

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

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

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** (Pages 5 - 9)

To confirm the attached minutes of the meeting of the Committee held on 15 August 2019.

5 **ITEMS DEFERRED**

There are no deferred items.

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 10 - 13)

6 **APPLICATION NO DOV/19/00403 - SHEMARA FARM, WOODNESBOROUGH LANE, EASTRY** (Pages 14 - 35)

**Outline application for the erection of 28 dwellings with restrictive occupancy of ten dwellings to householders aged 55 years and older; together with creation of internal access road, landscaping and associated development (existing equestrian development to be demolished) with appearance, landscaping, layout and scale reserved**

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

7 **APPLICATION NO DOV/18/01263 - FORMER UNITED REFORMED CHURCH, HIGH STREET, DOVER** (Pages 36 - 50)

**Conversion of church building to provide 16 self-contained apartments and associated development**

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

8 **APPLICATION NO DOV/19/00658 - SANDWICH COARSE FISHERY, SANDWICH ROAD, ASH** (Pages 51 - 57)

**Change of use of land to a fishing conservation lake**

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

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

9 **APPEALS AND INFORMAL HEARINGS**

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

10 **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 will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](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.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 August 2019 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
D G Beaney  
P M Brivio  
S S Chandler  
J P Haste  
D P Murphy  
O C de R Richardson  
H M Williams

Also present: Councillor P D Jull

Officers: Principal Planner  
Principal Planner  
Planning Officer  
Planning Officer  
Planning Solicitor  
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/18/01168	Mr Pete Hadley	Mr David Harris

25 APOLOGIES

It was noted that apologies for absence had been received from Councillors E A Biggs, T A Bond, J P J Burman and D G Cronk.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors J P Haste, S S Chandler and P M Brivio had been appointed as substitute members for Councillors E A Biggs, T A Bond and J P J Burman respectively.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 MINUTES

The minutes of the meeting held on 18 July 2019 were approved as a correct record and signed by the Chairman.

29 ITEMS DEFERRED

The Chairman noted that the one deferred item would be considered at the meeting.

Members viewed drawings, plans and photographs of the application site. The Principal Planner explained the extent and scope of the proposals. Three representations had been received since the report was written: one reiterating objections to the application, one in support, and a third from the Wellington Parade Residents' Association which, amongst other things, contested that the existing property should not be judged solely as a nursing home when it had existed as a private residence for 81 years.

The Principal Planner referred to a legal opinion submitted by an objector which raised legal concerns about the report in respect of the setting of heritage assets, whether the former use of the site should be taken into account and whether the 'tilted balance' should be applied. Members had received a written Officer response to these matters prior to the meeting, essentially advising Members that they could lawfully reach a decision on the application based on its planning merits and the issues before them. A further response had been received from the objector which took issue with the Officer's written response in respect of continued concerns regarding highway issues and whether the 'tilted balance' should be applied.

The Principal Planner advised Members that, in Officers' judgement, the 'tilted balance' found in paragraph 11 of the National Planning Policy Framework (NPPF) should be applied as the 'most important policies for determining the application' were considered to be out-of-date due to inconsistency with the NPPF and in the context of recent case law. This was, in major part, due to the fact that Policy DM1 was considered to be out-of-date and many of the other important policies for the determination of the application were linked to this policy. Irrespective of that, however, Members were not precluded from reaching a contrary view to Officers on the application, which may be based on design and highway issues.

Officers had nothing further to add in respect of design issues other than what was in the report. With regard to highway issues, the Committee was referred to the written advice in that, even without reliance on the fall-back position, Officers and Kent County Council (KCC) Highways considered the development to be acceptable.

Councillor R S Walkden reported on the site visit held on 13 August which had been well attended. By a ratio of 3:2, Members had concluded that the proposal would be acceptable since it would have a lower profile and a similar footprint to the existing building, and due to the quality of detailing and materials to be used.

Councillor D P Murphy raised concerns about the design of the proposed development which, in his opinion, would be detrimental to the street scene. Councillor H M Williams agreed, adding that the proposed block of flats did not reflect the character of the area, as required by the NPPF, which comprised large family houses. Moreover, it was incorrect to describe the location as sustainable when it was poorly served by buses. Whilst the proposed design was good for an urban setting, in her view it was not appropriate for a seaside location.

The Chairman pointed out that the development was unlikely to generate any more traffic movements than the nursing home. In response to a point made about hardstanding and the amount of surface water run-off, Councillor S S Chandler requested that any materials used for hardstanding should be porous. She stated

that she had studied the various documents and representations made. The proposed building would be replacing something equally as high and substantial. The existing building's most recent use was as a nursing home, and it was this use that the Committee was required to compare the proposal with. In her view, there would have been a considerable number of traffic movements associated with the nursing home and the proposed development was unlikely to generate more. In any case, KCC Highways had advised that the proposal was acceptable. In respect of the roadway, this was private and its condition and use was a legal matter for the owners of the site and not a consideration for the Committee. A bus service was available and the nearby cycle-path added to the site's sustainability. There would be no impact on Walmer Castle as the building could not be seen from the castle. The development would bring benefits in that it would provide housing units which were needed. All of these factors considered, she proposed that the application should be approved.

RESOLVED: (a) That Application No DOV//18/01168 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Approved plans;
- (iii) Details of materials and architectural detailing such as ridge tiles, fascia board, etc;
- (iv) Parking and turning provision;
- (v) Cycle provision;
- (vi) Details of refuse and recycling;
- (vii) Details of landscaping scheme;
- (viii) Removal of existing trees to be carried out in accordance with ecological report;
- (ix) Ecological measures, including bat mitigation strategy to be carried out in accordance with ecological report;
- (x) Further details of surface water disposal and ongoing maintenance;
- (xi) Development to be carried out in accordance with construction management plan, to include pre-commencement photographic survey, wheel-washing, construction times and types of vehicles.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to resolve any necessary planning conditions, in accordance with the issues set out in the report and as resolved by the Planning Committee.

Members were shown a map and photographs of the application property which was Grade II-listed and currently in use as offices. The Planning Officer advised that the application sought planning permission for a change of use to a single family dwelling. No external alterations were proposed and listed building consent for the internal alterations had already been granted.

In response to Councillor Walkden who queried whether it would be possible to impose a condition preventing it from becoming a House of Multiple Occupation (HMO), the Planning Officer advised that such a condition was likely to be considered unreasonable, and the imposition of such a condition could be difficult to defend at appeal. He did not think it was the applicant's intention to turn the building into an HMO, but a licence for this purpose would be required from the Council's Private Sector Housing department. To clarify, Members were advised that conditions must be assessed against the six tests found in paragraph 55 of the NPPF, namely they should be: (i) necessary (to make the application acceptable); (ii) relevant to planning; (iii) related to the application; (iv) precise; (v) enforceable; and (vi) reasonable in all other respects. Conditions must meet all six tests and, given that an extant planning permission for the property would allow use as an HMO, and in the absence of any evidence or policy support to suggest that such a use was not acceptable, it would not be advisable to impose such a condition. In this case, in the view of Officers, the condition was not necessary to make the application acceptable, nor was it considered reasonable. If appealed, costs may be awarded against the Local Planning Authority (LPA) if an inspector took the view that the LPA had acted unreasonably.

In response to Councillor Chandler, the Planning Officer clarified that the property would not require planning permission to become an HMO as such development was permitted by the General Permitted Development Order (GPDO). Essentially, under the GPDO, every family dwelling had the right to switch to a 'small' HMO. As a general rule, HMOs housing fewer than six people did not require planning permission. Prior approval would not be required and the Council would have no ability to prevent such a use.

RESOLVED: (a) That Application No DOV19/00368 be APPROVED subject to the following conditions:

- (i) 3-year time commencement;
- (ii) Approved plans;
- (iii) Provision of waste/bin storage;
- (iv) Provision of cycle storage area;
- (v) No sleeping accommodation at lower ground-floor level;
- (vi) Provision of flood mitigation measures.

(b) That powers be delegated to the Head of Planning, 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.

The Committee was shown a map, drawings, plans and photographs of the application site. The Planning Officer advised that planning permission was sought for a first-floor rear extension. The proposal shared the same footprint as the existing ground-floor extension and was low key in nature. The original submission had proposed a much larger extension than the one now under consideration. No objections had been received since the amended plans were submitted, and Officers were satisfied that all issues had been addressed.

RESOLVED: (a) That Application No DOV19/00543 be APPROVED subject to the following conditions:

- (i) Three years to commence development;
- (ii) In accordance with approved plans;
- (iii) Sample of cladding to be submitted;
- (iv) No additional windows or openings on side elevations of extension.

(b) That powers be delegated to the Head of Planning, 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.

33 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 6.50 pm.

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### The Reports

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

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

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

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

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

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

### Site Visits

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

The following criteria will be used to determine usefulness:

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

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

### Background Papers

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

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

## **IMPORTANT**

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

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

### **The Development Plan**

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

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

## Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

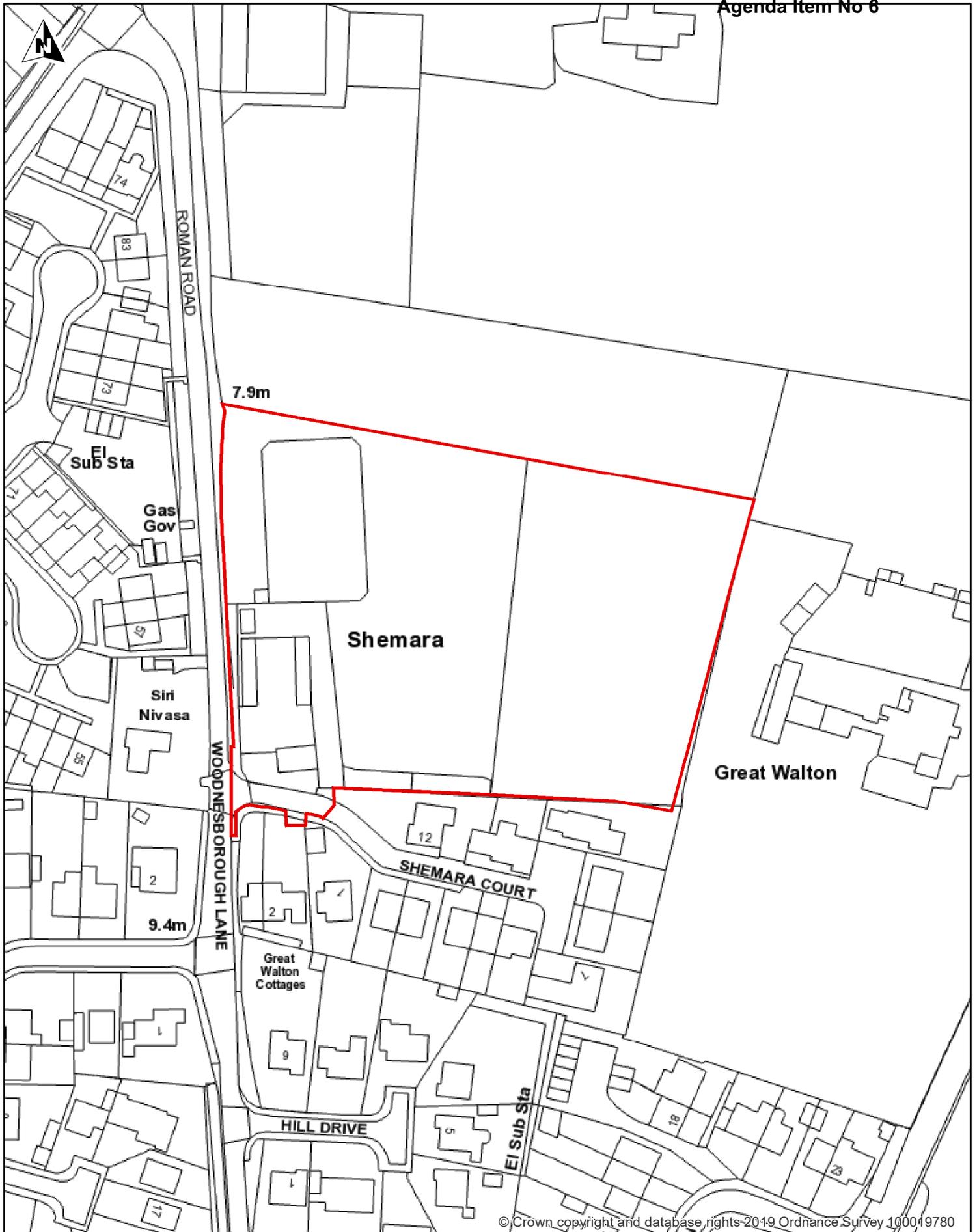
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

