants of the proposed dwelling could, in a very limited way, make use of local services and facilities in support of the local economy.
- 1.8 Some social benefits would arise from the supply of one new dwelling to the local housing supply. This is however a small contribution and it is recognised in paragraph 2.38 of the committee report that Dover District currently has a five year housing land supply, following the outcome of an Annual Monitoring Report in March 2019. The application proposes the provision of a 'lifetime home' to meet the particular needs of the applicant and in so doing would help meet a health and social need.
- 1.9 Environmental benefits of the development include the fact that the site, being garden land outside a settlement boundary, is technically 'previously developed land', the use of which is supported by the NPPF. At the same time, the proposed house would be occupied as a separate dwelling such that it would not be ancillary to the existing house or functionally require a rural location as such. The new dwelling would lead to additional travel from outside a defined settlement. Given the remote nature of the hamlet and the lack of alternative transport modes and limited services and facilities (there is a village hall, church and a childrens' play area, but no shops at Tilmanstone) most travel for day-to-day needs would be by private car. This would work against the NPPF objective of shaping places in a way that supports the transition to a low carbon future. It would also be contrary to DM11 of the Core Strategy.
- 1.10 The new dwelling would be sited on the edge of the hamlet and would be visible from public areas within the rural area, principally from North Court Lane, to the northwest of the site, adjoining and along which is a public right of way (Bridleway) EE266. Views of the dwelling from this direction would be clear and would result in a prominent form of built development in a location where the visual transition between the open countryside and the historic hamlet, is pleasantly 'soft' and sylvan in character, in a manner that compliments and enhances the rural character of the area. The current openness of the application site is important to retaining this transitional

character. The introduction of additional development in the from proposed would create a 'harder' edge to the hamlet. It would compromise the prevailing visual character and detract to the appearance of the countryside at this point contrary to Policy DM15. Policy DM15 does allow for a range of development 'exceptions' in the countryside which might cause harm to its character or appearance, including development justified by the needs of agricultural. However, residential development, such as the type proposed in this application are not included in the list of exceptions.

- 1.11 The concerns raised in this case relating to the harmful impact on the character of the countryside and the encouragement of non-sustainable travel are well established planning considerations which have informed the restrictive policy of the Core Strategy in this area (which prohibits new housing at hamlets) and which remain key issues in the NPPF for assessing the suitability of sites for housing development. The conclusion as set out in the May committee report, was that the proposal would conflict with these key policy issues (contrary to the Development Plan and NPPF) and as such planning permission should be refused.
- 1.12 As outlined at the Planning Committee meeting of 30th May, personal circumstances have been cited in this case as justification for the development, contrary to policy. These relate to the difficulties associated with adapting the applicant's current property (which is a listed building) to accommodate needs arising from a lack of mobility which are making day to day living increasingly difficult. The applicants wish to stay living in the village and the provision of a 1½ storey lifetime home on the site would facilitate this.
- 1.13 The needs of the applicant are material to the application; the NPPF recognizes that the needs of groups with specific housing needs, including people with disabilities, should be addressed. The Public Sector Equality Duty contained in the Equality Act 2010 also places a requirement on the local authority to minimize disadvantages suffered by disabled persons, albeit this does not necessarily override other requirements, such as planning policy.
- 1.14 Where consideration is to be given to setting aside established policy on the basis of a personal need, it would be expected (based on the approach taken by the Planning Inspectorate at appeal and elsewhere) that the case would have to be both compelling and of a type that was so specific, that it would be unlikely to repeated – this being important to ensure that a grant of permission wouldn't set a precedent for other similar developments. Based on the evidence currently before committee, regarding the circumstances associated with the need for the dwelling, it is not considered that this 'high bar' has been addressed such that permission could be exceptionally granted. In an appeal case elsewhere (which provides a useful comparison) the Inspector in grappling with similar types of issues raised by the current application, reached a decision to exceptionally grant permission (contrary to policy) having regard to:
  - The applicants serious illness confining him permanently to a wheelchair;