## PUBLIC SPEAKING AT PLANNING COMMITTEE

---

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



DOV/19/00403

Shemara Farm, Woodnesborough Lane  
Eastry, Sandwich  
CT13 0DX

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/19/00403 – Outline application for the erection of 28 dwellings with restrictive occupancy of 10 dwellings to householders aged 55 years and older; together with creation of internal access road, landscaping and associated development (existing equestrian development to be demolished) with appearance, landscaping, layout and scale reserved – Shemara Farm, Woodnesborough Lane, Eastry**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1200 (around 8%) is identified for the Rural Area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan

Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

#### Land Allocations Local Plan

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

#### National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
  - ii. 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.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- 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. Where there is a need for affordable housing, developments should typically provide this housing on site. Of particular note, is paragraph 78 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that the potential impacts of development on the significance of heritage assets must be understood and assessed. Where harm would be caused to a designated heritage asset or its setting, regard should be had as to whether the harm is substantial (or the total loss of significance) or less than substantial. Where substantial harm would be caused, permission should be refused unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or where certain criteria are met. Where less than substantial harm would be caused, this harm should be weighed against the public benefits, including securing its optimum viable use.

#### The Kent Design Guide (KDG)

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

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

DOV/16/00521 - Erection of 12 dwellings together with associated internal access road, parking, landscaping and alteration to existing vehicular access - Granted

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

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

Crime Prevention Officer – The designing Out Crime Officer has not been contacted by the applicant or agent. Recommendations have been made.

Natural England – No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Environment Agency – No comments.

Southern Water – The position of the sewer should be established on site. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.

Southern Water can provide foul sewage disposal to service the proposed development. There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. Southern Water can provide a water supply to the site.

It is requested that, should permission be granted a condition be attached to require that a scheme for foul and surface water disposal be submitted for approval.

Highways England – No objection

KCC Highways and Transportation – *Initial response received 20<sup>th</sup> May 2019*

Insufficient information has been provided of the TRICS data used. Visibility at the access point onto Woodnesborough Lane is acceptable, subject to the existing tree stump to the north of the access being lowered to 1m above carriageway level.

*Subsequent response received 30<sup>th</sup> August 2019*

Amended trip rates and revised drawings have now been submitted. The intention is for the internal road to remain private. The development would generate 18 two-way vehicle movements in the peak hour, which are unlikely to have a severe impact on the wider highway network. Woodnesborough Lane would be widened to allow tow vehicles to pass each other (4.8m wide). The northern radius of the access would also be widened. Vegetation encroaching the highway opposite the site access can be cleared to improve the width of the highway. The vehicle tracking plans demonstrate that refuse vehicles can manoeuvre through the site and along the road. The site benefits from suitable pedestrian access to the school, bus stops and the village centre. The access arrangements are therefore acceptable. It is requested that all spaces are equipped with suitable facilities to enable charging of electric vehicles.

No objection is raised, subject to conditions.

KCC Economic Development – *Initial response received 15<sup>th</sup> April 2019*

Primary and secondary school contributions are not required for over 55's housing. A contribution of £1344.44 (£48.02 per dwelling) should be secured for library book stock. High Speed Broadband should be provided.

*Subsequent response received 11<sup>th</sup> June 2019*

On the basis of 10 age-restricted to over 55's and 18 unrestricted, KCC would additionally require £74,070 (£4115 per applicable house, i.e. non-age restricted)

towards the Phase 2 expansion of Dover Grammar School for Girls. There is no requirement for primary school infrastructure.

KCC Lead Local Flood Authority – Initial response received 29<sup>th</sup> May 2019

The information submitted is insufficient for us to be able to recommend the approval of this scheme as the submitted statement does not include the background evidence to effectively demonstrate those statements.

Subsequent response received 9<sup>th</sup> July 2019

The LLFA's concerns have now been resolved. The reserved matters application will need to demonstrate the exceedance flow route discussed in Herrington's e-mail of 8<sup>th</sup> July. Conditions are recommended regarding the accommodation of surface water drainage within the reserved matters layout; a detailed sustainable surface water drainage scheme will be provided; and a verification report is provided to demonstrate that the approved surface water strategy has been implemented before occupation.

River Stour Internal Drainage Board – The site has been identified as having a high risk of flooding from surface water. Provided the soakaways are designed in agreement with KCC's SuDS team, IDB interests should not be affected.

NHS CCG – A contribution of £18,720 should be made towards the extension of Sandwich Medical Practice.

DDC Waste Officer – The access road to be used by collection vehicles should be capable of accommodating a 26 tonne vehicle weight. One corner (adj. to units 9 to 14) could be tight. Vehicles should not park where they would hinder collection vehicles. The developer will need to pay for all bins.

DDC Environmental Health – No observations.

Rural Planning Consultant – No detailed agricultural land classification study of the land concerned appears to have been submitted, but the land but it is within an area that has been provisionally mapped as Grade 1 (excellent quality). It lies in a general area indicated as freely draining loamy soils. No current agricultural business would be affected by the proposal, as the site has been in equestrian use. It is for the council to consider what weight to apply to the loss of BMV agricultural land.

Eastry Parish Council – Object. The existing access is substandard and insufficient car parking is proposed, given the bus services and footpaths. If the proposed site is for over 55s planning for the future why is only one bungalow proposed.

Public Representations –

Sixteen letters of objection have been received, raising the following objections:

- Loss of agricultural land/countryside, contrary to the development plan
- Increased traffic
- The highway cannot accommodate more vehicle movements
- Insufficient car parking
- Poor visibility at junction
- The junction is narrow
- Pedestrian routes into the village are unsafe
- Overdevelopment

- There is no demand for houses in this location
- Two storey houses are not suitable for the over 55's.
- Increase pollution and noise etc.
- Localised flooding
- Impact on Great Walton (Grade II Listed)
- Insufficient communication or consultation
- Loss of privacy to neighbours
- Limited infrastructure
- Loss of wildlife
- Impact on rural landscape/character of the area
- Loss of light to apple orchard
- Spraying of the fruit trees may impact on future occupants of the development

In addition, one neutral letter has been received, making the following comments:

- appropriate hedging and/or fencing will be established along the boundary of the new estate
- braches and leaves that fall on the application site should be the responsibility of the new housing

- f)
1. **The Site and the Proposal**
    - 1.1 The site is located adjacent to, but outside of, the settlement confines of Eastry. The site is therefore considered to be within the countryside for the purposes of planning. To the north east of the site is the Grade II Listed Great Walton.
    - 1.2 The area is residential in character, comprising predominantly mid to late C20th cul-de-sacs linked to the more historic streets of Woodnesborough Lane, Gore Lane and Sandwich Road. The houses are road fronting and comprise a broad mixture of bungalows, chalet bungalows and two storey dwellings. The layout of development breaks down a little around Orchard Road, where many properties back onto Lower Gore Lane and Woodnesborough Lane. The area does not have a strong defining character, although the properties on each cul-de-sac are typically of uniform design.
    - 1.3 The site itself measures approximately 1.07 hectares, is currently laid to grass and is used for the grazing of horses. The land is largely devoid of buildings except for a series of small outbuildings and stables used in conjunction with the keeping of horses. To the north western corner of the site is a manage. There is an earth bund along the part of the western boundary. The site is relatively flat, but has a slight fall from north to south, with the lowest point approximately in line with the access.
    - 1.4 This is an outline planning application which includes consideration of the access. Appearance, landscaping, layout and scale are reserved. The application was originally submitted for the erection of 28 dwellings which would be age-restricted to occupation by people who are over 55 years of age. However, the application was subsequently amended to allow 18 of the dwellings to have unrestricted occupation, with the remaining 10 units being age-restricted. The development would utilise the existing access onto Woodnesborough Lane, albeit alterations are proposed to the access, together with the widening of a section of Woodnesborough Lane to 4.8m. Indicative details have been provided for the layout of the development and

the scale of building (which show a range of one, one and half and two storey buildings).

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Impacts on the Grade II Listed Great Walton
- The impact on neighbouring properties
- The impact on the highway network
- Infrastructure and contributions

### **Assessment**

#### Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services (for example secondary schools or a doctor's surgery. The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside. The development would not meet any of the exceptions listed. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (as will be set out in detail later in this report), the loss of countryside alone is sufficient for a proposal to be contrary to DM15.
- 2.6 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy.
- 2.7 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for

determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), 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 (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

- 2.8 Having regard for the most recent Annual Monitoring Report 2018/9, the Council are currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test.
- 2.9 It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.10 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date and should continue to attract significant weight.
- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development, as set out above. Whilst, again, there is some tension, it is not considered that this tension is sufficient to mean that the policy is out-of-date, albeit it is considered to attract only moderate weight for the purposes of assessing this application.
- 2.13 Whilst it is considered that policy DM11 and DM15 are not out-of-date (although they are in tension with the NPPF), it is concluded that given how critical Policy DM1 is for the determination of the principle of the development and having considered the development plan in the round, the 'tilted balance' is engaged. As such, the application should be assessed in the context of granting development unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2.14 An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

#### Housing Mix

2.15 Policy CP4 of the Core Strategy requires housing applications for 10 or more dwellings to identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing (albeit, more recent evidence is now available, for which regard has been had).

Number of Bedrooms	Percentages Recommended
One	15%
Two	35%
Three	40%
Four	10%

2.16 The proposal would provide 28 dwellings; however, as this application is submitted in outline, with appearance, layout, landscaping and scale reserved, it cannot be concluded with any certainty what the mix of dwellings will be. It is noted that the application form suggested that the properties would be two-bedroom units and this is reflected in the indicative sizes of the dwellings. Whilst such provision would depart from the identified need, it is noted that the development of 12 dwellings directly to the south provided larger family dwellings. Any application for reserved matters will confirm what housing mix is to be provided and will need to justify the appropriateness of the mix proposed. Density will be discussed below.

#### Character and Appearance

2.17 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape. The application has been supported by a Landscape and Visual Impact Assessment, which has been carried out in accordance with the standard methodology (GLIVA3).

2.18 Whilst the existing site is defined as countryside, it does not provide a significant contribution to the rural character of the area, having suburban housing to the south and west; a dwelling and outbuildings in substantial gardens to the east; and orchards, beyond which is a dwelling and agricultural buildings, to the north. The site is well screened from views by existing development, the topography of the area (including bunds) and vegetation. The site itself, whilst in a typically 'rural' use (equestrian), is well maintained and contains several buildings, a ménage and the typical paraphernalia associated with an equestrian use.

- 2.19 Public views of the site are limited. From the south, the dwellings would be situated beyond the development which was approved under application number DOV/16/00521. From Sandwich Road, to the east, the development would not be visible, being obscured by the intervening buildings, walls, and vegetation. From the north, glimpse views would be possible from Statenborough Lane. However, these views would be at a distance in excess of 100m, across land containing the house at Green Oak and its associated buildings, together with dense tree screening. For these reasons, it is considered that the development would have no significant impact on the character of the landscape or the wider character of the area. As such, the development would accord with Policy DM16 of the Core Strategy. I concur with the conclusion in the submitted LVIA that “the localised vegetation structure, topography and townscape setting reduces the intervisibility within this landscape setting and the proposals will not harm long distance views across this landscape”.
- 2.20 The development would be visible from the west, where public views would be gained through the access and in gaps in the boundary vegetation. In these views the development would be experienced in the context of the approved development to the south and the existing development to the western side of Woodnesborough Lane. The indicative layout suggests that buildings would be set back from Woodnesborough Lane to varying degrees. Unit 1, adjacent to the access, would be set back by approximately 4m; units 4 to 9 would be set back by between approximately 10m and 12m; and unit 10 would be set back by approximately 9m. Such distances would allow for the retention of the existing vegetation to the Woodnesborough Lane frontage, whilst the setbacks would respond to the indicative heights of building (with taller buildings set back further from the road). The exception to this would be unit 1, which would have the closest relationship to the road, at around 4m. It is considered that such a relationship is justified, as the existing dwelling to the south of the access, Honeydew Cottage, is set just a couple of metres back from the highway. Consequently, the indicative relationship of the development with Woodnesborough Lane would respond to the existing character of development along the lane to the south, whilst transitioning to a looser relationship to the north, to retain the more rural character of the lane.
- 2.21 The development would equate to around 26 dwellings per hectare (dph), although the density increases to around 36 dph if the area of open space is disregarded. This higher density is comparable to the density of development found to the west, on Orchard Road. Policy CP4 of the Core Strategy requires developments to achieve the highest density consistent with the design. Density should exceed 40 dph where possible and should seldom fall below 30dph. Likewise the NPPF seeks to make an effective use of land, whilst maintaining an area’s prevailing character. It is considered that the proposal strikes an appropriate balance between making an efficient use of land, whilst having regard for the character of the area and its location at the edge of the settlement, together with the need to respect the setting of the adjacent listed building and avoiding development in root protection zones.
- 2.22 Within the site, the indicative layout suggests a mixture of linear street fronting development and U-shaped buildings around small courtyards. Given the informal character of much of the development in the locality, and in particular the recently constructed development to the south, it is considered that the areas where a more regular layout is shown could prove to be unsuccessful if replicated at the reserved matters stage (once details of appearance, layout and scale are finalised). Whilst this may, therefore, require some refinement, it

is not considered that the indicative layout would require substantive changes to be acceptable and, on this basis, the indicative layout has demonstrated that the quantity of dwellings proposed could be accommodated on the site successfully. Equally, the indicative scale of the proposed buildings demonstrates that the dwellings proposed could be accommodated in a manner which responds to the more visually sensitive parts of the site. Again I concur with the conclusion of the submitted LVIA that, despite accepting that the development would result in a degree of change, “overall, it is considered that the proposals can be integrated within this context and will not significantly affect the localised or wider visual environment”.

- 2.23 The retention and enhancement of soft landscaping around the site will be an important contributor to the success of the scheme. The application has been supported by a Tree Survey and Report which confirms that the existing trees on and adjacent to the site, which are located along the eastern (Lombardy Poplar) and western (Beech) boundaries of the site are all Category B trees (moderate quality and value), although the trees to the western boundary are covered in ivy. The indicative plan would allow for these trees to be retained. It is considered that these trees should be protected during construction. Landscaping is reserved at this stage; however, the indicative plan confirms that the scheme would provide opportunities for meaningful landscaping around the site.
- 2.24 Whilst the appearance, landscaping, layout and scale of the development are reserved at this stage, it is apparent from the indicative details that the amount of development proposed could be accommodated on site without having a significant impact on the character and appearance of the area. Whilst glimpse views of the development would be possible, these would be limited and filtered by existing development and vegetation. Moreover, it is not considered that the existing site provides a valuable contribution to the character of the countryside. Whilst some impact is inevitable, it is not considered that the development would cause significant harm, subject to an appropriate reserved matters submission and conditions to control the quality of materials used in the development and landscaping.

#### Heritage

- 2.25 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Great Walton, which is Grade II Listed. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.26 Great Walton is a Grade II Listed Building. The listing relates to the house, which is described as being Late C17th, altered mid C18th and extended in 1896. The house is also connected to a coach house with billiard room above (dated 1896) and beyond a stable range and granary (C17th). These buildings form one side of a very pleasant walled garden to the north of these buildings. There is a gate within the western wall of the walled garden (between the granary and ancillary ‘stores’) which provides views out towards the

application site. The western boundary of Great Walton (its boundary with the application site) is around 15 away from the gate and around 13m away from the closest part of the listed building. The western boundary is planted with tall trees and hedges, including some evergreen species which have been planted recently.

- 2.27 Great Walton has a clearly defined setting, comprising formal gardens surrounded by a tall boundary wall, together with gardens beyond. The walled garden enclosure has existed since at least the 1890's. Whilst the development would not encroach into the curtilage, the development has the potential to impact upon the wider setting of the buildings and, in particular the wider gardens.
- 2.28 The application is submitted in outline with appearance, layout and scale reserved at this stage. However, indicative plans have been provided to show how the development could be accommodated on the site. This indicative plan demonstrates that the proposed amount of development could be provided in a manner which would allow the closest buildings to be set away from the common boundary with Great Walton. As indicatively shown, the closest building, which is shown to be one and a half storeys in height, would be set 45m away from the closest part of Great Walton. Within this 'buffer', it is proposed to retain and enhance landscaping, with the provision of additional trees. Whilst the proposed development would be visible from the principal residential areas of Great Walton (across the walled garden and through the gateway) and from the gardens around the listed building, it is considered that the indicative details have demonstrated that a reserved matters scheme could be advanced that would not harm the significance of the designated heritage asset. In particular, well designed buildings in approximately the locations shown, reducing in height towards the east of the site, retaining an adequate separation distance to the eastern boundary and delivering high quality landscaping, would likely be acceptable. As such, having regard for the requirements of the Act, it is not considered that the potential impact on Great Walton is a constraint to granting outline permission.
- 2.29 The application has been accompanied by a desk based archaeological assessment. The report concludes that there is a "medium to low potential for archaeological remains" and that the proposed development has the potential to have impacts on any archaeological deposits on the site. Whilst KCC Archaeology have not commented on the current application, they did comment on the application for the adjoining site. In doing so, they requested that a condition be attached to any grant of permission to require that a programme of archaeological works take place. Given the potential for archaeological remains in this location (most notably being adjacent to the route of a Roman Road), it is considered that such a condition should be attached to this application, should it be granted.

#### Impact on Residential Amenity

- 2.30 Whilst there are slight changes in levels around the site and its vicinity, it is not considered that these changes are significant when assessing the impacts on residential amenities.
- 2.31 To the west of the application site, across Woodnesborough Lane, there are several residential dwellings, namely Siri Nivasa and 57, 59 and 61 Orchard Road. The closest relationship would be between Siri Nivasa and the indicative location for unit 1, at around 19.5m. This separation distance is

sufficient to ensure that no significant loss of light or sense of enclosure would be caused, whilst, provided no windows are proposed within the elevation facing Siri Nivasa, no unacceptable overlooking would be caused. The distance between No.57 Orchard Road and the closest dwelling within the site would be 27.5m which is sufficient to ensure no unacceptable loss of amenity would be caused.

- 2.32 To the south of the application site is a recently constructed development of 12 dwellings. The indicative location of unit 27 would be around 21m away from 12 Shemara Court. Unit 27 is indicatively shown to be one and a half storeys in height. Again, it is considered that this separation distance would be sufficient to avoid an unacceptable loss of amenity to the occupiers of No.12.
- 2.33 It should be noted that the potential impacts on neighbours have been assessed on the basis of indicative details, whilst the detailed appearance layout and scale of the dwellings will be subject to a reserved matters application. However, it is considered that the current outline application has demonstrated that a development of 28 dwellings could be achieved on this site in a manner which would not cause unacceptable impacts on the residential amenities of neighbours.
- 2.34 The indicative details demonstrate that modestly sized dwellings could be provided in a manner which would allow a reasonable standard of accommodation to future occupiers and the provision of private or communal gardens.

#### Impact on the Local Highway Network

- 2.35 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Planning Balance' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles. Whilst the application is submitted in outline, access is not a reserved matter and must therefore be assessed in the determination of this application.
- 2.36 The proposal, for 28 dwellings, would utilise the same access point which has been provided to serve the recently constructed development to the south, comprising 12 dwellings. As such, the access would accommodate vehicle movements for 40 dwellings in total.
- 2.37 Trip rates have been based upon 28 un-restricted dwellings (i.e. there is no reduction on the basis of the 10 age-restricted dwellings). It is estimated that the development would generate 18 two-way movements to and from the site during the peak hour (the highways officer comments that this estimate is considered to be "very robust"). On average, this would mean one extra vehicle movement on Woodnesborough Lane every 3 minutes over the peak hour. Whilst this is not a significant number of movements along the road, the additional movements will increase the likelihood of two vehicles meeting at the narrow section of the lane. The applicant has acknowledged this and has proposed widening a 45m long stretch of Woodnesborough Lane to 4.8m, which would allow two vehicles to pass each other.
- 2.38 The development would utilise the existing access point to the Woodnesborough Lane, which currently serves the 12 dwellings to the south. The access would be marginally widened around its northern radius, and

would achieve a 4.8m width. From the junction, drivers would have clear visibility for 56m in either direction, in accordance with Manual for Streets (based on vehicle speeds of 36mph, albeit the road has a 30mph speed limit in this location). Tracking plans have been submitted which demonstrate that a large refuse vehicle (11.3m long) could access and navigate the site. Kent Fire and Rescue have raised no objections to the scheme.