- The conclusion that the family's needs would be better served by a new dwelling on a single level;
  - Evidence relating to the applicants search for alternative properties nearby;
  - Evidence relating to the applicant's financial position;
  - Confirmation that the proposed dwelling was not excessive and was proportionate to the identified need;
  - The conclusion that the consequences of a refusal of planning permission would render the applicants homeless or force upon them separate living arrangements as a consequence of which their Human Rights (under Article 8 of the Human Rights Act 1998) would be materially compromised – a fact given considerable importance by the Inspector;
  - The uniqueness of the circumstances that would enable the local planning authority to resist future proposals for new dwellings in an area where policy prohibits housing; and
  - Recognising also the benefit of adding to the supply of housing for disabled persons, the imposition of a planning condition limiting occupation of the dwelling to persons with mobility issues.
- 1.15 The range of issues set out above, while drawn from one appeal, help identify the strength of case necessary for a personal need to override established policy and the type of controls potentially required through planning condition. Your officers have visited the site and met with the applicant and made the agent aware of the considerations outlined here. While difficulties associated with adapting the listed building are fully understood, at this current time, the need case outlined in the application are considered to fall well short of demonstrating that a truly exceptional case exists that would justify setting aside policy and the harm identified.
- 1.16 In summary, a key question to ask is whether this is the right location for residential development? - Whether the proposed development would provide a suitable site for housing, having regard to the proximity of services, the character/appearance of the area and the suitability of the highway network. In respect of the first two issues in particular, the site is considered unacceptable, giving rise to environmental objections which would significantly and demonstrably outweigh the benefits of the proposal. As a consequence it is judged that the proposal would not constitute a sustainable form of development and as such would be contrary to the objectives of the NPPF and the Development Plan.
- 1.17 Both Officers and Councillors are sympathetic to the needs of the applicants at St Mary's Grove Cottage and their preference to remain living in Tilmanstone. It would always be open to the applicant to seek to address the matters/issues outlined here as part of a future enquiry (although no commitment can be given as to whether any augmented case could be supported) however based on the nature of the application currently before committee, the recommendation remains to refuse permission.

Further matters

- 1.18 The outcome/discussion that took place at the site visit will be reported verbally at the Planning Committee meeting on 20<sup>th</sup> June 2019.
- 1.19 Since the original report was prepared, Tilmanstone Parish Council confirm they have 'no comments' to raise on the proposal.

**d) Recommendation**

REFUSE PLANNING PERMISSION for the following reason: (1) The proposed development would be located outside of any settlement confines, as identified on Dover District Council Policies Map 2015, does not functionally require a rural location and would not be ancillary to existing development and would therefore represent an unsustainable form of development. The proposal would be highly visible within its rural setting and harmful to the open character and appearance of the adjoining countryside. The proposal would be contrary to policies CP1, DM1, DM11, DM15 and DM16 of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Case Officer  
Hilary Johnson

**a) DOV/19/00106 - Erection of a detached dwelling with associated parking - Land adjacent to St Mary's Grove Cottage, St Mary's Grove, Tilmanstone**

Reason for report: At request of Cllr Manion

**b) Summary of Recommendation**

Planning permission be REFUSED.

**c) Planning Policies and Guidance**

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1-The location and scale of development in the District must comply with the Settlement Hierarchy. Tilmanstone is identified as a hamlet and not suitable for further development unless it functionally requires a rural location.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11-Development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures to satisfy demand to maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable

development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing.
- Paragraph 177 states: The presumption in favour of 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.
- Paragraphs 184, 185, 189, 190, 192 and 193 relate to the determination of planning applications in relation to the historic environment and heritage assets.

#### The Kent Design Guide

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

#### Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66 states that “In considering whether to grant planning permission for development which affects a Listed Building, special regard should be had to the desirability of preserving the building or its setting.”

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

**d) Relevant Planning History**

DOV/04/00747 Erection of a covered swimming pool - refused

**e) Consultee and Third Party Responses**

Parish Council

No representations received at the time of preparing the report.

Southern Water

There are no public foul and surface water sewers in the vicinity and the applicant is advised to examine alternative means of foul and surface water sewage disposal. The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The Council’s Building Control Officers should be asked to comment on the adequacy of soakaways to dispose of surface water. Any sewer found crossing the site during construction works will require investigation to ascertain its condition.

County Archaeologist

Notes that the submitted Heritage Statement does not consider the archaeological impact of the proposal. It is noted that Tilmanstone is located in an archaeological landscape that is generally rich in archaeological remains. The Kent Historic Environment Record notes that Roman pottery has previously been found within the village churchyard, whilst Roman archaeological remains are also recorded around 50m to the north east of the proposed site. It is possible that the proposed development may affect remains of archaeological interest and it is recommended that if planning permission is granted, provision is made for a programme of archaeological work.