- 2.39 Subject to the widening of the road, the visibility splays being secured, appropriate drainage of surface water to avoid discharge onto the highway and subject to an appropriate level of car and cycle parking being presented at the reserved matters stage, it is not considered that the development would cause any significant harm to the highway network.
- 2.40 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a 'suburban edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The housing mix cannot be considered to be finalised at this stage, as the scale and layout of the development are reserved. However, the applicant has suggested that the dwellings will each provide two bedrooms, which would create a requirement for 42 car parking spaces for occupants and around 5 or 6 spaces for visitors. The indicative plan shows 42 car parking spaces in total. Whilst the plan shows an under provision of 5 or 6 spaces (i.e. the visitor spaces), it is considered that this modest under provision could be accommodated at the reserved matters stage. Moreover, the NPPF requires that permission should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe. It is not considered that the modest under provision of car parking spaces (42 against a likely need of 47 to 48) would result in unacceptable harm to highway safety or a severe impact on the road network.
- 2.41 It is acknowledged that Woodnesborough Lane is of limited width (notwithstanding the increased width proposed for a 45m section of the road through this application), whilst the development is of a significant scale. Accordingly, the construction phase could impact upon the local highway network. In order to mitigate this, it is recommended that, should permission be granted, a condition should be attached to require the submission and approval of a construction management plan. This would need to include vehicle routing to and from the site; parking and turning areas for construction and delivery vehicles; details for the timing of deliveries; measures to avoid dirt being deposited on the highway; and details of temporary traffic management.
- 2.42 KCC Highways have requested that provision be made for electric charging points for vehicles, albeit they have not specifically requested that any conditions or informatives be attached. There are no polices within the development plan which require the provision of charging points for electric vehicles. For determining applications, the NPPF requires that, in the context of only refusing application where the residual cumulative impact on the road network would be severe, developments should be designed to enable charging of plug-in and other ultra-low emission vehicles. The applicant has offered to provide 35% of spaces with suitable facilities to enable charging of

electric vehicles. Given the lack of a specific development plan policy, but having regard for the particular characteristics of this site in terms of its location, the nature of the development proposed and access to facilities and services, it is considered that this offer accords with the objective of the NPPF and is therefore acceptable.

### Ecology

- 2.43 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements. In assessing this, regard has been had for Natural England's Standing Advice.
- 2.44 The submitted report advises that: the site contains no rare, protected or invasive botanical species; the site does not provide suitable habitat for amphibians, reptiles or dormice; there is no evidence of badger; the site does not provide suitable habitat for birds, albeit trees to the site boundaries provide limited habitat; and the buildings and trees within the site provide negligible potential for bats. The report advises that any tree and scrub removal should take place outside of the core bird breeding season and a sensitive lighting strategy should be provided. A series of potential enhancements are also recommended. The methodology and findings of the ecological report are accepted and, subject to mitigation and enhancements being secured by conditions, the development would protect and enhance biodiversity.

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

- 2.45 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.
- 2.46 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.
- 2.47 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.
- 2.48 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.
- 2.49 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the

monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.

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

#### Drainage and Utilities

- 2.51 The site lies outside of any ground water protection zone. The site is also located in Flood Risk Zone 1, which has the lowest risk of flooding from the sea or rivers. However, it is necessary to consider whether the development would provide adequate foul and surface water drainage, so that the risk of localised flooding is not increased.
- 2.52 The application has been supported by a Flood Risk Report, which assesses the opportunities for surface water disposal within the context of that the EA's surface water maps show that the development could be at risk of flooding from surface water. Rainfall modelling has been undertaken to demonstrate that the risk of surface water flooding the development is extremely low. The report also assesses the impact on the surrounding area as a result of increased surface water run-off (due to the increase of impermeable surfaces such as roofs). The report advises that the most viable solution in this location is surface water infiltration, by way of an infiltration basin and permeable surfaces, which can store and release water in a manner which mimics the 'pre-development' flows. Following the submission of further evidence, the Lead Local Flood Authority have accepted the proposed strategy for draining the site, subject to an appropriate detailed design being demonstrated at the reserved matters stage and subject to a condition. Subject to such safeguards, it is not considered that the development would increase the risk of localised flooding from surface water run-off.
- 2.53 Southern Water have advised that they are able to provide foul sewerage disposal to serve the proposed development, but have requested that a condition be attached to any grant of permission requiring that details of the necessary infrastructure be provided. Notwithstanding the confirmation that foul sewerage can be provided, it is imperative that the condition also controls the timing for the provision of the necessary infrastructure (i.e. ensure that it is in place before first occupation of the development), so that there is no increased risk of localised flooding. Subject to such a condition, the foul sewerage provision for the development would be acceptable. Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

#### Contributions

- 2.54 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered

from any scheme will be determined by economic viability, having regard to individual site and market conditions.

- 2.55 The applicant has confirmed that policy compliant affordable housing provision, 30% which equates to 8 units, will be provided on site. The provision of affordable housing will be secured through a legal agreement.
- 2.56 Policy DM27 of the Land Allocations Local Plan requires that development provides open space to meet the needs generated by the development. No requests have been received for off-site provision from the Principal Infrastructure and Delivery Officer; however it is intended to provide a wide swathe of open space to the eastern part of the site. This is partially required to provide separation to the listed building beyond the eastern boundary, but would also provide a significant area (in excess of 0.3ha) of open space. As such, it is not considered that a contribution towards off-site open space provision could be supported in this instance.
- 2.57 KCC had originally advised that the only contribution required would be for library book stock (£1344.44 or £48.02 per dwelling). This was on the basis that the development would be restricted to over 55's and, as such, would place no additional pressure on school infrastructure. However, subsequently, the scheme has been amended to provide 10 over 55's dwellings and 18 non-restricted dwellings. The 18 non-age restricted dwellings would place additional pressure on school infrastructure. KCC have identified an infrastructure project which the development could contribute towards and have accordingly requested £74,070 (£4115 per applicable house) towards the Phase 2 expansion of Dover Grammar School for Girls. It is noted that this school is located some distance from the application site (around 8 miles) and is selective. In order for a contribution to be sought, the requested contribution must be:
- necessary to make the development acceptable in planning terms
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

It is important that contributions are directed towards projects which have a prospect of being carried out and, as such, requests are made for programmed and achievable projects. Whilst some distance from the application site, Dover Grammar School for Girls is the most accessible grammar school to the application site and it is therefore reasonably likely that some children from the development would attend the school. It is noted that the school is selective and therefore would not be an option for all children from the development. However, planning guidance acknowledges that schools who cater to restricted groups (for example schools for pupils with special educational needs) can receive funding. As such, it meets the tests for securing contributions.

- 2.58 The applicant has agreed to fund both the library contribution and the school contribution.
- 2.59 The NHS CCG have submitted a request for contributions from the development, who have advised that the development will increase the demand for primary healthcare provision within the locality and, due to capacity issues, there will be a need to invest in local services. In this instance the CCG have advised that this investment would take place at the Sandwich Medical Practice, which is closely related to the development. It is also

important to acknowledge that the doctor's surgery in Eastry has recently closed, with many residents now having to travel into Sandwich to see a GP. Given the scale of the development, the CCG have advised that a proportionate contribution would be £18,720. The applicant has advised that they would be happy to meet this request and, should permission be granted, it is considered that this contribution could be secured by legal agreement.

2.60 It is considered that the above contributions are compliant with the CIL Regulations. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, the contributions which will be sought will be:

- 30% affordable housing to be provided on-site (unit size, tenure and location to be confirmed at the reserved matters stage)
- Library contribution of £48.02 per dwelling
- Secondary Education contribution of £4115 per applicable home (excluding 1 bed units less than 56sqm and excluding all age restricted units)
- Healthcare contribution of £18,720

#### Other Material Considerations

2.61 The application site is considered to constitute previously developed land as it is in equestrian use (i.e. not agricultural or forestry uses) and contains stables and a ménage. It should be noted that the NPPF definition of previously developed land notes that "it should not be assumed that the whole of the curtilage should be developed".

2.62 In the absence of evidence to the contrary, the site is also considered to be Best and Most Versatile (BMV) agricultural land, albeit the land is not currently in agricultural use. The NPPF requires that the economic and other benefits of BMV land are recognised in the determination of planning applications. Whilst this is a material consideration, given the size of the site, its connection to the wider network of agricultural land and the existing use of the site, it is not considered that the development on BMV land carries significant weight in this instance.

2.63 Concern has been raised by third parties regarding the impacts on and impacts from the neighbouring apple orchards, in terms of loss of light and chemical spraying respectively. In terms of loss of light, it is noted that the indicative layout would cite one and a half storey buildings between 7m and 8.5m away from the boundary of the orchard, with the closest two storey building cited around 15m away. The buildings would be to the south of the orchard. There is already some vegetation on the boundary of the orchard. Given the separation distance and existing vegetation, it is not considered that a material impact would be caused to the orchard. In terms of the potential impacts from crop spraying on future occupiers, it is considered that the dwellings would be appropriately separated from the boundary with the orchard and would be provided with boundary treatments (fences, hedges etc.) which would reduce impacts, whilst the Health and Safety Executive provides advice on the safe use of pesticides, including the reasonable precautions which should be taken to prevent spray drift. Therefore, it is not considered that any significant weight should be attached to the potential for 'spray drift'. Concern has also been raised regarding increased noise and

pollution. Given the scale of the development, it is not considered that the development would produce significant levels of noise and disturbance.

#### Planning Balance

- 2.64 The principle of the development is considered to be contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, it is concluded that Policy DM1 is out-of-date, whilst other policies which are “most important for determining the application” are in tension with the NPPF. As set out earlier in this report, permission should therefore be granted unless the harm caused by the development would significantly and demonstrably outweigh the benefits.
- 2.65 The NPPF seeks to protect the intrinsic character of the countryside. The NPPF also promotes rural housing being focused towards locations where it will enhance or maintain the vitality of rural communities, especially where it will support local services. Finally, the NPPF supports development being located where it is accessible by a range of modes of transport and not solely by private car.
- 2.66 As has been set out earlier in this report, it has been concluded that the development would not significantly harm the character or appearance of the area, which provides a limited contribution to the rural character beyond Eastry.
- 2.67 The site is adjacent to the settlement confines of Eastry. The nearest bus stops to the site are around 250m away on Gore Lane, whilst other services are also available within Eastry, providing access to Dover, Sandwich, Deal and Canterbury. The nearest train station, which can be reached by bus, provides mainline and High Speed services. Eastry itself provides a range of services commensurate with its status as a ‘Local Centre’, including a primary school, village hall, a Church, a pub, a pharmacy and a range of shops and takeaways (although it is noted that the doctors surgery in Eastry has recently closed).
- 2.68 As set out in third party representations, Woodnesborough Lane is not well suited to walking, having no footpaths for the vast majority of its length and limited refuges given the walls and banks abutting the highway, albeit it has been observed that the route is fairly well used by pedestrians. However, less direct routes on footpaths and public rights of way are available and provide access to the aforementioned facilities and services. It is noted that the built out development to the south of the application site (DOV/16/00521) has provided a short stretch of footpath and dropped kerbs to access the footpaths to the west of Woodnesborough Lane.
- 2.69 It is considered that, having regard for the facilities and services which are available, the distances to these facilities and services in settlements and public transport links (including those to neighbouring settlements), occupants of the dwellings would be able to walk or cycle to facilities and services and utilise public transport. Consequently, the development would not be solely reliant on private modes of transport, providing a choice of means of transport, including more sustainable forms. The development will also encourage the use of electric vehicles. Moreover, it would provide some additional support to the existing facilities and services within Eastry.

- 2.70 The NPPF, at paragraph 8, separates 'sustainable development' into three objectives: an economic objective; a social objective; and an environmental objective.
- 2.71 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.72 In terms of the social role, whilst the council can demonstrate a five year housing land supply, the proposal would provide a contribution towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. 30% of the total number of dwellings would be affordable dwellings (as defined by the NPPF), a benefit which is given significant weight. The development would, to a degree, impact upon the character and appearance of the area, albeit this would be limited, given the visual containment of the site, and could be mitigated by good design at the reserved matters stage. The development would be in a reasonably accessible location, close to local facilities and services, reflecting the need to support health, and social and cultural well-being.
- 2.73 In terms of the environmental role, the proposal would result in the loss of countryside, albeit the site is visually contained and is not considered to display the 'intrinsic character and beauty' of many other countryside locations. It has been established that the site does not provide habitat for protected species and could provide opportunities for biodiversity enhancement. Occupants of the development would have access to sustainable forms of transport.
- 2.74 Overall, it is considered that there are a number of significant benefits, whilst there are no significant disbenefits. Overall, weighing up the various dimensions of sustainable development, it is concluded that the development is 'sustainable'; that the benefits outweigh the disbenefits; and that these conclusions indicate that the material considerations warrant setting aside the conflict with the development plan.

#### Overall Conclusions

- 2.75 The principle of the development, being located outside of the settlement confines of Eastry, is contrary to the development plan. However, the development would provide several substantive benefits which indicate that the development plan should be set aside in this instance. It is therefore recommended that this application be granted planning permission.

g)

#### Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions, provision of affordable housing, contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the restriction of 10 dwellings to occupation by people aged 55 years and over, and subject to conditions to include:

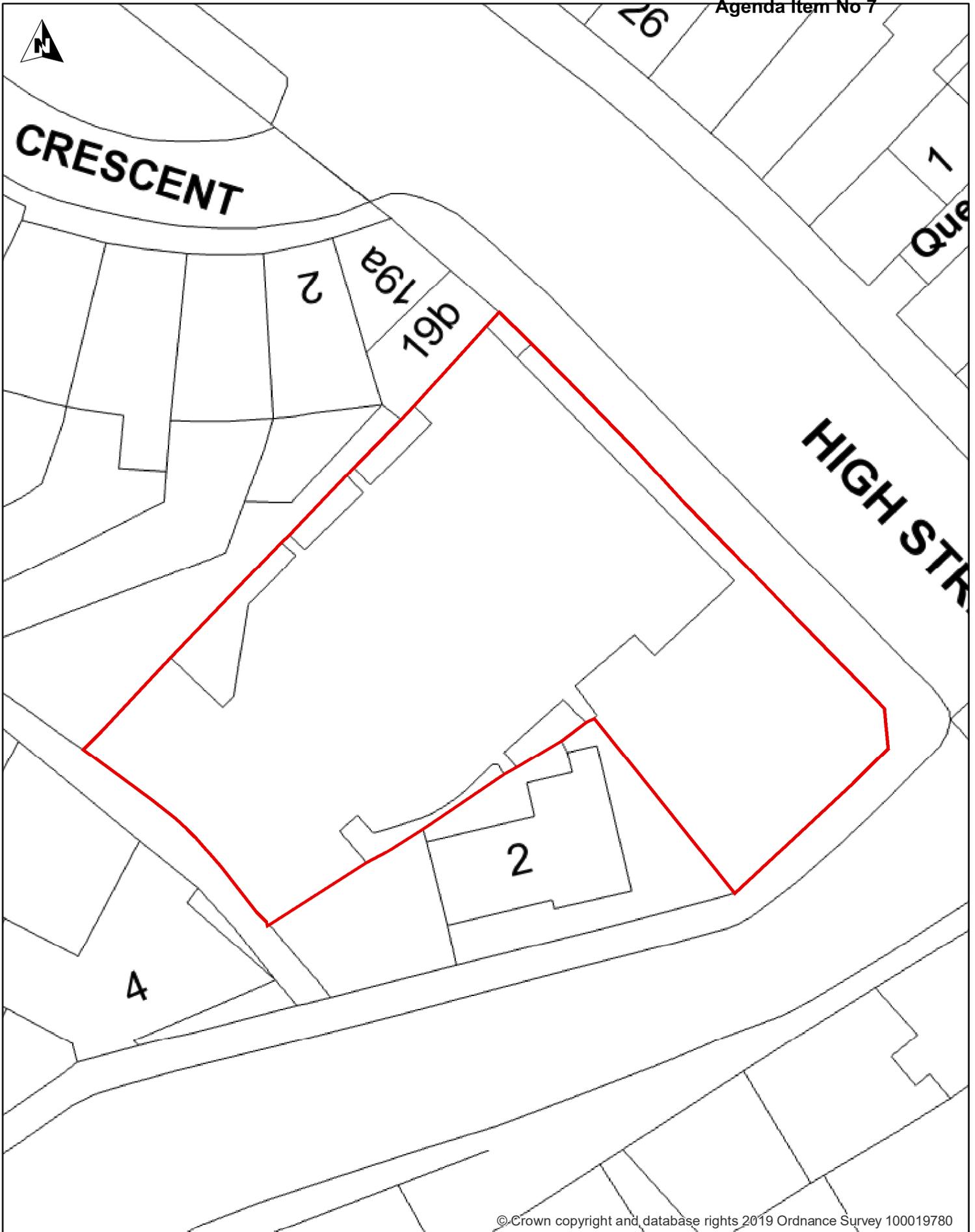
(1) standard outline conditions; (2) provision of off-site highway works; (3) construction management plan; (4) provision of measures to prevent the

discharge of water onto the highway; (5) reserved matters to demonstrate provision of vehicle parking and turning areas; (6) reserved matters to demonstrate provision of cycle parking; (7) provision of visibility splays; (8) scheme for the provision of foul drainage, including an implementation timetable and verification report; (9) reserved matters to demonstrate a scheme for the provision of surface water drainage, and securing an implementation timetable and verification report; (10) reserved matters to identify the exact position of the water main and provide details for its protection; (11) archaeology; (12) ecological mitigation and enhancements; (13) details of external lighting; (14) protection of existing trees to be retained; (15) detailed landscaping scheme; (16) details of boundary treatments; (17) samples of materials; (18) provision of refuse and recycling facilities; (19) scheme for the provision of charging points for electric vehicles.

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett



DOV/18/01263

Former United Reformed Church  
High Street, Dover  
CT16 1DP

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/18/01263 – Conversion of church building to provide 16 self-contained apartments and associated development - Former United Reformed Church, High Street, Dover**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for the Dover Area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – 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.
- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

## National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.

- Paragraph 177 states ‘The presumption in favour of 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.’

d) **Relevant Planning History**

DOV/05/00089 - Conversion of church into 8 no self-contained flats. Approved.

DOV/07/00634 - Change of use and conversion of the basement to residential accommodation ancillary to flat no.2 at ground floor level and the creation of 2 no. two bedroom flat at second floor level together with external and internal alterations. Approved.

DOV/13/00706 - Change of use and conversion of fire damaged building to a worship space with associated rooms, erection of new roof, remedial works and associated internal and external alterations. Approved.

e) **Consultee and Third Party Responses**

Dover Town Council – object to the planning application for the following reasons:

- too many household units of a poor standard
- the Committee disagrees that there will be no negative impact on neighbours at 2 Priory Hill

Southern Water – no objection raised. An informative has been recommended to be attached to the permission.

KCCS – Kent County, Environment and Planning – views not received.

Principal Infrastructure Delivery Officer – views not received.

Environmental Health Manager – views not received.

Kent Highways – No on-site parking is available for the proposed development. However, the site is in a town centre location well served by public transport and close to amenities. Parking restrictions are also in place as necessary in the adjacent streets and public parking is available nearby. Refusal is not recommended on highway grounds due to the lack of on-site parking.

Submission of a Construction Management Plan and provision and permanent retention of the cycle parking facilities shown on the submitted plans should be secured by condition.

Housing Development Manager – views not received.

KCC Archaeology – views not received.

Crime Prevention – A development that achieves SBD accreditation demonstrates that security has been addressed. This application could achieve the bespoke “Bronze” award as it is precisely the type of application that the award is aimed at. There are many products available with SBD accreditation that can help maximise

the security whilst protecting the character of the building, especially the windows. A condition is recommended.

Fire Officer – I confirm the means of access to be satisfactory.

KCC Local Flood Authority – The development is regarded as low risk.

Public Representations:

Six (6) letters of objection received raising the following matters:

- overlooking of Victoria Crescent and no.2 Priory Hill
- lack of parking
- the density will cause potential issues at a busy junction whilst refuse collection
- there is already a consultation out to make Priory Hill residents parking only
- noise and light pollution
- too many units
- over-intensification and poor design
- higher than the existing building

1 representation received neither supporting or objecting to the proposal and made the following comment:

- It appears that the applicant expects the residents not to be car owners.

Cllr - Pamela Brivio (Ward Councillor)

Community involvement, I am not aware of any, unless has been with local high street businesses, residents are often asking me as ward councillor what is happening to the site and I have had regular contact with DDC to ask for update. Parking , the area does not have a residents Parking scheme, matter was on agenda of JTB only day before this application was listed. Decision been deferred for further information and likely to be considered at next JTB meeting in April. Parking is in my opinion and that of several residents a problem and development of this scale will exacerbate the situation. There are DDC car parks nearby but experience has shown For example High Street business owners in immediate location do not use them, instead Park in Priory Hill for free.

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

- 1.1 The application site relates to a detached three-storey church building with a part basement towards the southwest part of the building, constructed circa 1904. The former church building was constructed in about 1904 and works to convert the building into flats took place in 2006/2007; however, it was destroyed in fire in 2007 and has remained derelict for the past 11 years. The building is designed in an Ornamental Gothic style, externally faced with Kentish ragstone and embellished with white stone dressings.
- 1.2 The site fronts onto the High Street but is also visible from Priory Hill. To the north of the site is Victoria Crescent which consists of a terrace of Listed Buildings, which is predominantly in residential use and lies within Dover College Conservation Area.
- 1.3 The site is situated at the bottom of a hill, with the land rising steeply to the rear of the site. The existing building occupies most of the site and is cut into the ground to the rear of the site. The boundaries to the High Street and to Priory Hill are marked

with a dressed stone wall of about 1m high, with iron railings on top. There is a small open area to the southeast, with a gated pedestrian access leading to an entrance door located at the bottom of the tower. The open area is on two levels, with the western half forming a raised grass area about 1m above the hard landscaped entrance area. There is a brick-built enclosure adjacent to the boundary wall to Priory Hill, which appears to have been built during the conversion to flats to accommodate bin storage.

- 1.4 There are two further entrances through the stone boundary wall to the High Street, leading to pedestrian accesses into the building, one in the centre of the front elevation, which has been blocked, and the second under the northwest side extension. There is a narrow passage to the northwest site boundary to the gardens of Victoria Crescent, leading to the former vestry buildings at the rear of the site.
- 1.5 The application seeks permission for the conversion of the Church building to provide 16 no. self-contained apartments. The proposed conversion would utilise the original volume of the building with the exception of the introduction of dormer windows within the roof to enable an apartment within the roof space. To accommodate 16 apartments, the proposal involves internal sub-division of floors in a manner that it would comprise five floors of accommodation excluding the part basement floor.
- 1.6 The main entrance to the new apartments will be via the entrance door off the High Street, to the northwest side of the site. The door would lead into an entrance lobby, which would in turn lead into a corridor running along the northeast side of the building towards the bell tower. The entrance lobby would have a second secure door leading to the narrow alley running along the northwest boundary, to the rear of one of the ground floor flats. The entrance lobby would also accommodate secure bike storage for 6 bikes. There will be a secondary access located in the southeast elevation of the bell tower, which leads into the outdoor space to the communal amenity area. Access to the upper floors would be provided via a lift and protected staircase located within the former bell tower.
- 1.7 The external space to the southwest will accommodate the bin store area, lockable bike storage for 12 bikes and a small raised communal garden area. The bin store is designed for four 1100 litre euro bins, two for refuse and two for recycling. The proposed bin enclosure would be built against the southeast boundary wall and surrounded by a 1.5m high brick wall and is open to the air. The lockable bike storage is provided by two blocks of 6 semi-vertical bike racks in two water tight and lockable sheds.