KCC Highways

The Highways Engineer would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicle access which would become a shared driveway for both dwellings. The use of the access by one additional dwelling would not have a detrimental impact on highway safety.

KCC PROW

Notes that PROW EE266 passes along North Court Lane and adjacent to the proposed site which is a material consideration. No objections are raised to the proposal but safeguarding Informatives are recommended in the event that planning permission is granted.



### Environmental Health

If development is carried out and contamination is found then it shall be reported immediately to the Local Planning Authority and a remediation scheme shall be prepared.

### Heritage Officer

The proposed building would not be widely visible from public view points and views within the Conservation Area including from the church yard. Confirmation has been received that there is sufficient separation between the existing Listed Building and the proposed dwelling that the setting would not be harmed. If a recommendation for approval is taken forward then it is suggested that Permitted Development rights are removed to ensure a quality building. Relevant conditions would also be required covering external materials, eaves details, flues, meter boxes etc.

### Natural Environment Officer

The Ecological Appraisal has been reviewed and no concerns raised. Any permission should adopt the recommendations for biodiversity net gain.

### Third Party Representations

A total of 8 representations have been received. Of these 6 are in support and 2 raise objections. Those in support make the following comments:

- The proposed dwelling would be in sympathy with the surrounding architecture and local environment. A barn style home would be no more harmful to the area than a barn that could be erected on the adjoining field.
- The proposal would meet the policies for sustainable homes.
- St Marys Grove Cottage is a small Listed Building that is unsuitable for a person with disabilities. This is a much needed Lifetime Home.
- The surrounding garden would be attractive and wildlife friendly.
- The development adjoins the Conservation Area and can be seen from the church.

Those against the proposal make the following comments:

- The proposal would involve the creation of a separate dwelling and would encourage other similar schemes in gardens within Tilmanstone, creating a precedent for other sites within the Conservation Area.
- Lack of facilities such as shop, school, surgery etc.
- Proposal would add to poor air quality.
- There are enough new houses locally.

**f) 1. Site and Proposal**

- 1.1 St Marys Grove Cottage is a detached dwelling and grade II Listed Building situated on the north side of St Marys Grove at its junction with North Court Lane on the edge of the hamlet of Tilmanstone and adjoining open countryside. It is described as dating from the late 17<sup>th</sup> century, being single storey with attic room, shaped gabled roof, two gabled dormers and a contemporary rear wing. The property falls within the Conservation Area and also lies in an Area of Archaeological Potential.
- 1.2 The property is situated adjacent to the southern boundary of the site and reached via a vehicle access leading from North Court Lane. To the rear of the dwelling is a detached building that is used for ancillary residential accommodation. There are also various sheds and stores within the garden that are incidental to the enjoyment of the dwelling.
- 1.3 St Marys Grove Cottage benefits from a large residential curtilage that extends to the north which is primarily maintained as a grass meadow. The dwelling is adjoined by undulating agricultural land.
- 1.4 The application relates to the northern half of the site which comprises generally flat land that is laid to rough grassland with some mown paths within it. There is a small summer house towards the rear of the application site and a mix of tree and shrub planting of various ages around the boundaries. The land appears to be part of the residential curtilage based on planning history and from photographic evidence. It would appear that it has been used in this way for around 15 years. The application site has a frontage to North Court Lane of approximately 33m and a depth of 42m.
- 1.5 Tilmanstone is identified on the Local Plan map as a hamlet. No confines are defined due to the category of the settlement. In the immediate vicinity are several other older dwellings that are also Listed Buildings, as is the nearby Grade I listed St Andrews Church.
- 1.6 Full planning permission is sought to sub divide the plot and erect a detached three bedroom L-shaped dwelling to be sited roughly centrally within the proposed plot.
- 1.7 The proposed house would comprise a living area and kitchen, utility room, porch/WC, en suite bedroom and hobbies room on the ground floor. A lift would provide access to the first floor which would accommodate two further en suite bedrooms.
- 1.8 The proposed dwelling would be of a contemporary design and is described as a “Lifetime Home” that would incorporate features which would add to the comfort and convenience of the occupants whilst supporting their changing needs.
- 1.9 The building is designed with a slightly higher pitched roof section at the rear, positioned parallel with the frontage of the site and a second ridged roof section projecting forwards at right angles. The dwelling would be finished in grey metal profile sheeting to the walls and roof with grey aluminium framed windows. The rear section would incorporate roof lights and solar panels on the eastern elevation.