## 2 **Main Issues**

- 2.1 The main issues are:
  - The principle of the development
  - The impact on the character and appearance of the area
  - The impact on the listed building
  - The impact on residential amenity
  - The impact on the highway network

- The impact on ecology
- The impact on trees
- Archaeology

## **Assessment**

### Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the settlement confines of Dover, and within 100m of its defined town centre, and, as such, the principle of the development is acceptable, being in accordance with Dover Core Strategy Policy DM1. Moreover, the NPPF supports a positive approach to the growth, management and adaption of town centres, which should be at the heart of local communities. The NPPF also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. It is therefore concluded that the development is positively supported by the NPPF.

### Character, Appearance and Heritage

- 2.4 The building is a large and prominent building within Dover College Conservation Area, is adjacent to a Grade II Listed Georgian Crescent, diagonally opposite Maison Dieu and is considered to be a non-designated heritage asset.
- 2.5 Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.6 The building is principally constructed of masonry, with stone work facing a brick structure. The external stone work appears to be ragstone, with dressed stone facings to window surrounds, quoins, feature band courses etc, with a rough dressed stone in random but regular coursing between. The external walls are approximately 500mm thick, with buttressing of approximately 630mm. The original windows are of metal frame, some of which survive although most have sustained damage from fire and dereliction.

- 2.7 The proposed internal sub-division has been planned by having regard for the position of the existing Gothic arch windows and all the windows to the High Street elevation such that the new floors would not interfere or cross these windows. The ground floor level is proposed to be lowered by 450mm to provide a level access to the ground floor level, and to enable 2.4m floor to ceiling heights for each floor. The existing ground floor windows would be lowered (relocated). The existing stone surrounds and the ragstone would be reused. A series of new windows would be introduced at the first floor level i.e. between the decorative dressed stone bands. The width of these windows would be of a similar width to the ground floor windows and would have dressed stone facings to match the original windows.
- 2.8 The topmost floors would constitute a floor in-set from the main external walls with a roof over comprising 4 dormer windows. The external walls of the 4<sup>th</sup> floor would be constructed in rendered blockwork, with the render finish to match the rough stone coursing and the dressed stone window surrounds. The new dormer windows will be finished in grey to match the proposed reconstituted slate roof finish to the new roof. Whilst the proposed additional storeys would increase the overall bulk and massing of the structure, it would not appear as a dominant or an obtrusive addition to the non-designated heritage asset, by virtue of it being set-in from the main façade.
- 2.9 Regard has also been had to the overall fenestration design as it is considered to have a profound effect on the appearance of the building and makes an important contribution to the significance of the historic buildings. The proposed fenestration at ground and first floor levels would have a stone cill, stone surrounds and mullions with dark coloured metal windows set-in within the frame. It is noted that the windows within the side elevations of the fourth floor and dormer windows within the roofslope constituting the fifth floor have narrower and more slender windows which effectively represents the natural sequence of fenestration design.
- 2.10 It is relevant to discuss the amendments that were sought to the northwest side elevation to overcome the loss of privacy matters (discussed within 'Impact on Residential Amenity' section). The amendments included installation of fixed external louvres to three windows on the first and second floors and 2 windows on the third floor. Regard was had to whether the proposed installation of external louvres to the northwest side elevation would detract from the character of the building or cause harm to the setting of the heritage assets. It is noted that the majority of the northwest side elevation is obscured from public views achievable from High Street. Therefore, whilst a couple of external frames may be visible from High Street, it is not considered that it would detract from the character and appearance of the host property or the street scene. In addition to this, whilst the external louvres would be highly visible from the private gardens of Victoria Crescent, this element is a primary factor which makes the conversion possible without causing undue visual and residential amenity harm and effectively would enhance the overall setting of the Conservation Area and the listed buildings by bringing the redundant structure back into use.
- 2.11 Overall it is concluded that by bringing the disused building back into use which is currently in a state of disrepair and occupies a prominent location in close proximity to the Dover Town Centre, the development would provide significant visual enhancement of the townscape. There is a clear benefit in regenerating the site and tidying up what is currently a significant detractor for the character of the area. Whilst the design of the building is considered to be acceptable, subject to conditions, it is inevitable that a building of this scale will be prominent in some views. However, it is not considered that the resultant scale and height of the building would impact upon

the setting of the Conservation Area and nearby Listed Buildings. Rather, it is considered that the refurbishment of the redundant structure would enhance the setting of the designated heritage assets. In conclusion, the proposal is considered well-designed and would not cause harm to the character and appearance of the street scene, the Conservation Area or the setting of the listed buildings.

#### Highways/Travel Impacts

- 2.12 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The site is considered to be in a town centre location. In such locations, Table 1.1 of the Core Strategy advises that dwellings should be provided with a maximum of one car parking space per dwelling, whilst visitor parking can be accommodated within public car parks. However, footnote 1 of Table 1.1 advises that within Town Centre locations, reduced or even nil parking provision is encouraged in support of demand management and the most efficient use of land.
- 2.13 Paragraph 103 of the NPPF states, “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”.
- 2.14 The concerns of third parties relating to the capacity of on-street car parking on Priory Hill, is acknowledged and during site visits the case officer experienced the lack of available car parking spaces. However, it is also appreciated that the problem is existing and is largely contributed to the fact that Priory Hill does not operate a residents parking permit scheme like the surrounding roads. Many people visiting the town or the train station park their car free of charge in Priory Hill which is causing the local residents to be displaced. Notwithstanding the acknowledged capacity issue, it is relevant to refer to the paragraph 109 of the NPPF which 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. Whilst the proposal makes no provision for on-site parking, it is considered that this is acceptable, given the highly sustainable location of the development. KCC have raised no objections. The parking policy in the Core Strategy advises that nil parking may be acceptable in urban locations such as this and the NPPF encourages the use of sustainable modes of transport and optimising densities in the town centres. The site is close to all of the day-to-day facilities and services required to meet the needs of occupants and users of the development, whilst the nearest bus stops providing frequent services are less than 100m away. The site is approximately 289m from the major urban footpath which runs in the north-south direction. It leads to Priory Station to the south and joins Folkestone Road whilst it connects other residential areas to the north. The nearest train station ‘Dover Priory’ providing mainline and High Speed services is less than 700m away. The Ladywell car park is 100m away and Norman Street car park is 180m away. Consequently, it is concluded that the site is capable of accommodating low car/car free development, in accordance with the government’s objectives to promote sustainable transport and make efficient use of land.

- 2.15 The development includes a total provision of 18 cycle spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, proposed provision could be secured by condition.

#### Impact on Neighbours

- 2.16 Paragraph 127 of the NPPF requires the planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Regard has also been had to paragraph 118 of the NPPF which requires the decisions to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

- 2.17 The application site abuts the boundaries of the properties at Victoria Crescent to the northwest, no.4 Priory Hill to the southwest and no.2 Priory Hill to the southeast. Given the increase in massing, scale and the increase in the number of proposed openings to the southeast and northwest side elevations, it is necessary to consider the residential amenity impacts such as overbearing impacts, loss of privacy, noise and disturbance.

- 2.18 No.2 Priory Hill to the south-east

The proposed conversion comprises several windows at each floor to the northwest side elevation facing no.2 Priory Hill. The land levels rise steeply from southwest to northeast such that no.2 sits approximately 4m above the road level (High Street). There is a dividing brick boundary wall along the northwest boundary. By virtue of the land levels and the brick boundary, views would not be achievable from the windows to the ground and first floor whilst views of the private deck of no.2 would be achievable from two windows to the third floor level. Whilst this would result in some harm from overlooking, it is relevant to note that the existing deck (amenity area) is already being overlooked by no.4 Priory Hill to the northeast. Therefore, given the direct overlooking that prevails, it is not considered that this additional overlooking would result in significant harm to warrant a refusal on this basis. The third and fourth floors are set-in from the external face of the first three floors (ground, first and second) by approximately 2.5m and 3.3m respectively. Therefore, given the setback distance, it is not considered that views of the amenity area would be achievable to an extent to cause an unacceptable loss of privacy.

- 2.19 Regard must also be had to whether the addition of two floors would result in an unacceptable overbearing impact on the occupiers of no.2 Priory Hill. Whilst the proposed addition of two floors would increase the overall massing and bulk of the building, given the substantial setback from the main elevation, it is not considered this would cause an unacceptable overbearing impact to the occupiers of no.2.

- 2.20 No.4 Priory Hill to the south-west

The proposal involves creation of new openings within the chamfered elevation of the southwest side elevation. These openings would have views to the south and west. Therefore, whilst some interlooking may arise, it would be limited and it is not considered to result in significant harm to justify withholding permission. With regards to the overbearing impact, it is relevant to note that no.4 sits at a higher level than the application property. Therefore, whilst there would be an increase in massing and

height of the building, views of which would be achievable from no.4, it is not considered that it would cause an unacceptable sense of enclosure or overbearing impacts to the occupiers of no.4.

#### 2.21 Victoria Crescent to the north-west

At an early stage during the application process, it was identified that the series of windows proposed to the northwest side elevation of the building would result in overlooking of the private gardens of nos 2, 3, 4 and 5 and direct interlooking of nos 2 and 3. Discussions took place with a view to resolve the loss of privacy issues. The applicant's agent offered a couple of options including obscure glazed windows and fixed shut up to a height of 1.7m however, this was considered to be an unacceptable solution as it would make the living environment of the occupants of those flats unacceptable by virtue of no outlook. Furthermore, this option would have led to an unacceptable perception of overlooking to the occupiers of Victoria Crescent particularly nos 2 and 3. Another option was offered which included obscure glazed blinds fitted internally. However, this was not considered to resolve the issues of the strong perception of overlooking. Therefore, your officers recommended a solution which included a frame comprising fixed vertical thin aluminium blinds at an angle which would be installed on the external face of the existing and proposed window frames. Following further discussions, this option was finalised and the drawings were amended to reflect the proposed installation of the external aluminium vertical louvres to first, second and third floor windows. It is considered reasonable to attach a condition requiring submission of fixing details of these external frames prior to the commencement. Such louvres would allow directional views (away from neighbours) for future occupants, and a solid appearance to neighbours overcoming the previous concerns.

- 2.22 Concern has been raised by the third parties that the proposed change of use would result in an increase in noise and disturbance. It is acknowledged that the change of use would result in the formation of 16 units; of which 7 would be two bed apartments and 9 would be one bed apartments. One-bed apartments are likely to be occupied by single persons or couples whilst a 2 bed apartment could be occupied by couples with a child. Therefore, these units could house around 39 persons (2 persons per 1 bed unit and 3 persons per 2 bed unit). Whilst this could lead to the potential for an increase in activity and disturbance, given the town centre location and the fact the neighbouring properties front High Street which is a busy road through Dover town, it is not considered that the activity and disturbance would significantly increase to unacceptable levels. Finally, the impact cannot be quantified in a manner which would justify a reason to refuse planning permission on this ground.

#### Impact on Living Conditions of Future Occupiers

- 2.23 Turning to the living conditions of future occupiers, all flats would be of reasonable size and the majority of the habitable rooms would be naturally lit and ventilated. Whilst some the units on the ground and first floors along the southeast side of the building would, by virtue of their relationship with No.2 Priory Hill and the topography of the land have a more limited outlook, on balance, it is not considered that this would result in sufficient harm to the future occupants of the building to warrant a refusal on this basis. A separate refuse storage area for the residential units would be provided at ground floor level. For these reasons, it is considered that the living conditions of future occupiers would be acceptable.

#### Contributions

- 2.24 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.25 Policy CP6 requires that development which generates demand for addition infrastructure will only be permitted if the necessary infrastructure is either in place or where it can be provided. Policy DM27 requires that developments contribute towards the provision of open space to meet the needs which will be generated by the development. However, no requests for contributions have been received for infrastructure such as schools, libraries etc. or for open space provision.
- 2.26 The application has been supported by a viability statement which seeks to demonstrate that the development cannot support the provision of affordable housing or contributions, making a substantial loss. In accordance with the Council's normal practice, and having regard for the Affordable Housing SPD, the council appointed an independent viability consultant to review the applicant's report.
- 2.27 The Council's viability consultant questioned a number of the assumptions made within the submitted statement and sensitivity tested the applicant's viability appraisal. The consultant undertook their own assessment of the redevelopment land value reflecting the proposed redevelopment scheme for 16 flats. They have taken into account the comparable evidence in the surrounding area, particularly conversion properties, together with new build.
- 2.28 The report valued the development based on a vacant possession scenario with total gross development revenue of £1.675 million. It demonstrates that there is a negative value for an all private scheme. If any affordable housing was to be provided, the scale of the loss would increase. Alternatively, on the basis of an investment (private rented scheme), it concludes that there would be no change in the position if all the units are let on a private rented scheme apart from long term capital value enhancement together. Also, a lower yield could potentially improve the capital value.
- 2.29 Consequently, the viability assessor is of the opinion that the scheme is not sufficiently viable to support contributions. This is also caused by the low sales values achievable in the local area set against relatively high build costs given the site specific constraints. Notwithstanding the viability position, which is accepted, paragraph 63 of the NPPF advises that contributions for affordable housing should not be sought where vacant buildings are being reused and redeveloped. The exemption applies to the proposed floorspace equivalent to the existing gross floorspace of the existing buildings. In accordance with Policy DM5, which acknowledges that "the exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions", and having regard for paragraphs 63 and 64 of the NPPF and the advice contained within the Planning Practice Guidance, it is considered that the application has demonstrated that it would not be reasonable in this instance to require affordable housing or contributions.

#### Ecology

- 2.30 The application was accompanied by a preliminary ecological appraisal dated November 2018. The initial survey concluded the following

“There are very limited wildlife habitats and opportunities on the site due to the isolation of the building and due to the current state of the building, which comprises a shell of walls and a complex of scaffolding following the fire that occurred in 2007.

The main interest of the site is the potential of the derelict church to hold bird and bat species. The bird population is currently dominated by pigeon but there is potential for house martins and other species and a breeding bird survey for the site is recommended prior to development.

The bell tower within the church is relatively undamaged and this and the walls of the church, which provide bat roosting potential in very numerous places, should be checked for hibernating bats (November to February) and also during the maternity period of bat activity”.

- 2.31 In light of these conclusions and recommendations, a bats survey was commissioned by the applicant and it was received on 20<sup>th</sup> August 2019.
- 2.32 Ecological surveys found that the northern tower is a feeding and/or night roost of a small number of common pipistrelle bats. Additionally, at least four species of bats, including the Greater Horseshoe bats were found to use habitats to the western boundary for foraging and commuting. Breeding feral pigeons were found to use internal spaces throughout the building in particular the bell tower in significant numbers. In light of the findings, the survey recommends an extensive mitigation strategy together with biodiversity enhancements in line with the objectives of the NPPF. It is considered that suitably worded precommencement conditions could be attached to secure the recommendations made within the survey report which comprise further monitoring of bats, safely removing bats prior to demolition, prevent re-entry into the building, provide alternative habitats and sensitive lighting strategy.

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

- 2.33 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.
- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a

published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.

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

#### Other Matters

- 2.39 A Structural Feasibility Report has been submitted with the application. It is noted that a visual inspection of the building was undertaken and it did not include any testing of the structural strength of the existing structural elements of the building. It concludes that the existing structure could be reused for the purposes of a conversion; however, a detailed structural survey of the building would be required to confirm the precise construction details and member details to allow an accurate assessment of the structure to be undertaken, including the confirmation of the foundation details, including the proposed extension details.
- 2.40 It also recommends that to ensure the stability of the original external masonry walls during the intended demolition and conversion works, due consideration may need to be given to the provision of suitable temporary shoring structures. In addition to the above, it is also recommended that a review of the current temporary scaffolding system be undertaken along with the possible requirement for temporary shoring as may be required to the structure to ensure its stability prior to commencement of any works. In light of the above recommendations, it is considered that a suitably worded pre-commencement condition could be attached to the permission requiring submission of a detailed structural survey of the building.

#### Drainage and Flooding

- 2.41 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the increase in the scale of the building, it is appropriate to consider whether the development would be likely to lead to localised or off-site flooding. The NPPF, paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate the natural drainage as closely as possible. The application proposes to utilise the existing surface water drainage systems.
- 2.42 In respect of foul water drainage, it is proposed to remove the existing onsite foul water drainage system and install a new system. The SUDS report submitted with the application indicates that the existing connection from the site into the existing main sewer will be inspected to ensure that it is suitable for the new development and if necessary, the existing connection into the main sewer will be replaced. Having regard for the above, it is considered reasonable to attach a condition requiring submission of a scheme for foul water disposal.

### **3. Conclusion**

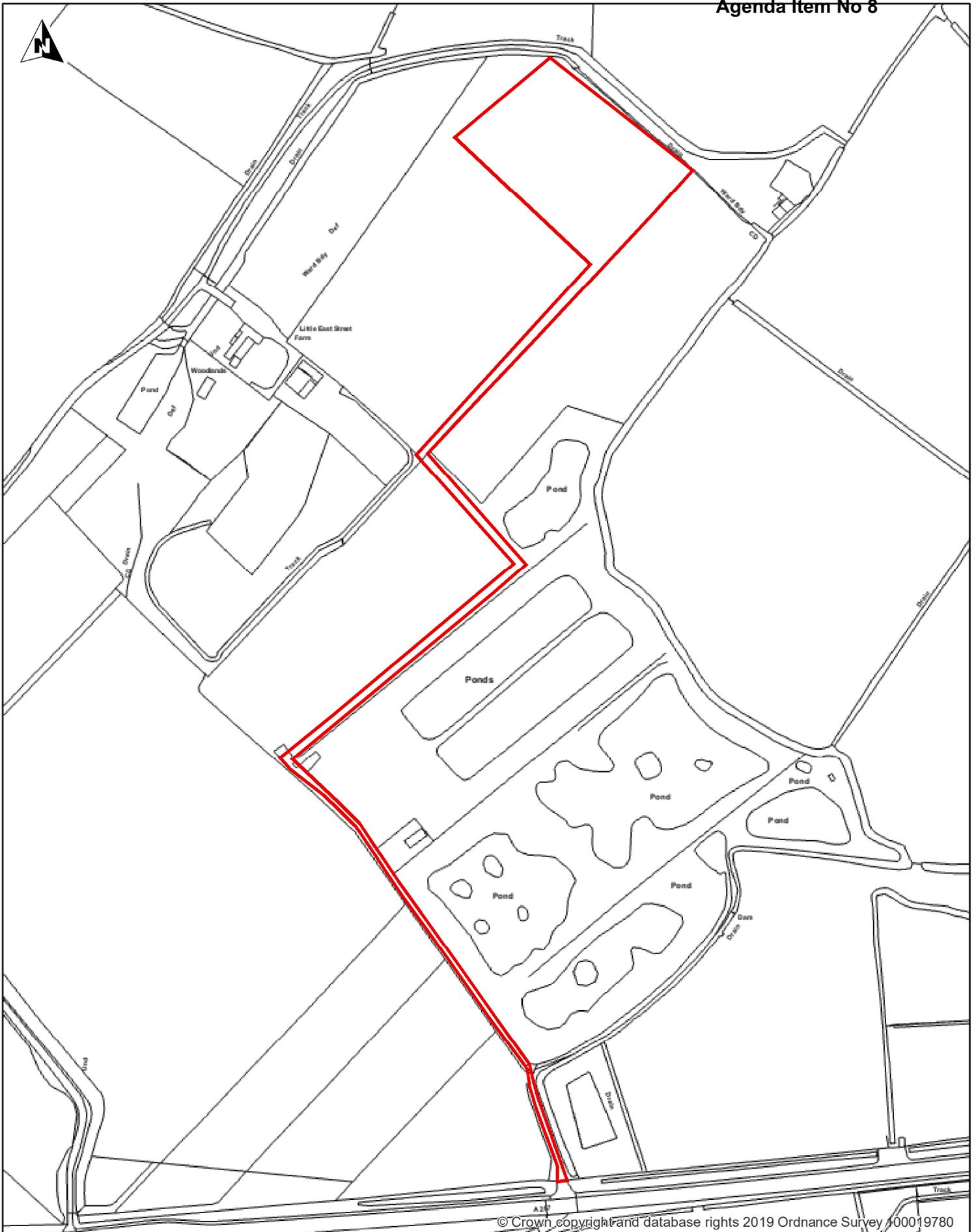
- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 It is considered that the reuse of the redundant structure would enhance the setting of the designated heritage assets and the wider street scene. Significant weight is attached to this benefit. The provision of 16 units in a highly sustainable location is also considered to attract significant weight in favour of the development, as it would increase footfall in the town centre, support local facilities and services and locate housing where occupants would have access to a wide range of sustainable modes of transport (walking, cycling, bus, train). Weighed against these benefits is a potential increase in competition for on-street parking and non-ideal residential amenity (although considered acceptable) for the future occupants. It is considered that these negative impacts carry some weight, but in the opinion of your officers they are considered to be more than outweighed by the benefits of the scheme.
- 3.3 In conclusion, the proposal is considered well-designed and would not cause harm to the character and appearance of the street scene, the Conservation Area or the setting of the listed buildings. Therefore, it is recommended that permission be granted.