- 1.10 The proposed dwelling would be reached via the existing access which would be shared for the first section with St Marys Grove Cottage. A new driveway would then lead in front of the proposed dwelling towards two parking spaces adjacent to the northern boundary of the plot. Sufficient access and parking space would remain within the curtilage for the occupants of St Marys Cottage.

## 2. **Main Issues**

The main issues are:

- The principle of the development.
- The impact on the character and appearance of the Conservation Area and setting of the Listed Building.
- The impact on the adjoining countryside
- The impact on residential amenity.
- The impact on the highway network.
- The impact on ecology.

### **Assessment**

#### Principle of Development

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocations Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. However, some weight should still be applied to Policies CP1 and DM1 of the Core Strategy.
- 2.4 Under policy CP1 of the Core Strategy Tilmanstone is identified as a hamlet. No village confines are applied to this category of settlement, which are not considered suitable for further development unless a rural location is functionally required. The proposed dwelling in this instance does not functionally require a rural location and would not be ancillary to any existing development. Policy DM1 presumes against development in such a location (beyond settlement confines) and circumstances unless justified by other development plan policies, none of which apply here. The proposal is therefore contrary to policies CP1 and DM1.

- 2.5 Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside rural settlement confines unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to policy DM11.
- 2.6 In recent times the Council has not been able to demonstrate a five year housing land supply. In March 2019 however an Annual Monitoring Report concluded that the Council now has an available 5 year supply of housing land.
- 2.7 Regard will be had in this report to whether there are any material considerations which indicate that permission should exceptionally be granted contrary to the Development Plan.

#### Impact on Character and Appearance of the Area

##### Character of the Area

- 2.8 Tilmanstone is a fairly well spread out settlement with many houses adjoining the back edge of the highway. The size and shape of plots vary, as well as the scale and nature of the residential properties. The rear boundaries of many plots adjoin open countryside or agricultural land. The surrounding countryside is undulating with quite far reaching views across fields.
- 2.9 St Marys Grove Cottage lies at the edge of the hamlet and the Conservation Area. The built development in the vicinity is quite sparse and the application site is adjoined by farm land to the north and east. This relationship has a strong impact on the special character of the Conservation Area and makes a significant contribution to the setting of this Listed Building.

##### Impact on Conservation Area and Listed Building

- 2.10 Paragraph 193 of the NPPF advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 require "special regard" and "special attention" to be paid to the desirability of preserving Listed Buildings and Conservation Areas.
- 2.11 The proposal would involve the introduction of a three bedroom dwelling with an L-shaped footprint and some accommodation at first floor level. The building would be designed with a steeply pitched roof and would be constructed of grey metal profile sheeting to the walls and roof. The dwelling is said to be in the style of a barn and would incorporate high levels of thermal insulation, grey water harvesting, solar panels and sustainable materials.
- 2.12 It is necessary to have regard to any impact of the dwelling on the setting of the listed building, St Marys Grove Cottage and its particular heritage assets. St Marys Grove Cottage is an historic, well maintained property positioned adjacent to the southern boundary of the plot. It is considered that there would be sufficient separation distance between the existing and proposed dwellings such as to avoid harm to the setting of the historic Listed Building. It is

concluded that the proposal would not result in a harmful alteration to the setting of the listed building and the significance of St Marys Grove Cottage as a listed building would not be lost with the subdivision of the plot. The Heritage Officer has confirmed that no objections are raised and that there would be sufficient separation between the existing listed building and the proposed dwelling.

- 2.13 In addition to the relationship with the host dwelling it is also necessary to have regard to the impact on the special character of the Conservation Area. It is acknowledged that the site can be glimpsed from various viewpoints when travelling through the hamlet on foot or by car. The proposed dwelling would be sited over 80m away from the listed church and its grounds to the south west and is well separated from it by North Court Lane, established hedging and some mature trees. Whilst it may be possible to view the site from the church yard, the proposed dwelling would not be seen in context with the church and will not affect its setting.
- 2.14 The proposed dwelling would clearly be in a contrasting design to that of St Marys Grove Cottage but would have reference to a rural building by reason of its design and external materials. The dwelling would be reached via the existing driveway avoiding the need for the creation of a new access and opening up of the site frontage, which could start to erode the rural character. The chosen design of the house and location within the site would not be harmful to the particular character of this part of the Conservation Area.

#### Impact on Countryside

- 2.15 The application site does not fall within any designated landscape and is accessed from a no through road. Whilst North Court Lane has limited vehicle use, it is also classed as a Public Right of Way and is available for use by pedestrians. The application site can be viewed from a distance or close up when using the Public Right of Way along North Court Lane.
- 2.16 The proposed dwelling would be sited on the edge of the hamlet, adjacent to undeveloped agricultural land. When travelling south along North Court Lane the proposed dwelling would (along with various other dwellings) be visible at a distance, but would be partly screened by some existing landscaping.
- 2.17 St Marys Grove Cottage is set well away from the northern boundary of the site and is separated from the countryside by its large garden and some boundary planting. It is generally seen as occupying a spacious plot and the garden provides a softer edge as it adjoins the undeveloped farmland beyond. The proposal would clearly introduce a dwelling of more contemporary design closer to the open undeveloped countryside to the north, in effect extending built development in a location where the character is open with views across the site dominated by an open rural landscape. The proposal would therefore be detrimental to its current rural character at this very sensitive edge of hamlet location. It is concluded that the proposed dwelling would be detrimental to the currently open landscape character and nature of the countryside, contrary to the aims of policies DM15 and DM16.

#### History

- 2.18 Planning permission was refused for a detached single storey building accommodating a swimming pool under application reference number DOV/04/00747. The submitted drawing showed a ridged roofed building situated towards the front of the application site. The proposal was refused for the following reasons:

*“1. The construction of the proposed building would result in an isolated and sporadic form of development in the countryside. Accordingly it would be directly contrary to Policies ENV1 and RS5 of the Kent Structure Plan and policies C01 and DD8 of the Dover District Local Plan.*

*2. The proposed building, by virtue of its appearance, size, bulk and position would have a detrimental impact on the special character of the Tilmanstone Conservation Area and the setting of St Mary's Grove Cottage, a Grade II Listed Building. Accordingly it is contrary to the provisions of the Development Plan, in particular the Kent Structure Plan policies RS1, ENV17 and ENV19 and the Dover District Local Plan Policies DD1, DD8, HE2 and HE4. “*

- 2.19 At that time it was noted that the proposed building (measuring 12x 7m) was large and would detract from the setting of the Listed Building. In particular the design of the building, despite having weatherboard cladding and clay tiles roof was considered to be modern and out of keeping with this rural fringe location. The scale of the building was also considered to be large in comparison to the more modest scale of the dwelling and would be visually prominent, detrimental to the rural setting of the cottage. Overall the structure was considered to be incongruous within this location.
- 2.20 This application, whilst somewhat historic, provides a useful background for how previous proposals were viewed on this site.

#### Impact on Residential Amenity

- 2.21 The proposed dwelling would be sited approximately 32m away from the nearest point of the host dwelling and 22m away from the ancillary residential outbuilding. Due to this satisfactory separation distance there would be no direct overlooking or loss of privacy such as to impact on the residential amenities of the occupants of either the existing or proposed dwellings.

#### Highways Impacts and Sustainable Travel

- 2.22 KCC Highways would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicular access associated with St Marys Grove Cottage. The use of this drive by one additional dwelling would not have an unduly harmful impact on the number of vehicles accessing North Court Lane. A satisfactory number of off street parking spaces and manoeuvring areas would be provided for the occupants of the existing and proposed dwellings in accordance with the requirements of policy DM13.
- 2.23 It is accepted that although the site is not in an isolated location there are not many amenities within the hamlet of Tilmanstone. The site does have good connections to the highway network. The A256 is located around 500m to the east of the site which connects Whitfield and Dover to Sandwich and Thanet to the north. The future occupier of the proposed dwelling would be heavily reliant on the use of a car, which would promote travel which is not sustainable.

- 2.24 It is understood that Tilmanstone is served by four bus routes, most of which offer a limited week day service and meet the needs of children going to school in Dover or Sandwich. As a consequence of the limited bus service it is considered that the proposal would increase travel demand by non-sustainable modes of travel, contrary to the objective of policy DM11.

#### Ecological Scoping Survey

- 2.25 The application site comprises garden land. The submitted Scoping Survey revealed that there were no unusual, uncommon or protected species at the site. The peripheral hedgerow habitat was a common one but has been modified over the years by gardening activities such as the addition of non-native species. The development proposals for the survey site will not affect the nearby designated sites, except for potentially increasing the footfall within all of them. No potential bird breeding habitat should be cleared between late March to the end of July inclusive.

- 2.26 It is strongly recommended that to provide some positive ecological benefits some wildlife conservation measures and mitigation should be incorporated into the proposal, such as the provision of bird boxes, bee nest boxes, native species landscaping etc.

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

- 2.27 The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

The following appropriate assessment has been undertaken on that basis.

- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 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.
- 2.32 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and

Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

#### Archaeology

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

#### Drainage

- 2.34 Southern Water advise that an alternative means of disposing of foul water will be required as there are no public foul and surface water sewers. This matter can be covered via a safeguarding condition and informative in the event that planning permission is granted.

#### Overview

- 2.35 It is understood that the applicants have lived in the village for a while and wish to remain in Tilmanstone. St Marys Grove Cottage is no longer said to be suitable due to the applicants' personal health issues. The concerns and wishes of the applicants are completely understood and the Council is sympathetic to their preferences. In planning terms however it is necessary to consider the wider and longer term policy implications of the proposal rather than the immediate requirements of the current occupants which would not normally have sufficient weight, as a material consideration, to overturn rural settlement policy.
- 2.36 Paragraph 11 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.37 Assessed against the three core roles that planning fulfils, namely social, economic and environmental, the adverse impacts and benefits of this proposal are summarised as follows:
- 2.38 With regard to the social role the proposal would provide an additional dwelling which would, to a modest degree, contribute towards the Districts housing supply, although at this point in time it will be recognised that the Council now has a 5 year housing land supply. A single dwelling would also make a modest contribution to supporting local community activities, facilities and services, albeit the latter are relatively limited in number.
- 2.39 The development would provide a short term economic benefit, by providing employment during the construction phase. It would provide an opportunity for occupants of the dwelling to support local businesses in the hamlet and/or nearby settlements, albeit from one dwelling this would be a very limited gain, with the benefits further reduced by the relative remoteness of the hamlet from rural business services.



- 2.40 In environmental terms the relatively remote location of the site and lack of local services would mean a high level of travel for day-to day needs and activities. In all likelihood this would involve a heavy reliance on the use of the private car, although some limited opportunity for use of the local bus services are recognised. Based on the characteristics of the site and the sensitive design of the proposed dwelling, no adverse impact on the setting of the Listed Building or Conservation Area have been identified, although harm would arise to the character of the countryside through the introduction of a new building within a prominent edge of hamlet location and at a point where the character is formed by open views within a landscape setting.
- 2.41 Applying the tilted balance to this evidence, it is considered that harm would arise, this which would be contrary to Development Plan and NPPF objectives. This harm would be moderated to some extent by the availability of a restricted bus service at the hamlet and a range of limited benefits have been identified, the cumulative impact of which provides a modest beneficial impact. The test applied at paragraph 11 of the NPPF is that permission should be granted unless the harm is judged to significantly and demonstrably outweigh the benefits of the scheme. The conclusion drawn here is that the overall level of harm arising from the introduction of a new dwelling outside a hamlet with no defined confines, the impact on the landscape character and associated vehicle activity would significantly and demonstrably outweigh the benefits.

### **3 Conclusion**

- 3.1 The application has been given careful consideration having regard to adopted local and national planning policies and guidance. The assessment has had regard to the fact that whilst the proposal is contrary to the Development Plan rural settlement policies, the infringement derives from the classification of the settlement under policy CP1 and this is currently in tension with the NPPF which seeks to avoid blanket restricting housing development in some settlements and not in others, unless supported by robust up to date evidence. It is recognised that in this case the evidence for the Core Strategy is no longer up to date.
- 3.2 Notwithstanding the above, the environmental harm as identified above is concluded to significantly and demonstrably outweigh the minor social and economic opportunities associated with a new dwelling in this location.
- 3.3 In the particular circumstances of this case and having regard to the tilted balance, it is considered that the proposal cannot be exceptionally justified and that planning permission for an additional dwelling should be withheld.

#### **g) Recommendation**

PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. The proposed development would be located outside of any settlement confines, as identified on Dover District Council Policies Map 2015, does not functionally require a rural location and would not be ancillary to existing development and would therefore represent an unsustainable form of development. The proposal would be highly visible within its rural setting and harmful to the open character and appearance of the adjoining countryside. The proposal would be contrary to policies CP1, DM1, DM11, DM15 and DM16

of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Case Officer

Hilary Johnson