### **g) Recommendation**

- I PERMISSION BE GRANTED subject to a S106 agreement to secure habitat mitigation and conditions to include:
- (i) Timescale of commencement of development, (ii) A list of approved plans (iii) Samples of materials (iv) provision and retention of cycle parking facilities prior to first occupation (v) measures to prevent the discharge of surface water (vi) Soft and hard landscaping details (vii) Details of surface water disposal ?? (viii) provision of bin storage prior to first occupation (ix) submission of window details including the window surrounds, cills, headers, mullions and window reveals (xi) fixing details of the external vertical louvres to different window types prior to commencement (xii) details of foul water drainage prior to commencement (xiii) submission of a detailed structural survey of the building prior to commencement (xiv) mitigation strategy for bats, breeding birds and biodiversity enhancements prior to commencement (xv) Construction Management Plan (xvi) details of rainwater goods (xvii) lighting strategy.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

#### Case Officer

Benazir Kachchhi



© Crown copyright and database rights 2019 Ordnance Survey 100019780

DOV/19/00658

Sandwich Coarse Fishery, Sandwich Road  
Ash  
CT3 2DA

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/19/00658– Change of use of land to a fishing conservation lake at Sandwich**

**Course Fishery, Sandwich Road, Ash, CT3 2DA**

**Reason for Report:** Number of contrary responses (17no. third party objections)

**b) Summary of Recommendation**

Planning permission be granted

**c) Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- DM3 – Existing business in the rural area.
- DM15 – Development in the countryside.
- DM16 – Impact on the landscape.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 83 – prosperous rural economy.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 170 – development in the countryside.
- Paragraph 175 – impact on habitat.
- Paragraph 180 – appropriate for location.

**d) Relevant Planning History**

18/01211 - Variation of Condition 3 of planning permission DOV/16/00848 to allow up to 30 caravans

16/00848 – Change of use of land for touring caravan site – Granted.

06/00881 – Change of use of reservoirs to fishing lakes, creation of new pond and extension of existing reservoir, together with erection of clubhouse – Granted.

**e) Consultees and Third Party Responses**

Note – The site is largely within Woodnesborough Parish but the north-eastern corner lies within Ash Parish.

Ash Parish Council: Support the application providing:

1) A landscape plan should be submitted before work is started on the lake, that includes the creation of bank (using the removed earth from the new lake area) on the side that faces the adjacent residential properties. The bank and the surrounding area of the lake should be planted with native species to provide a barrier for noise, to improve the visual amenity of the site and create a diverse habitat for flora and fauna.

2) The business should be asked to obtain their own postcode to prevent the confusion over the location and directions to the site to reduce the number of vehicles to the fisheries using the adjacent residents' private properties for turning and to prevent blocking access to individuals' properties. Additionally, this would reduce the number of vehicles inadvertently turning into East Street which is where current satnavs direct visitors, due to the shared postcode.

3) Improved directional signage to prevent vehicles turning into East Street and at the access off the A257 so that visitors find the site without impacting on the amenity of adjacent properties.

4) There should be no vehicle access to the new lake to prevent noise and light disturbance to the adjacent residential properties.

5) There should be a restriction on night fishing to preserve the amenity of the adjacent residential property.

Woodnesborough Parish Council: Support the proposal.

Natural England: No objections

KCC Highways: If no increase in vehicle movements, no objection.

DDC Ecology: No objections but there is the opportunity to include habitat enhancements in the scheme. The pond should not run-off to the drainage ditch.

DDC Environmental Health: No concerns raised.

Third Party Reps: 17no. objections and 2no. support letters have been received and are summarised below:

#### Objections

- no more than 50no. pegs allowed on 2006 approval.
- too large for the site – overdevelopment.
- lighting for night fishing could cause harm to residential amenity and habitats.
- noise, overlooking and loss of privacy would harm residential amenity.
- would impact upon the largely flat, unchanged landscape towards Richborough.
- an increase in vehicle movements could result in highway safety concerns.
- in a flood plain.
- will require new signage and a separate post code to stop vehicles trying to access site via East Street.

#### Support

- developing into a premier fishery and campsite.
- the site is a haven for wildlife.
- angling is a quiet and tranquil sport.
- proposed lake only a short walk from the main site.
- never witnessed noise or light during night fishing.

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

1.1 The Sandwich Course Fishery is a 1.9 hectare site located on the north side of the Ash Bypass (A257), approximately 700m west of the junction with the A256. It is located beyond settlement confines and sits between Each End to

the south, and East Street to the north-west. The site, an area of former farmland, has been in use as a course fishery for over 10 years and this business has expanded to a number of ponds and a small clubhouse. Permission was granted in 2018 for the stationing of 30no. touring caravans on an area of land to the north-westernmost corner of the site. This section of the site is an area largely enclosed by mature hedging; enclosed to the north-west, south-west and south-east. The north-eastern end is open to an additional pond and lands forming part of the wider fishery site. It is this open northern section of the site which forms the current application site. Also to the north-east and east of the application site is a locally designated wildlife habitat, DO21 – Ash Level and South Richborough Pastures. This habitat also forms part of a wider SSSI impact risk zone.

- 1.2 The farmhouse at Little East Street Farm is located approximately 170m west of the application site. The hamlet of East Street begins approximately 250m to the west. There are no other dwellings to the north, east or south that would be impacted by any development at this site.
- 1.3 The application seeks to excavate a new fishing pond in the northernmost corner of the site. It would measure 103m in length and 70m in width (these measurements are approximations as the proposed pond has an undulating outline and is not truly rectilinear). The original application did not include any landscaping details and the plans have been amended to give an indicative layout for tree planting to the north and west boundaries of the application site. Further details will be required but can be secured by condition.

## **2. Main Issues**

- Principle of development
- Impact on the countryside, landscape and the street scene
- Impact on residential amenity
- Flood risk
- Parking and highway safety

### **Assessment**

#### **Principle of Development**

- 2.1 The site is beyond the settlement confines however the proposed pond would be ancillary to the existing lawful use of the land as a fishery and campsite. As such, the proposal is compliant with Policy DM1 of the DDC Core Strategy (2010) subject to material considerations. Policy DM3 of the CS supports the sustainable expansion of existing rural businesses and the loss of a small area of agricultural land in support of a successful rural business would be in line with Policy DM3 of the CS in this regard. As such, there would likely be a minor economic benefit to the rural economy as a result of the proposal.

#### **Impact on the countryside, landscape and the street scene**

- 2.2 The formation of the proposed pond would be through the excavation of a piece of former agricultural land and would not result in the formation of any bunds. As such, the impact on the countryside and landscape would be minimal. The flatness of the land in this area characterises the landscape

along with the presence of sporadic copses of trees. The planting of trees and hedges along the western and northern boundaries of the pond would not therefore be out of keeping with the area and would be seen in conjunction with the trees and hedging around the caravan park and within East Street.

- 2.3 Third party concerns have been raised with regard to the impact lighting would have on the character of the countryside and the night sky. Only torches would be used to access the pond and be used around the pond. There is no proposal for any lighting for night fishing as this defeats the purpose of this aspect of the sport. As such, there are no concerns with regards to the impact of the proposal on the night sky.
- 2.4 As such, there would be limited public views of the application site and no harmful impact on the night sky, the formation of a new pond would be unlikely to result in any undue harm to the character and appearance of the countryside and landscape or be detrimental to the visual amenity of the street scene. Overall therefore, the proposal is considered to be in line with Paragraphs 127, 130, 170 and 180 of the NPPF, Policies DM15 and DM16 of the CS and Saved Policy ER6 of the Local Plan 2002.

#### **Impact on residential amenity**

- 2.5 As previously noted, there is over 70m between the proposed pond and the nearest residential neighbour. It is also noted that there will be a planted screen of trees and hedging along the western and northern boundaries of the application site. As such, the proposal would raise no concerns with regards to overlooking, loss of privacy or interlocking. The tree line would be over 60m from the nearest dwelling and therefore would not result in any sense of enclosure, loss of light or loss of outlook. Third party concerns were raised regarding the impact on amenity from visitors walking to the pond along the access path (not a vehicle access, only pedestrian). This path, as shown on the drawings, would be 120m away from the nearest dwelling. This separation distance is considered adequate to prevent a loss of existing residential amenities to this neighbour. No other neighbour would be effected by this proposal.
- 2.6 Third parties have raised concerns that visitors to the site and using SatNav are directed to East Street rather than to the site entrance on the Ash Bypass. They request that the fishery obtain a distinct post code. They also have requested additional signage be erected to help direct visitors to the site entrance. Post codes are not a planning consideration nor would a separate post code be reasonably necessary to make the proposal acceptable. Additional signage could be considered however it would need to form a separate advertisement consent application which cannot be secured through a planning condition (a condition cannot require works to be undertaken which in themselves require planning permission or advertisement consent). As such, it is considered that there would be no harm caused to existing residential amenities and the proposal is considered to comply with Paragraph 127 (f) of the NPPF in this regard.

#### **Flood risk**

- 2.7 The application site is not within a flood zone and is outside of the tidal flood area for the Stour River. Regardless, as the proposal is to excavate rather than to form bunds, the formation of a pond within a flood zone would not be

likely to increase the risk or intensity of surface water flooding. As the pond is to be naturally filled, the pond will act as an informal surface water drainage system, improving current surface water drainage, albeit in a minor way. The proposal is considered acceptable in terms of flood risk.

### **Habitats**

- 2.8 The application site is close to the boundary with a locally designated wildlife site and as such, DDC Ecology was consulted. There was no objection to the proposal and whilst the response contained a number of habitat enhancements which could be integrated into the design of the proposal, these were not considered necessary to make the proposal acceptable in habitat terms. However, it was agreed with the applicant's agent to limit the introduction of plants (apart from those necessary for the welfare of the fish) and to allow the pond to colonise naturally. The pond has also been designed with a shallow area which would be warmer and appropriate for marginal feeders. Whilst not part of the current application, if timber decking were to be installed around the pond, it could be raised in certain sections (the south-eastern corner would be most effective) to allow for movement of wildlife between the pond and the existing drainage ditch on the eastern boundary. The planting of the tree/hedge screen to the northern and western boundaries of the application site would also extend the green corridor for wildlife. Overall, it is considered that the proposal would be acceptable in terms of its impact on existing wildlife habitats and provide modest enhancements to biodiversity.

### **Parking and highway safety**

- 2.9 There is no change proposed to the existing parking provision nor will the new pond increase the number of site users. Visitors will walk from either the parking areas or the camping site to the new pond; no new vehicle access is proposed. KCC Highways were only concerned if the new pond were to increase visitor numbers but this is not anticipated by the site owners. As such, the proposal is unlikely to result in any increased traffic movements to and from the site or increase highway safety concerns. The proposal is considered acceptable in both parking and highway terms.

### **Other Matters**

- 2.10 Concerns have been raised regarding the impacts on Richborough Fort. Given the low-key nature of the development (as detailed earlier) and the separation distance, the proposal would not have any undue impact upon the setting of Richborough Fort.

### **Conclusions**

- 2.11 The principle of the development accords with Policies DM1 and DM3 of the CS. The proposal for the change of use from offices to a single family dwelling would not result in any harm to the character and appearance of the countryside, the landscape the visual amenity of the street scene or result in any undue harm to existing residential amenities or local wildlife habitats. As such, the proposal would accord with Paragraphs 127, 130, 170, 172, 175 and 180 of the National Planning Policy Framework (2019) and DM1, DM3, DM15 and DM16 of the Core Strategy (2010).

**g) Recommendation**

- I Planning Permission BE GRANTED subject to the following conditions:
  - 1) 3 year time commencement
  - 2) Approved plans
  - 3) Details/plans, including an implementation schedule for the planting of trees and hedging as shown on the approved drawings.
  - 4) No vehicle access to the application site except for maintenance.
  - 5) No lighting to be brought onto or installed on the site.
  
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace