

Public Document Pack



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8 January 2020

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 16 January 2020 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "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 5-10)

To confirm the attached minutes of the meeting of the Committee held on 5 December 2019.

5 **ITEMS DEFERRED** (Page 11)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 12-15)

6 **APPLICATION NO DOV/19/00856 - LAND REAR OF 56 SANDWICH ROAD, EYTHORNE** (Pages 16-27)

Erection of two detached dwellings and creation of a new vehicle access and parking

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

7 **APPLICATION NO DOV/19/00120 - LAND EAST OF THE COURTYARD, DURLOCK ROAD, STAPLE** (Pages 28-48)

Erection of eight dwellings with associated parking and vehicular access

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

8 **APPLICATION NO DOV/19/00669 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE** (Pages 49-85)

Outline application for the erection of 34 dwellings (8 x 2 beds, 16 x 3 beds and 10 x 4 beds) and means of access with associated landscaping (appearance, landscaping, layout and scale reserved)

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

9 **APPLICATION NO DOV/19/00642 - SITE AT CROSS ROAD, DEAL** (Pages 86-120)

Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 APPEALS AND INFORMAL HEARINGS

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

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

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

Access to Meetings and Information

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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 5 December 2019 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
D G Beaney
E A Biggs
T A Bond
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

Officers: Team Leader (Development Management)
Planning Officer
Planning Consultant
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/19/00291	Mr Chris Knowles	Mr Paul Robinson
DOV/19/00969	Mrs Barbara Gilbert	-----

68 APOLOGIES

It was noted that there were no apologies for absence.

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69 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

70 DECLARATIONS OF INTEREST

There were no declarations of interest.

71 MINUTES

The minutes of the meeting held on 7 November 2019 were approved as a correct record and signed by the Chairman.

72 ITEMS DEFERRED

The Chairman advised that consideration of the deferred item (Application No DOV/19/00669 – Land between numbers 107 and 127 Capel Street, Capel-le-Ferne) had been delayed until January due to purdah.

73 APPLICATION NO DOV/19/00291 - 337 FOLKESTONE ROAD, DOVER

Members were shown a map, plans and photographs of the application site. The Planning Consultant advised that the application sought permission for a change of use from a dwelling-house to a House in Multiple Occupation (HMO) to accommodate up to nine single, homeless men on a temporary basis until they could be housed elsewhere in permanent accommodation. Residents would be placed in the accommodation by the Council's Housing Options team. A number of objections had been received from local residents, Dover Town Council and the Dover Society which were summarised and addressed in the report. As a generic response, Kent Police had made ten recommendations to incorporate 'Secured by Design' measures relating to CCTV, lighting, entry points and alarms. It was suggested that these could be addressed by amending condition viii). As clarification to the report, the Committee was advised that the bedroom windows referred to in paragraph 2.18 were on the first floor of the building.

The Committee was advised that the building had a history of mixed residential use, having previously been used as a guest house, a care home and, from 2006 to 2017, as a single family dwelling-house. The application property was in a predominantly residential area although there were a number of commercial uses to the west. To the east of the site was a three-storey block of flats and to the west a detached house. To the front of the site was a tarmacked area which could accommodate 3-4 cars. The accommodation was laid out on two floors with a single storey extension to the rear. The rear garden had been fenced off and would not be accessible to residents.

It was Officers' view that the application complied with Core Strategy Policy DM1 and the objectives of the National Planning Policy Framework (NPPF). It would also help serve a specific, non-general housing need. Moreover, with the degree of on-site management, and the involvement of the Council's Housing Options team, it was considered that the proposal was unlikely to harm the residential amenity of neighbours. Given that no external alterations were proposed to the building or site layout, it was also the view of Officers that the proposed use would be compatible with the residential character and appearance of the area.

In response to Councillor R S Walkden who raised concerns about anti-social behaviour and drink and drugs abuse, the Planning Consultant reminded Members that the residents would be referred by the Housing Options team and no assumptions should be made about them. With an on-site manager, any reports of misbehaviour could be addressed quickly. It was also understood there was a response team that would carry out repairs and maintenance. It was confirmed that there was no intention to allow deliveries or access to the land at the rear of the building. Visits for medical or other emergency purposes would be allowed outside the stated hours.

Councillor T A Bond commented that complaints from residents were based on the existing occupancy of four residents with no on-site manager. Whilst he understood residents' concerns, the proposed arrangements would be entirely different.

In response to Councillor Walkden, the Planning Consultant advised that the Committee could grant temporary planning permission for a stated period.

However, it would have to be for a minimum period of a year in order to cover all the seasons. Furthermore, there was insufficient evidence of anti-social behaviour to warrant granting only temporary permission. Councillor E A Biggs expressed concerns about the application, commenting that Folkestone Road had a chequered history and already suffered from anti-social behaviour issues. He did not believe this was the right location for an HMO.

The Planning Consultant stressed that the proposal would be a well-regulated HMO with an on-site manager. The applicant had a good track record of working with the Council. Whilst there were concerns about generic HMOs, Members should consider what harm would be caused by this specific proposal. The development would be monitored and any deviation from the management plan would require the Council's approval.

Councillor H M Williams suggested that it would be helpful if the operator and the Council wrote to local residents to explain the service they were providing and provide a list of contacts in the event of problems. The Planning Consultant clarified that this would not meet the criteria for a condition but could be included in the management plan, along with details of meetings.

RESOLVED: (a) That Application No DOV/19/00291 be APPROVED subject to the following conditions:

- (i) 3-year time limit to commence development;
- (ii) The layout of the building to be in accordance with the submitted drawings;
- (iii) The use of the building to be limited to up to 9 residents (not including the on-site manager) at any one time;
- (iv) The front garden of the site shall be kept available for up to 3 parking spaces as such thereafter;
- (v) The provision of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority, and retained as such thereafter;
- (vi) The fire escape staircase to the rear of the building shall only be used in times of emergency and not as a day-to-day means to access or egress the building;
- (vii) The flat-roof area of the single storey rear extension shall not be used for sitting out or for any other recreational purpose, and shall only be accessed for the purposes of maintaining the roof, windows and fire escape door;
- (viii) A Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the use first commences. The Management Plan shall set out how the applicant will partner with the Council's Housing Options Team and identify measures and a timetable to mitigate harm and

address any complaints from local residents. It shall include having 24-hour on-site supervision by at least one member of staff; arrangements for holding meetings with local residents when required; monitoring how the use adapts to the local environment; directing staff, visitors and deliveries to park on site at the front of the property; Secure by Design measures and details of proposed communication with residents to explain the service being offered and provide a contacts list in the event of problems. Once approved, the Management Plan shall be implemented in full and operated for the duration of the use hereby approved;

- (ix) The premises shall not be open to visitors (they shall not gain access to the premises) outside the following hours, on any day: 08.00 hours to 21.00 hours.

(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.

74 APPLICATION NO DOV/19/01131 - OLD TRACTOR SHED, LANGDON AVENUE, ASH

The Committee viewed plans and photographs of the application site and the existing building which was to be converted to a dwelling. The Planning Officer advised that a previous permission, granted under the prior approval procedure (Class Q), had expired in 2018. The site was adjacent to the settlement confines of Ash and well connected to its facilities and public transport. Officers considered that no harm would arise to the residential amenity of neighbouring properties or the highway network, and approval was therefore recommended.

Councillor Bond commented that the proposal was contrary to Core Strategy Policy DM1. It was not a straightforward conversion of an existing building because two extensions were also proposed. The existing building had the appearance of a farm building and was surrounded by paddock, in a rural environment. Whilst he recognised that permission for conversion under Class Q had been granted 4 years previously, that had been at a time when the district did not have a 5-year housing land supply. This proposal was also bigger than the previously approved scheme. For these reasons, on balance, he suggested that the application should be refused.

Councillor Biggs welcomed the proposal which he regarded as a positive development.

RESOLVED: (a) That Application No DOV/19/01131 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Approved plans;
- (iii) Samples of materials;

- (iv) Provision of parking facilities;
- (v) Measures to prevent the discharge of surface water onto the highway;
- (vi) Use of bound surface for the first 5 metres of the access from the edge of Langdon Avenue;
- (vii) Cycle parking details;
- (viii) Bin storage;
- (ix) Completion of access prior to first use;
- (x) Removal of permitted development rights (classes A, B and E);
- (xi) Construction management plan;
- (xii) Surface water disposal scheme;
- (xiii) Foul water drainage scheme;
- (xiv) Submission of a landscaping scheme;
- (xv) Boundary treatments and hard surfacing materials.

(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.

75 APPLICATION NO DOV/19/00969 - 50 MILL LANE, SHEPHERDSWELL

The Committee was shown plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the extension of an existing stable block and the installation of six 3-metre lighting columns along the perimeter of the sand school. As an update to the report, Members were advised that a further representation had been received which raised no new concerns and did not alter Officers' assessment of the application. The proposal complied with the Core Strategy and the objectives of the NPPF, and approval was therefore recommended.

In response to a query from Councillor D G Cronk, the Planning Officer clarified that there would be less than one acre of land for each horse which was below British Horse Society guidelines. However, this was only a guideline and, on balance, the provision was considered acceptable.

Councillor Bond commented that the lights were unlikely to present problems given that they would be pointing downwards and would only be on from 4.00 to 6.00pm. Councillor Biggs welcomed the proposal, arguing that it would help to support the rural economy, and enable owners to exercise their horses after work in winter when business costs were highest.

RESOLVED: (a) That Application No DOV/19/00969 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Approved plans;
- (iii) Lighting details;
- (iv) Restricted hours of use of the approved lighting.

(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.

76 APPEALS AND INFORMAL HEARINGS

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

77 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 7.10 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 16 JANUARY 2020

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

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

- 1. DOV/19/00669** **Outline application for the erection of thirty-four dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Land between numbers 107 and 127 Capel Street, Capel-le-Ferne (Agenda Item 7 of 10 October 2019)**

This item is dealt with elsewhere on the agenda

Background Papers:

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

LOIS JARRETT

Head of Planning, Regeneration and Development

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

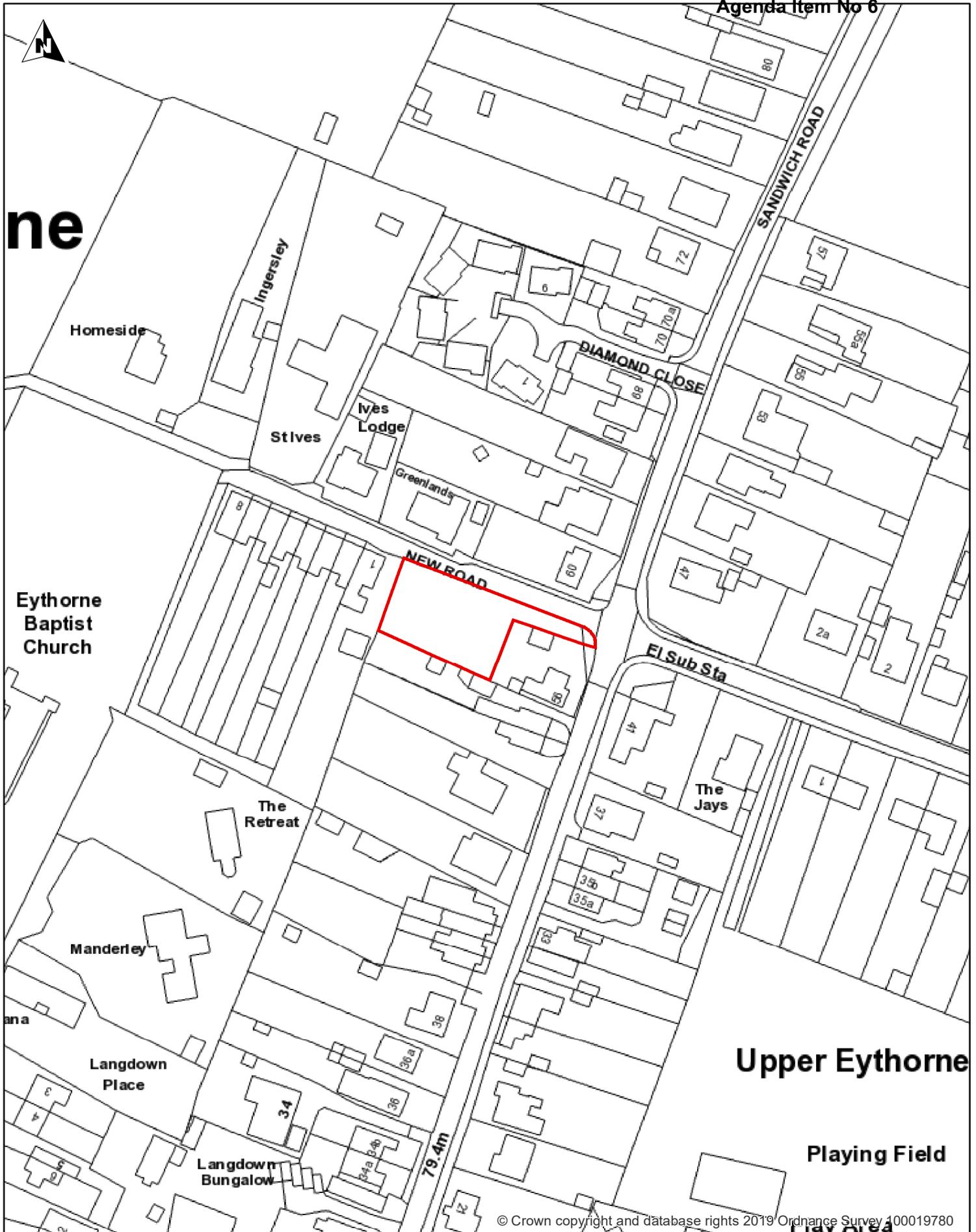
Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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DOV/19/00856

Land Rear of 56 Sandwich Road
Eythorne
CT15 4DE

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/19/00856 – Erection of 2 detached dwellings and creation of a new vehicle access and parking - Land Rear of 56 Sandwich Road, Eythorne**

Reason for report – Number of contrary views (8 Public and Eythorne Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2019)

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

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

Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.

Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

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

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

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result

of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

National Planning Practice Guidance

National Design Guide (2019)

Kent Design Guide (2005)

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

Kent and Medway Structure Plan (2006) - SPG4 Kent Vehicle Parking Standards

d) **Relevant Planning History**

DOV/12/00532 – Outline application for the erection of a detached dwelling and garage – Granted

DOV/13/01097 – Erection of a two-storey side extension and alterations to existing vehicular access – Granted

DOV/18/00023 – Erection of two detached chalet bungalows and formation of vehicular access and associated parking – Refused – Appeal Dismissed

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

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

Eythorne Parish Council – wishes to object to this planning application for the following reasons: 1. The Council concludes that the 2 dwellings are still overbearing to the existing street scene. 2. The Velux windows will still allow for overlooking and loss of privacy to the gardens of the neighbouring properties of 50 and 54 Sandwich Road. The inspector appointed by the Secretary of State at appeal on the previous planning application (APP/X2220/W/18/3201519) concluded that both properties would be positioned in close proximity to the side boundary of 54 Sandwich Road.

Outlook from the proposed first floor bedrooms of both dwellings would be toward the rear private gardens of the adjoining properties of 50 to 54 Sandwich Road. Elevated overlooking would substantially reduce the adjoining occupiers' privacy and this would significantly diminish their enjoyment of the gardens. For this reason the proposed development would be harmful. The Velux windows will not significantly alleviate this issue. 3. The soakaway shown on the plans is not 5m away from existing buildings.

KCC Highways and Transportation – comment that as with the previous proposals the 2 metre x 33 metre visibility splay to the south of the access, approved under the previous outline consent, needs to be provided. However, it is not clear that this is available over land under the control of the applicant and/or the highway authority. Clarification is therefore required and the splay should be shown on the plans.

KCC Public Rights of Way - object to this application as there is no reference to the existence of Public Right of Way EE348 and how it will be affected by the proposal. I have concerns that it will be assumed parking is accepted on the public footpath, I also have concerns regarding how the construction of the properties will affect the surface of the footpath. Please could you also advise the applicant that the granting of planning permission confers on the developer no other permission or consent or right to close, obstruct or divert any Public Right of Way at any time without the express permission of the Highway Authority. (informatives included at point II of this report).

Southern Water - requires a formal application for a connection to the public foul sewer to be made by the applicant or developer (an informative is included at point II of this report).

DDC Waste – note that the developer intends to provide a bin store for each property – this is good practice but I cannot see where the stores will be located. As long as residents can present their bins at the boundary for collection I do not foresee any future problems collecting waste and recycling from these proposed properties.

Public Representations:

8 members of the public have objected to the proposals (as of 23rd December 2019) and the material considerations are summarised below. Matters such as impact on an individuals' property value are non-material considerations and are not included below.

- Design – incongruous, overbearing & poorly related to appearance of surrounding properties, harm to visual amenity & character in the area, overdevelopment of site
- Loss of privacy (including perceived loss of privacy) & overlooking – Secretary of State supported that first floor windows on this elevation were unacceptable
- Overshadowing/loss of light
- Noise/disturbance
- Concerns regarding proximity to boundary of neighbouring garden/property & some neighbouring outbuildings not shown on plans
- Concerns regarding parking provision, size of parking spaces and width of access (and need to remove hedge/trees)
- Concerns regarding highways safety (particularly visibility during peak times, several accidents in the area & access opposite crossroads)
- Queries soakaway location in respect of building regulations
- Concerns over capacity of sewers
- Boundary/land ownership disputes & possible future disputes regarding neighbouring log burner
- Concerns regarding cycle storage and recycling provision
- Previous planning history for 1 bungalow
- Complaints regarding location of site notice

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

1.1 The application site relates to an empty plot of land located on the west side of Sandwich Road. The site slopes gently downwards towards the west and is bounded by tall hedgerow to the north, which separates it from New Road. New Road is a largely unmade road providing vehicular access to a number of terraced dwellings and detached bungalows and also forms the route of Public Footpath EE348. The site is bounded by No. 56 Eythorne Road to the southeast, No. 54 Eythorne Road to the south and No. 1 New Road to the west.

- 1.2 This application seeks permission for the erection of two detached bungalows and associated access and parking. The design of the 1 ½ storey dwellings has been amended and re-advertised accordingly (with site notices posted on Sandwich Road and in New Road). The dwellings would face New Street and would have gable roofs, with barn hipped ends, a single storey front projection with a hipped roof and above this, a first-floor projection with a gable roof. Both dwellings would be identical in design and scale and would be finished in red brick, a brown tiled roof, white rendered dormer window and projecting gable end and white uPVC windows and doors. The dwellings would measure approximately 9.4m in width and 8.19m in depth and would have an eaves height of 2.85m and 5.2m and ridge height of 6.245m from ground level.
- 1.3 Each dwelling would contain three bedrooms and would have an open-plan lounge/kitchen/dining room at ground floor level, opening out to the rear gardens. The dwellings would have two parking spaces and the vehicular access to the site would be from Eythorne Road, adjacent to the access to New Road. There would be two electrical vehicle charging points for each dwelling and the dwellings would be built using sustainable construction methods with materials sourced from sustainable sources. Furthermore, rainwater collection butts would be installed and it is proposed that the thermal properties of the build would exceed the current minimum Building Control requirements stated in Part L.

2. Main Issues

2.1 The main issues for consideration are:

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

Assessment

Principle of Development

2.2 The site lies within the settlement confines identified in Policy DM1, which accord with the aims and objectives of the NPPF. It is therefore considered that the principle of the development is acceptable in this location, subject to site specific considerations.

Planning History of the Site

2.3 The most relevant planning history to the site is application DOV/18/00023, for the erection of two detached chalet bungalows and formation of vehicular access and associated parking. The chalet bungalows measured approximately 9.95m in width, 9m in depth and 6m in height and featured large dormer windows on the rear (south) elevation with flat roofs, and smaller, narrower dormer windows with hipped roofs on the front elevation, serving bedrooms. The chalet bungalows would have been finished in cream render with grey slate roofs and cladding on the eaves and gable ends.

2.4 This application was refused and the decision upheld at appeal. The reasons for refusal were:

1. The proposed buildings by reason of their design, appearance and prominence would comprise an incongruous form of development which would be poorly related to the form and appearance of surrounding and adjacent properties and would be out of keeping with the quality and visual amenity of the street scene, harmful to the character and appearance of the area, contrary to Paragraphs 56-59, 61 and 64 of the National Planning Policy Framework.
2. The dormer windows in the upper floor of the front elevation of House Plot B and in the upper floor of the rear elevation of House Plot A would give rise to a significant level of overlooking and an unacceptable loss of privacy for the occupiers of 'Greenlands' in New Road and Nos. 50-54 Sandwich Road which would harm their living conditions and the reasonable enjoyment of their residential properties, contrary to Paragraph 17 of the National Planning Policy Framework.
- 2.5 The Inspector's appeal decision sets out further consideration of the key points of the application. The Inspector considered that the "Outlook from the proposed first floor bedrooms of both dwellings would be toward the rear private gardens of the adjoining properties of 50 to 54 Sandwich Road. Elevated overlooking would substantially reduce the adjoining occupiers' privacy and this would significantly diminish their enjoyment of the gardens" and would result in harm. Furthermore, the Inspector stated that "the rear roof dormer would host a significant number of windows at an elevated position within close proximity to the outdoor living spaces of the existing dwellings of 50 to 54 Sandwich Road. Whether actual observation takes place or not, the occupiers of these properties are extremely likely to experience the perception of being observed. This would significantly diminish the adjoining occupiers' enjoyment of their gardens".
- 2.6 In respect of the impact on Greenlands (on the north side of New Road), the Inspector found that due to the "proposed dormer design and internal layout, in order to gain any clear view of Greenlands it would be necessary to stand within very close proximity to the dormer windows and within the dormer roof projections. Whilst it is possible that such overlooking could take place from time-to-time, such views would need to be actively sought. Therefore, I do not consider this would be a regular occurrence from the normal day-to-day use of the first floor bedrooms". They therefore considered the dormer windows "would not lead to unacceptable harm to the living conditions of the occupiers of Greenlands".
- 2.7 In considering the impact of the proposals on the character and appearance of the area, they stated that "that there is a mix of property types within the wider area that includes some chalet style bungalows. Taking into account the mixed character of properties in New Road and the wider area, I do not consider that two chalet style bungalows at the appeal site would appear appreciably out of keeping". Furthermore, they found that "the chalet bungalows would overall be of modest size and height. Although the dwellings would have large roofscapes, the roof dormers would add interest that would visually break up the roofscapes. I do not consider the chalet bungalow roofs would appear unduly dis-proportionate or visually conspicuous within this streetscene given its mixed character and appearance". Consequently, they concluded that the development would not harm the character and appearance of the area.
- 2.8 The current proposals have removed the large dormer windows from the rear elevation and replaced these with two high level sun tunnels serving en-suite bathrooms (a condition for these to be fitted with obscure glazing is suggested). There would be one dormer window on the front roof slope (similar in size to the

dormers of the previous application), and a larger gable projection, both serving bedrooms. The design of the projecting gable has been amended to set it back from the projecting ground floor level, in order to reduce the visual impact on the street scene and on the dwellings to the north of the site. This has been re-advertised accordingly and the impact of the proposed scheme is considered below.

Impact on the Character and Appearance of the Street Scene

- 2.9 The site is located within the village confines, in a predominantly residential area. Sandwich Road comprises a mix of two storey detached and semi-detached dwellings, as well as bungalows. There are a variety of styles and materials, including render, painted brickwork and predominantly red coloured brick with tiled hipped or gabled roofs. New Road comprises a row of two storey terraced dwellings on the southern site and several detached bungalows on the northern side. Again, these are finished in a range of materials.
- 2.10 The proposed dwellings would be finished in brick at ground floor level, with cream coloured render on the front dormer window, front gable projection and side gable ends and would have brown tiled roofs. As such, the chalet bungalows would be in keeping with the materials of other dwellings in the street scene. As mentioned at Paragraph 2.9, the design of the front gable projection has been amended to reduce the depth at first floor level, lessening the visual impact on the character of the street scene. Furthermore, the existing hedge forming the northern site boundary with New Road would be retained and would provide some screening of the site from New Road and Eythorne Road, as well as from the Public Right of Way (EE348). In the interests of visual amenity, it is considered appropriate to recommend that conditions requiring samples of materials and section details of the rear sun tunnels are submitted and that a condition requiring the retention of the hedgerow forming the northern boundary
- 2.11 Consequently, the design, siting and scale of the proposals are considered to preserve the varied character and appearance of the streetscene in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

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

56 Sandwich Road

- 2.13 Located to the east of the site, this two-storey detached dwelling has several windows on the rear elevation from which the proposed dwellings would be visible. An approximately 1.8m timber featheredged fence would form the boundary between the site and the garden of this property and the proposed dwellings would have no windows on the flank elevation. As such, the development is considered unlikely to result in undue harm to privacy. Due to the separation distance between the dwellings and limited height of the proposal, the development is also considered unlikely to result in significant overshadowing or overbearing impact on the residential amenities of the adjacent occupiers and would accord with Paragraph 127 of the NPPF in respect of amenity impact.

54 Sandwich Road

- 2.14 Located to the southeast of the site, this two storey dwelling has a number of windows on the rear elevation from which the proposals would be visible. Furthermore, the deep garden of this property directly bounds the application site. A 1.8m timber feathered edge fence would be installed along this boundary and would preserve the privacy of the neighbouring occupants at ground floor level. Concerns have been raised with regard to loss of privacy from the first-floor openings of the proposed dwellings. The proposed light tubes, which would serve an en-suite and a bathroom (non-habitable rooms) would be set at least 1.8m above the internal floor level, such that views across neighbouring gardens would not be readily visible. Nonetheless, a condition for section drawings and requiring these light tubes to be fitted with obscure glazing is suggested. Consequently, whilst neighbouring occupiers may experience some perceived overlooking, the development would result in no actual harm to privacy. The proposed dwellings would be entirely to the north of this neighbouring property and therefore due to the sun path, would result in no overshadowing to neighbouring amenity. Due to the design and appearance of the proposed dwellings, the development is also considered unlikely to result in an unduly overbearing impact on the residential amenity of the adjacent occupiers. Consequently, it is considered that the proposal would accord with Paragraph 127 of the NPPF in respect of amenity and overcomes the previous reasons for refusal (in respect of loss of privacy)

50–52 Sandwich Road

- 2.15 Located to the southeast of the site, these dwellings are in excess of 15m from the nearest proposed dwelling, although the development would be directly visible from the gardens of these properties. Due to the design of the proposals, as well as separation distance, the development is considered unlikely to result in an unduly overbearing impact on residential amenity. Furthermore, due to the sun path and separation distance, the development would result in no loss of light or overshadowing to the neighbouring amenity. Whilst residents may experience some perceived overlooking, the proposed first floor level light tubes, due to their high level (as well as the suggested condition for their fitting with obscured glazing) would preserve the privacy of the nearby residents. As such, it is considered that the proposals overcome the previous reasons for refusal (in respect of loss of privacy) and would accord with Paragraph 127 of the NPPF.

60 Sandwich Road

- 2.16 Located to the northeast of the site, on the opposite side of New Road, this two-storey detached dwelling is sited approximately 19m from the nearest proposed chalet bungalow. No. 60 has no windows on the flank elevation, however there are several windows on the rear elevation from which the proposals would be visible. Due to the separation distance between the dwellings, the development is considered unlikely to result in an unduly overbearing impact on residential amenity. For the same reasons, the development is also considered unlikely to result in overshadowing to the neighbouring property. Whilst there would be some views across the site and New Road towards the neighbouring garden, due to the separation distance and boundary hedge (for which a condition is suggested for its retention), the development is considered unlikely to result in undue harm to the privacy of the nearby residents in accordance with Paragraph 127 of the NPPF.

1 New Road

- 2.17 Located to the west of the site, this two-storey end of terrace dwelling is separated from the site in part by an approximately 1.8m close boarded fence. It has a driveway to the east side and to the rear is a two-storey projection, with a conservatory beyond this. The dwelling has a number of windows on the rear elevation, on the flank elevation of the two-storey rear projection and the glazed conservatory. There would be a distance of approximately 5.5m between the closest proposed chalet bungalow and the flank elevation of the neighbouring dwelling (which has a single door only and does not contain any windows). Whilst the proposals would be visible from the neighbouring dwelling, due to their design and appearance, they are considered unlikely to result in a significantly overbearing impact on residential amenity. The proposed chalet bungalows would contain no windows on the flank elevation facing the neighbouring property and windows on the rear elevation would be at ground floor level only, overlooking the garden of the application site. The proposed sun tubes on the rear elevation would be obscured glazed (to be secured by condition) and would be high level, preventing overlooking of neighbouring gardens. As such, the development is considered unlikely to result in undue harm to the privacy of the adjacent occupants. In respect of overshadowing, the chalet bungalows would cast shadow towards No. 1 New Road during the mornings. However, this would be limited by the barn hipped roof and separation distance between the dwellings. Furthermore, any shadow would likely fall on the driveway to the side of the neighbouring dwelling and would therefore be unlikely to result in significant harm to residential amenity. As such, it is considered the proposals would accord with Paragraph 127 of the NPPF in respect of impact on amenity.

Greenlands, New Road

- 2.18 Located to the north of the site, on the opposite side of New Road, this detached single storey bungalow has several windows on the front elevation, believed to serve bedrooms, from which the proposals would be visible. The existing boundary hedge fronting New Road would be retained and there would be a distance of approximately 11m between Greenlands and the nearest proposed dwelling.
- 2.19 Whilst the upper floor of the dwellings would be visible above the boundary hedge, due to the separation distance and design of the proposals, the development is considered unlikely to result in an unduly overbearing impact. Furthermore, due to the limited height of the proposed dwellings, as well as separation distance from Greenlands, the development is considered unlikely to result in significant overshadowing or loss of light to the neighbouring amenities.
- 2.20 In respect of privacy, the proposed dwellings would contain dormer windows within the upper level, serving bedrooms, as well as a velux window serving the staircase/landing. The previous scheme for the site (DOV/18/00023) which was refused, featured narrower dormer windows on the front roof slope which, due to the internal layout of the dwellings, were not considered to result in significant harm to privacy (as detailed in paragraph 2.7 of this committee report). The proposed dormers of this scheme would be the only windows to these bedrooms and due to the internal layout, residents would be more able to stand directly in front of the windows. As such, views towards Greenlands would be more readily available. However, there would be a good separation distance between the dwellings and the boundary hedge would provide some screening between the windows of the neighbouring properties. Given that the windows would serve bedrooms, which would be most used in the mornings and evenings and sporadically in the daytime, the development is considered unlikely to result in

unacceptable harm to the privacy of the nearby residents and would accord with Paragraph 127 of the NPPF in respect of amenity impact.

Other Dwellings

- 2.21 The proposals would be visible from a number of other dwellings, particularly those to the south of the site. However, due to the siting, scale and design of the proposals, the development is considered unlikely to result in undue harm to the residential amenities of other nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity.

Amenity of Proposed Occupiers

- 2.22 The proposed dwellings would be of a good size and all habitable rooms would be naturally lit. It would be provided with south facing private garden and areas for recycling storage and enclosed cycle stores have been identified on the proposed site plan. As such, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

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

- 2.23 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.24 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.25 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.
- 2.26 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.27 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

- 2.28 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.

Impact on Parking/Highways

- 2.29 The proposed access to the site would be from Eythorne Road and would be adjacent to the access to New Road. This access would remain as shown in previous planning applications and would have good visibility along Sandwich Road in both directions. Furthermore, as the hedgerow bounding New Road does not extend to the edge of the highway, the visibility splay for New Road (which is also a Public Right of Way EE348) would be retained and occupants exiting the site would have good visibility of any residents exiting New Road. As such, it is considered that the proposals would be unlikely to result in undue harm to pedestrian and highways safety. Parking and turning areas would be provided within the site and both dwellings would have two parking spaces, which would accord with the parking provision requirements set out in Policy DM13. Furthermore, two electrical charging points for each dwelling would be installed.

Impact on Flood Risk

- 2.30 The application site is located in Flood Zone 1, which has the lowest risk from flooding and the development is therefore considered acceptable in this respect.

Surface Water/Drainage

- 2.31 The proposed site plan identifies that soakaways would be installed to deal with surface water and the application form indicates that foul sewage would be discharged to the mains sewer. Nonetheless, pre-commencement conditions are suggested for details of site drainage works for the disposal of surface water and a detailed scheme for the disposal of foul sewage are recommended to ensure satisfactory arrangements.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of 2no. detached dwellings, creation of a new vehicle access and parking is considered acceptable in principle in this location. The proposed dwellings, due to their siting, scale and design are considered to preserve the varied character and appearance of the street scene. Furthermore, the proposals are considered unlikely to result in undue harm to the residential amenities of surrounding residents. It is considered that the design of the proposed dwellings overcomes the previous reasons for refusal and, subject to the conditions suggested below, that the development would accord with the aims and objectives of the NPPF.

g) Recommendation

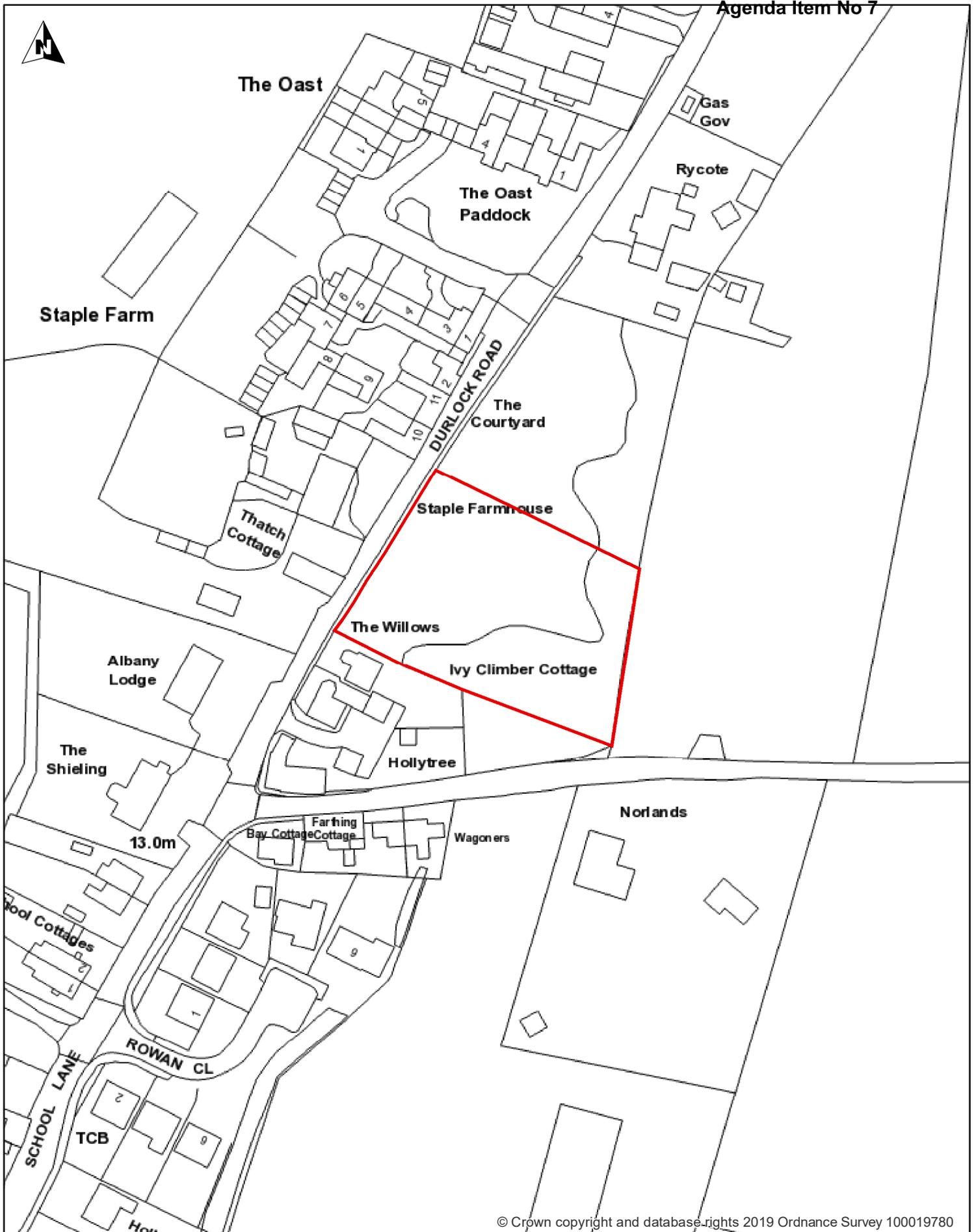
- I PERMISSION BE GRANTED subject to conditions:

(i) Standard time condition, (ii) list of approved plans (iii) samples of materials (iv) pre-commencement construction management plan (v) pre-commencement details of measures to prevent discharge of surface water onto the highway from the access (vi) pre-commencement scheme for the disposal of foul sewage (vii) pre-commencement details of site drainage works for the disposal of surface water (viii) provision, surfacing and drainage and retention of vehicle parking space (ix) bound surface of first 5m of vehicle access (x) sectional drawings of light tubes which shall be obscure glazed and non-opening (xi) removal of permitted development rights for classes A, B, C and E of Part 1 of Schedule 2 (xii) retentions of hedgerows and replacement where damaged (within 5 years of completion of development) (xiii) completion of hard and soft landscaping (xvi) provision of bicycle and refuse storage shown on plans.

- 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

Rachel Morgan



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DOV/19/00120
Land East of The Courtyard
Durlock Road
Staple

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/19/00120 - Erection of 8 dwellings with associated parking and vehicular access – Land east of The Courtyard, Durlock Road, Staple**

Reason for report: number of representations

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policies and Guidance**

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Staple is a Village; identified as a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- 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 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM6 – Rural Exception Housing
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking standards
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
 - i) In accordance with allocations made in Development Plan Documents, or
 - ii) Justified by the needs of agriculture; or
 - iii) Justified by a need to sustain the rural economy or a rural community;
 - iv) It cannot be accommodated elsewhere; and
 - v) It does not result in the loss of ecological habitats.

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

- DM16 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
 - i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

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

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

Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

National Planning Policy Framework 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.
- Paragraph 177 states 'The presumption in favour of 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.'

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

STD/86/1138 Outline application for residential development REF 12.3.87 Appeal dismissed

DO/86/411 Outline application for residential development WITHDRAWN

CH/7/69/404 application for the erection of seven dwellings REF

CH/7/68/13 application for the erection of eight dwellings REF 26.3.68

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

Staple Parish Council - Fully supports the application

Head of Strategic Housing - 'I support this application for a development which will provide 6 affordable housing homes for rent. The scheme has been submitted as a rural exception site but with the inclusion of 2 dwellings for sale on the open market. Historically, rural exception site developments in the district have been developed to provide 100% affordable housing. However, increasing development costs combined with limited government grant funding means that the development of smaller rural exception schemes, such as this one, have become increasingly less viable. The sale of the two market homes will be used to cross subsidise the affordable rented homes.'

The scheme is a response to a parish council request to provide additional affordable homes in the village and the need for such homes is supported by a local housing needs survey undertaken by Action with Communities in Rural Kent – an independent charitable organisation providing services which help to support rural communities in Kent.

If approved the scheme will be subject to a planning agreement requiring the affordable homes to be let to people who are resident in or who have a local connection to the village of Staple. In the event that there are no people who meet this criterion then people with a similar connection to neighbouring parishes will be considered.

Over the years a significant proportion of the Council's stock of affordable housing in villages has been sold and therefore this type of scheme provides the only opportunity that many local people have to access affordable housing in their community.

Principal Heritage Officer – Further to the submission of an addendum to the Heritage Statement I make the following comments:

- The importance of the relationship of the listed building with the open fields has not been noted but is one of the key characteristics of a farmhouse/yard. This will undoubtedly be affected by the proposed development. However, the scheme has been significantly altered in design, form and bulk in order to try to limit this impact: of particular note are the proposed buildings to the rear of the site where the mass has been amended from a single block terrace to two units of one and half storeys. This has helped to retain some permeability although views from the listed building to the countryside are still likely to be significantly reduced.
- The single storey units to the front/roadside have been designed with different features which adds some interest and prevents the 'bookending' of the opening.
- I remain concerned about the landscaping proposals: soft landscaping to the roadside elevation is important to ensure the rural character of the lane is retained.
- I suggest that it may be suitable to remove PD from the units to prevent a 'clutter' of uncontrolled ancillary residential development that would lead to the site appearing more built-up than the current scheme demonstrates.

Agricultural Advisor - The land concerned extends to some 0.31 ha and appears to be an area of former grassland that is now apparently largely unkempt and reverting to scrub/trees. The general area is one of free draining, loamy soils, and if a detailed land classification study were undertaken, I would expect the site to fall within the "best and most versatile" agricultural category in terms of land use planning policy. That said, given the small area of land concerned, and the apparent lack of any active agricultural use as matters stand, I imagine that loss of agricultural land would probably not be the most significant determining issue in this case.

DDC Environmental Health Officer – no objection subject to conditions on construction management.

Principal Ecologist - no detailed comments provided

KCC Highways - Initial comments were received raising concerns regarding the level of information submitted, adequate visibility splays being provided, further traffic count information needed and comments on the parking layout.

Final comments were received on 2 December that confirmed that in highway terms the proposals were now acceptable. Detailed comments stated 'The location of the site and limited bus services/amenities available suggest that most if not all residents will drive to/from the site. Nevertheless I concur with the Transport Statement submitted that the small number of additional trips generated by the proposals is unlikely to have a severe impact on the highway network, particularly as these trips are likely to be spread across Durlock Road to the north of the site, Lower Road/Fleming Road to the east and The Street to the west. Whilst there is not footway connecting the site to the footway in Lower Road, there are unlikely to be very few pedestrian movements to/from the site and the short section of Durlock Road in question is a low speed environment.

The proposed access is acceptable and provides appropriate visibility. The site layout is acceptable and provides adequate manoeuvring/turning space for a refuse/delivery vehicle and residential parking in accordance with policy DM13.

The management of construction traffic can be dealt with through condition.

No objections subject to conditions.

KCC Lead Local Flood Authority – We would expect for the micro-drainage calculations to utilise a M5-60 value of 26.25mm and not that of 20mm as provided.

Southern Water - No objection. However, they point out that there is no public foul sewer in the vicinity/area of the site and alternative means of foul sewerage will need to be examined. If a septic tank is proposed or private waste water then the Environment Agency will need to be consulted. Arrangements will need to be made for the long-term maintenance of SUDS.

Public Representations - 73 letters received – 36 objecting to the application, 36 supporting the application and one neutral.

The reasons for objection are summarised as follows:

- Previous applications in 1968, 1969 and 1986 were refused (grounds of refusal cited). There are still many reasons to refuse the application.
- Ribbon development increases the difficulty in creating a village centre, a sense of community and the options for road widening
- Durlock Road is small, narrow, has no road markings, no footpaths and no street lighting. Inadequate road infrastructure. Two moving cars cannot pass.
- Traffic density will only increase
- The land is a biodiverse area of scrub that helps mitigate the effects of climate change, the development will alter the existing ecosystem and have an impact on wildlife.
- Heritage impact on Listed Buildings and harm caused by traffic (2 x car accidents cited adjacent to the entrance to the site – photographs included)
- Heritage concern regarding the impact on the two Listed Buildings opposite the site
- The Rural Housing Needs Survey is 4 years old, had a poor response rate and limited support for the requirement for affordable housing in the village
- The development at Summerfield Nurseries fulfils the requirement
- Disagree with selection process as other sites were dismissed for constraints that apply to this site – this site is the least suitable of the 16
- loss of grade 1 agricultural land
- overdevelopment, not 'isolated rural development', DDC has exceeded its housing requirement for Staple
- Staple does not have the required infrastructure i.e shops, medical services, primary school, employment opportunities
- Noise and air pollution
- Flooding already occurs in Durlock Road the development will exacerbate this
- Views from Lower Road will be spoilt
- A number of concerns in relation to construction traffic, disruption and noise

Amended plan

- holding objection from highways remains
- no Heritage Statement

- Traffic Survey and Accident Data inadequate – detailed analysis provided by objector
- The Staple Bus Service Timetable is obsolete – why include it
- Request for residents to meet with the Parish Council and applicant to discuss the application
- Why do plans now show a 5m access gate to the adjacent field
- Overlooking/loss of privacy to existing neighbouring property
- Loss of light into property and garden
- View from neighbouring property into 5 gardens, parking spaces and cycle sheds – there will be noise and light pollution
- No planting buffers shown between the site and existing property to the south
- Previous objections reiterated

The comments in support of the application are summarised as follows:

- A small development in keeping with the village causing minimal disruption
- The young people of the village should be given a chance of remaining
- The land has not been in agricultural use for many years
- This will be a popular and stylish development
- Will encourage young families to the village – much needed
- Affordable housing is vital for the village and the young

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

The Site

- 1.1 The application site is approximately 0.31ha in size and is situated in the Parish of Staple. The site is located to the north side of the settlement, outside the village boundary but adjacent to it on the site's southern side and opposite. The site is former grade 1 agricultural land but has not been actively used as such for some time. At the time of the application being submitted the site was overgrown, it was cleared but regrowth has occurred.
- 1.2 The site is an abandoned orchard plot and the most recent use was for grazing. Coverage of the site has been noted as hawthorn and bramble scrub land with patches of grassland.
- 1.3 The site fronts Durlock Road – a 30mph speed limit in this location. Opposite the site are two 17th Century grade II Listed Buildings – a thatched cottage and Staple farmhouse. There is no footpath outside the site or opposite the application site.
- 1.4 The site is on land elevated from Durlock Road with a fall in the road of approximately 0.7m from south to north. The site does not fall within any specific designation. To the north and east of the site are fields, to the south are residential curtilages and to the west is a fairly linear development of dwellings of rural character.
- 1.5 The village of Staple has limited amenities which comprise a Church and a village hall. It is understood that the bus service is no longer operational.

The Proposal

- 1.6 The application seeks full planning permission for the erection of 8 detached dwellings. Of these, six of the dwellings are proposed as local needs housing and the remaining two will be open market and used to cross subsidise the

delivery along with grant funding for the local needs dwellings. The application is accompanied by a number of documents including:

- Detailed plans
- A Design and Access Statement & Addendum
- A Heritage Statement & Addendum
- Tree Survey
- Ecological Scoping Survey; Badger Survey, Reptile Survey,
- Staple Housing Needs Survey October 2015
- Development Viability Assessment
- Transport Assessment
- SUDS Assessment
- Statement of Community Involvement
- Local Needs Housing Site Selection Process
- Proposed S106 Heads of Terms

- 1.7 The accommodation schedule provides for 2no. 1 bedroom and 4 no. 2 bedroom local needs houses. Two no. 3 bedroom open market bungalows.
- 1.8 The proposed layout shows two detached 3 bedroom open market single storey dwellings with rooms in the roof (Plots 1 & 8) at the front of the site, whilst their configuration mirrors each other, use of different materials provides a less uniform design when viewed from the front of the site. These dwellings are set back 5.2m and 4.4m respectively from the back edge of the application site which allows for landscaping as a buffer between the development and Durlock Road. Plot 1 has a gable end to the road whereas plot 8 has a barn hip; plot 1 is of brick and weatherboarding externally, plot 8 uses brick only. Both plots have plain clay roof tiles, 3 small flat roof dormer windows in the front elevation and a brick wall to define the boundary parallel with Durlock Road. The principal elevations of these two properties both front onto the new access road which is the central spine road to the development.
- 1.9 Plots 5, 6 & 7 form a terrace of 3 units (one x 1 bed and 2 x two bed) on the southern side of the spine road. These units have rear gardens of 10m in depth. The units show strong articulation with a single storey fully hipped roof on one end and two gable units with rooms in the roof. The material palette is taken from plots 1 and 8 to provide a varied mix.
- 1.10 Plots 2, 3 & 4 are situated in the top end of the cul-de-sac. Plots 2 and 3 are attached but with the principal elevation at a 90 degree angle to each other. From the western elevation these units appear as one resembling the form of plot 1. Plot 2 is therefore single storey with one bedroom and plot 3 two bedrooms but over two floors. Plot 4 is the only detached affordable home, again providing two bedrooms.
- 1.11 Parking is provided for all dwellings to meet KCC parking spaces as a mix of allocated spaces with visitor parking spaces. Plots 1 and 8 have open fronted garages.

2. Main Issues

2.1 The main issues for determination are as follows:

- The principle of the development
- Impact on the character and appearance of the locality

- Impact on the setting of the nearby listed buildings
- Impact on Highway Safety
- Impact on ecology
- Residential amenity
- Viability Considerations
- Other material considerations

Assessment

The Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This advice is reiterated in paragraph 2 of the NPPF.
- 2.3 Under Policy CP1 of the Core Strategy, Staple is identified as a Village. The function of a village is stated as being a 'Tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community'.
- 2.4 However, the site is located outside the settlement boundary of the defined village of Staple. Policy DM1 presumes against development in such a location (beyond settlement confines) unless justified by other development plan policies, none of which apply here. The proposal is therefore contrary to Policies CP1 and DM1. Policy DM1 places a blanket restriction on development outside of confines, whereas the NPPF takes a more nuanced approach which focuses upon whether the development would cause harm to the character of the countryside, is reliant upon unsustainable means of transport or is unsustainable for other reasons. As such, In the context of this application, there is a degree of tension between the NPPF and Policy DM1, which reduces the weight of the policy.
- 2.5 Policy DM6 of the Core Strategy considers Rural Exception Affordable Housing. Whilst this Policy does not directly apply to this proposal (due to cross-subsidy) - the general thrust of the policy can be attributed to the assessment of this scheme. Policy DM6 states:
- 'Permission for affordable housing schemes in the rural area beyond a settlement's identified confines will be granted provided:
- i. local needs exist and are documented in a comprehensive appraisal of the parish prepared by the applicant and/or Parish Council, and where appropriate, of adjacent parishes;
 - ii. these local needs cannot otherwise be met
 - iii. the development is of a suitable size and type and will be available at an appropriate cost to meet the identified need – schemes that include cross subsidies between higher priced and affordable housing, or a discounted initial price, will not be permitted;
 - iv. the site is well related in scale and siting to a village and its services; and initial and subsequent occupation is controlled through legal agreements to ensure that the accommodation remains available to meet the purposes for which it was permitted
- 2.6 The NPPF is the more recent planning policy and guidance (last updated February 2019, this takes a slightly more flexible approach with regard to

meeting rural housing need, specifically it states, *'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'*

- 2.7 It is considered that DM6 forms a starting point for the assessment of the application, but is more restrictive than the NPPF. Accordingly, the weight attributed to this policy is reduced. The policy should be read in conjunction with the NPPF. The local needs evidence shall be considered later in this report.
- 2.8 Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside rural settlement confines unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to Policy DM11. Again, in edge of settlement locations, DM11 is more restrictive than the NPPF and therefore attracts reduced weight.
- 2.9 At the present time the Council is able to demonstrate a 5-year housing land supply. Paragraph 11 of the NPPF 2019 states that 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 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. It is considered that there are relevant development plan policies as referred to in the officer's report. Footnote 7, in relation to paragraph 11, confirms that policies may be out-of-date where a five-year housing land supply cannot be demonstrated. Having regard for the most recent Annual Monitoring Report 2018/9, the Council are currently able to demonstrate a five-year supply and so the 'tilted balance' is not triggered for this reason. In addition, a policy may be out-of-date where it no longer performs its intended purpose or when events have overtaken the policy. In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy and LALP through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date.
- 2.10 As described above, several policies are considered to be in tension (to differing degrees), particularly where they apply blanket restrictions to housing development in some settlements and prevent other settlements from expanding. It's recognised that the evidence underpinning these Core Strategy policies would now warrant review. In the context of this application, it is therefore considered that the 'tilted balance' does apply.
- 2.11 Paragraph 79 of the NPPF requires that local planning authorities should avoid new isolated homes in the countryside unless the proposal fits within the following special circumstances:
- The building was of an outstanding or innovative nature;
 - Would provide a rural workers dwelling;
 - Would be the optimum viable use for a heritage asset;
 - Would re-use redundant buildings that would lead to an enhancement of the immediate setting

The term 'isolated' is not defined in the NPPF but within the special circumstances reference is made to farm workers dwellings, or conversions of redundant farm buildings which, of course, are unlikely to be wholly isolated by their nature. Isolated also is a reflection of where something is more remote and away from other places, buildings and the like. It is not considered that the proposed dwellings would be 'isolated' in the dictionary sense; it is the issue of the harm that would be caused were the proposal to be permitted.

- 2.12 As set out above, the application site is located within the open countryside where the Core Strategy restricts development unless it falls within specific criteria. Policies DM15 and DM16 seek to protect the countryside and landscape character. Their objectives are broadly consistent with the NPPF and both policies are applicable to the assessment of the application.
- 2.13 The NPPF is clear in its guidance however, that the Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the proposal is contrary to the Development Plan. The report will, however, consider whether there are material considerations which indicate that permission should be granted, contrary to the development plan when taking into account the circumstances of this case.
- 2.14 As such, the test for this application is whether or not the proposal would give rise to adverse impacts that would significantly and demonstrably outweigh the benefits. The report considers, in the context of the NPPF and the tilted balance in particular, whether any other material considerations exist which would justify granting planning permission contrary to the Development Plan.

Impact on Character and Appearance

- 2.15 The key characteristics of the area are identified as follows:
- Gently undulating land
 - Open views
 - Little tree cover and open arable land
 - Insignificant enclosure
 - Native hedgerows
 - Mixed buildings; minor roads; footpath network
- 2.16 Essentially, the pattern and rhythm of the landscape is of open arable nature with fields and farmland characterising the area.
- 2.17 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. This application is not submitted on the basis of agricultural need; it is not in accordance with any allocations and is not required to sustain a rural economy but is put forward to support the rural community. On this basis there is some policy support (DM6) and NPPF support. It is therefore considered that subject to the detail, the proposal would not be contrary to policy DM15.
- 2.18 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the development plan, incorporating any necessary mitigation; or it can be sited

to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.19 It is recognised that the area has an open character, albeit in this instance, there are dwellings on two sides of the application site. Nearby dwellings front Durlock Road are varied in character with some backland development. This proposal has been designed to take account of its edge of rural setting and seeks to provide views through the site. This approach is two-fold in that it helps to mitigate the impact on the listed properties opposite the site and also respects its rural setting.
- 2.20 The application site itself is presently undeveloped and therefore does contribute to the wider open countryside and the setting of the listed buildings. It would not be possible to develop the site without altering the character and appearance of the locality, however, the detail of the scheme is crucial in determining the level of harm that the proposal would give rise to and whether this is outweighed by the benefits.
- 2.21 The new dwellings, if permitted, would be visible from the immediate locality and approaching the site from the north. However, in effect it would draw the eye to the settlement boundary sooner but would not appear as isolated development due to its relationship with the existing dwellings in the locality. There is scope to reinstate the boundary treatments and enhance these to help integrate the development into the local area.
- 2.22 Much time has been spent on the detailed design, scale, bulk and layout of the dwellings. The development would not erode the rural character and appearance of this location rather it would be an attractive addition to this approach to the village.
- 2.23 Accordingly, the development is considered to be acceptable in terms of its impact on the character and its effect on the countryside.

Heritage Impact

- 2.24 There are two listed properties opposite the site of very different vernacular. The Thatch Cottage as previously mentioned which comes right up to the boundary of the highway; and Staple Farmhouse which is set back from the highway by approximately 5.2m with parking on its frontage. This application does not propose works to either of these properties, but does occupy land directly to the east of these properties.
- 2.25 In Heritage terms it is therefore important to ensure that the proposed development respects the siting of these heritage assets and as much as it is possible retains views to and from these properties.
- 2.26 The initial submission failed to respect the character and siting of the aforementioned listed properties. The design and scale was overbearing in terms of materials being used, layout and obliterating the opportunity of any views through the site and produced a suburban character. The proposal as initially submitted drew criticism from the Council's Heritage Officer as it failed to respect the heritage assets in the locality.
- 2.27 After meeting the relevant parties, the concerns were drawn out and a rethink of the proposal was undertaken. The two bungalows at the front of the site were

set further back, as to not stifle the listed properties opposite the site. The design however, was changed so that each of the 3 bed bungalows varied in material and style to create a more visually interesting entrance to the site. Space for frontage buffer planting has been provided and a defining brick wall adds to the quality and setting of the development.

- 2.28 The Heritage Statement has been updated to reflect the revised proposals. Staple Farmhouse fronts the application site and views are therefore afforded across the site. The Thatch Cottage abuts the road edge on its eastern (side) elevation and its principal elevation faces south. Save for one small window at first floor level there are no direct views across the application site from this property. As will be referred to in the highway section of this report, there is an overhang of the thatched roof at a high level above the highway.
- 2.29 The views of these two listed properties are localised from Durlock Road. Due to the curvature of the road and trees and hedgerows when approaching the site, it is fair to say that views of these heritage assets will not be restricted.
- 2.30 However, with regard to the historic farm complex, the site would have formed part of the setting/views from the farmhouse itself. It is important to ensure that any development of this site considers the connection of the listed building with the rural landscape. Clearly it is not possible to develop the site without impacting on views from the listed buildings. It is therefore a question of whether this change causes harm, to what extent and whether there are compelling reasons that would give rise to benefits that would outweigh this harm.
- 2.31 The revised layout has removed the solid block of development that previously went across the rear of the site. With limited articulation to the roof form this block was overbearing and allowed no views through the site to the rural setting beyond. The revised layout is radically different and allows views through the site by breaking the residential units at the rear to form one pair of semi-detached houses and one detached. The design is such that the roof form is kept low with single storey elements – a theme throughout this revised scheme.
- 2.32 Whilst the initial views of the Heritage Officer are acknowledged, it is recognised that a number of factors have to be taken into account with the development as a whole. It is considered that the scheme has evolved substantially since original submission to take on board the concerns raised earlier in the application and that the harm identified has been mitigated in part due to the amended layout, design, bulk and details now under consideration.
- 2.33 Accordingly, there is now no objection in heritage grounds.

Highways

- 2.34 The proposed development is for eight additional dwellings together with a new access off Durlock Road to service the development. The KCC Highway Authority has provided detailed comments throughout the course of the application to ensure that the proposal would not result in a severe impact to highway and pedestrian safety.
- 2.35 Extensive objections have been received from residents raising concern over the width of Durlock Road in this locality. Residents have made reference to, and provided photographs of, accidents/incidents that have occurred outside the application site and questioned the validity of the Transport Statement and

generally consider that there is insufficient highway infrastructure to accommodate the additional traffic and vehicle movements in this location.

- 2.36 In itself, the likely volume of traffic generation from the eight dwellings would not be likely to cause a severe impact on the highway network, adding only limited additional vehicle movements to the network in peak hours. However, other concerns regarding the lack of a footpath, road width and visibility splays are issues that require careful consideration.
- 2.37 The applicant has taken advice from the KCC Highway Officer and the plans have been amended. The front boundary of Plot 8 has been brought back to allow a great sweep into/out of the site to safeguard against higher vehicles catching the overhang of the thatched cottage. This amendment was necessary due to the width of the road outside the house. Queries were raised regarding the traffic surveys and the reference point that these were taken from. The highways officer is satisfied with the results shown.
- 2.38 The issue regarding footpaths has slightly diminished as it is perceived that most site users will be arriving/leaving the site by car. Similarly, Staple is no longer served by a local bus service and as such, public transport is not considered a viable alternative to private transport. As such, there would be no alternative but to travel by private car.
- 2.39 Whilst a record of accidents is only kept when the police have been called to attend, this does not diminish the evidence from residents where incidents have occurred. However, the application has been scrutinised by the KCC Highway Officer and the advice is clearly that subject to safeguarding conditions that the application is acceptable in highway terms. In the absence of evidence to demonstrate that the development would, cumulatively, exacerbate impacts on the road such that a severe impact would be caused, the NPPF advises that permission should not be refused on highway grounds.

Impact on Ecology

- 2.40 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 2.41 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."
- 2.42 The application was accompanied by an ecological scoping report. Vegetation on site is contained on the boundaries and within the site is scrub of varying density. A badger and reptile survey were also submitted. The conclusions from the reports were that there is moderate botanical interest on the site; no

protected species but that more detailed surveys were required in relation to badgers and reptiles. Recommendations were made with regard to avoiding the bird nesting season for site clearance and use of low-level lighting to maintain any bat usage of the site for commuting.

- 2.43 The reptile survey reported an adult grass snake found on one of 7 visits to the site. This is not a prohibitor to developing the site, however when the next site clearance is undertaken an ecological watch should be overseen on the site in order that any grass snakes seen can be released along the sites eastern edge.
- 2.44 Two visits were undertaken as part of the badger survey. There was no badger activity found on the site or its surroundings. A historic set was found on the eastern boundary of the site but the evidence showed usage by rabbits. No mitigation was therefore recommended for badgers, although good practice measures for site clearance was suggested.
- 2.45 It has been suggested that the site may be important for turtle doves. Staple is noted for a presence of turtle doves in the locality but not specifically this site.
- 2.46 Turtle Doves are one of the UK Priority Species under Section 41 of the Natural Environment and Rural Communities Act 2006. This Act places a duty on Local Planning Authorities to have regard for to the purpose of conserving biodiversity, under Section 40.
- 2.47 The application site is around 725m from an RSPB supported site and records of Turtle Dove. Whilst there are no verified records of Turtle Dove on the application site itself, the habitats on the site (boundary hedging) are consistent with the habitat utilised by Turtle Dove. Vegetation on site is contained on the boundaries and within the site is scrubland.
- 2.48 The ecological statement takes a precautionary approach with regard to respecting the bird nesting season. Existing boundary vegetation could be retained by way of condition, whilst disturbance to birds has been reasonably avoided through directing where dwellings are to be located in relation to the boundaries. Adopting a precautionary approach, and attaching weight due to the overall level of decline in the species, it is considered that the application could be carried out in a manner which protects, and does not frustrate the halting of the overall decline in, biodiversity, provided stringent conditions are attached to any grant of permission (retention and enhancement of existing vegetation). It is therefore considered that, having regard for the Councils duty under the Section 41 of the Natural Environment and Rural Communities Act 2006, the development would not be contrary to the National Planning Policy Framework, subject to conditions.
- 2.49 In light of the above considerations, there are no objections on the grounds of ecology.

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

- 2.50 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.

- 2.51 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.
- 2.52 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.
- 2.53 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.
- 2.54 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.55 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.

Residential Amenity

- 2.56 Concern has been raised that the development would give rise to overlooking and loss of light to the residential amenity of the property adjacent to the site. It is noted that the rear gardens of the proposed properties which back onto the neighbouring garden have a depth of between 10 – 10.1m.
- 2.57 Plot 8 backs onto The Willows at a 90 degree angle. The overall height is 6m from ground level. A first floor is shown to provide two bedroom one ensuite and a bathroom. The front elevation shows 3 small dormer windows, however, crucially the rear elevation that is orientated towards 'The Willows' only includes rooflights over the bathrooms and staircase. A cross-section has been provided to demonstrate that overlooking will be mitigated due to head height and the angle of the roof.
- 2.58 The development is located to the north of the existing dwelling which prevents loss of sunlight. The combined distance of the Plot 8 and its hipped roof at a height of 6m does not result in a loss of daylight. The design of this bungalow mitigates against an oppressive impact on the existing dwelling.
- 2.59 It is acknowledged that for the owner of 'The Willows' will have a different outlook to that currently. It is also understood that there have been issues regarding how the site was cleared and loss of boundary treatment. These are

a private matter between the applicant and the owner; however this proposal can require details of existing and proposed boundary treatment to be submitted in the event that planning permission is deemed acceptable.

- 2.60 Plot 7 is the other dwelling which will back onto 'The Willows'. This is a two bedroom end of terrace dwelling with a height from ground level of approximately 6m in height. Two rooflights are proposed over the stairwell and bathroom, again set high in the roof to respect the privacy of the existing property.
- 2.61 It is not considered that the proposal will give rise to a loss of light or overlooking. The change of use from the existing to proposed will alter the outlook and activity level of the site to what is presently the case; however, this in itself is not a reason to refuse planning permission.

Local Needs Housing

- 2.62 In October 2015 Staple Parish Council supported a Parish Housing Needs Survey to be undertaken. The need was identified for 6 affordable homes available for rent. A site search was undertaken and a number of sites were considered and discussed with DDC Planning Policy. As a result the application site was suggested as the most suitable/deliverable of the sites subject to the submission of a detailed scheme.
- 2.63 The issue of the age of the Housing Needs Assessment has been raised and the view offered that a development at the Summerfield Nursery site in the Parish has met the proposed need. However, this application is specifically for rented accommodation and not low cost housing, it is different in tenure therefore and meets a different need in the village.
- 2.64 With regard to the age of the Housing Needs Survey the applicant was asked for additional information to understand whether the previous identified need has changed. In response English Rural advised as follows:

Since the Community Consultation event held in February 2018, English Rural has enabled local households to register an interest in one of the proposed homes. There are currently seven households on this register; two single people and five households with either one or two children. Whilst three of these households expressed an interest in either rent or shared ownership, only one has sufficient income and savings to do so. English Rural would consider making one of the two bedroom homes available for shared ownership sale and the remaining five for social or affordable rent.

- 2.65 Having discussed the issue in depth with the Council's Housing Manager, the position with regard to the need for this housing is that the 6 units should be retained as affordable rent to meet the demand on the register. The families on the register could not afford the 80% retained equity at the Summerfield Nursery site. The Housing Manager also accepts the 4/5 year age of the Housing Needs Survey.
- 2.66 It is noted that some letters of support make reference to the affordable housing being essential for families who cannot afford full market values properties. This proposal provides rental properties for those on the housing needs register and are not therefore available as shared equity. This is the basis for the legal agreement in relation to securing the six properties for rent.

Viability Assessment

- 2.67 In support of this application, the applicants have submitted a viability assessment to demonstrate that the two open market units are required to cross-subsidise the local needs housing. This report has been independently assessed by Dixon Searle.
- 2.68 The independent report confirms that the overall approach to assessing viability of the proposed development is appropriate. A number of points were raised in relation to costs used/assumed and further information was sought from the applicant with regard to the potential amount of grant funding and build costs.
- 2.69 Having reviewed the additional information, the Councils viability assessor consider the build costs not unreasonable. The grant funding level could fluctuate but overall it is considered that the scheme as presented does require the two market units in order to subsidise and support the number of affordable homes that are proposed.
- 2.70 In light of the independent advice received, it is considered that there is no dispute regarding the need for the two market units to help secure the delivery of the local needs housing.

Other Issues

- 2.71 Objections have been received in relation to flooding. Photographs have been received showing examples of existing flooding that has taken place on Durlock Road. The area is not noted for being within an area at risk of flooding and the it is likely that localised drainage issues occur from time to time. Whilst the development cannot fix existing issues, it is necessary to consider the impact of the proposal with regard to ensuring adequate drainage provision for the detailed proposal. Kent County Council as the Lead Local Flood Authority have considered the SUDS Assessment Statement that was submitted with the application and raised no objection subject to detailed proposals being submitted with regard to drainage provision for the site.
- 2.72 Proposed Heads of Terms have been submitted with respect to a S106 Agreement. The terms will restrict occupation to persons resident in the village of Staple or with a local affiliation to the village. In the event that an occupant is not secured for the property then a cascade mechanism will allow neighbouring parishes to become eligible. The detail of the Agreement will be worked up in conjunction with the Council's legal team in the event of a resolution to grant planning permission.
- 2.73 The previous applications to develop this site, whilst for a similar number of dwellings were on a larger site area as they included land to the north of the current red line area. The grounds of refusal date back a significant number of years and predate the current local plan and NPPF. The current application has been assessed against the present-day planning policies and guidance, with up to date analysis of the highway situation and standards. The historic refusals for dwellings in this locality are therefore of very limited weight.
- 2.74 The proposal to install a field gate into the adjoining land to the north is part of an agreement with the land owner to be able to access their land if need be. There are no reasonable grounds to object to this.

- 2.75 The loss of this small parcel of agricultural land has brought about no objection from the Council's agricultural advisor. Given the size of the site, it is not considered that the loss of this parcel of agricultural land is determinative.
- 2.76 It is noted that other small-scale developments in the locality have been objected to and this application has received support. Each application is assessed on its own merits and in light of the details pertaining to its own case. It is down to each contributor to comment on individual cases as appropriate.

3. Conclusion

- 3.1 The proposal is for full planning permission for 8 dwellings of which 6 will be local needs housing. The site is at the edge of the village boundary. There are dwellings to the south and opposite the site to the west.
- 3.2 Whilst the character of this rural landscape will change, it is considered that every effort has been made to design a scheme sensitive to its location and, consequently, the development would not have a significantly adverse impact on the character and beauty of the area.
- 3.3 It is acknowledged that the categorisation of the settlement of Staple as a village means that, in principle, development of a suitable scale to reinforce its role as a provider of services to the local community may be acceptable (albeit the application site is not within the village). The proposal has been considered against Policies DM1, DM11, DM15 & DM16 of the Dover District Core Strategy which resist new development outside of existing settlement boundaries to ensure the highest level of protection is given to landscape protection; however where the impact is mitigated, the design sympathetic to the location and other material considerations (DM6, NPPF para 77) outweigh the harm, then planning permission can and should be granted.
- 3.4 The impact on the Heritage Assets that are in close proximity to the application site have been given careful consideration, particularly in relation to Chapter 16 of the NPPF and the requirements of the Planning (Listed Building and Conservation Area) Act 1990. The proposal is considered to cause less than substantial harm to the significance of these designated heritage assets and the public benefits of providing the rural needs housing is considered to outweigh this harm.
- 3.5 Overall the development is consistent with the aims and objectives of the NPPF. The assessment of this report is that due to the careful layout of the proposal, together with the sympathetic design and scale, impact on the landscape and locality as a whole, the proposal respects the rural edge of Staple Village.
- 3.6 Accordingly, it is considered that this application is acceptable, and as such it is recommended that planning permission be approved subject to the applicant entering into a legal agreement to secure the rural needs housing.

(g)

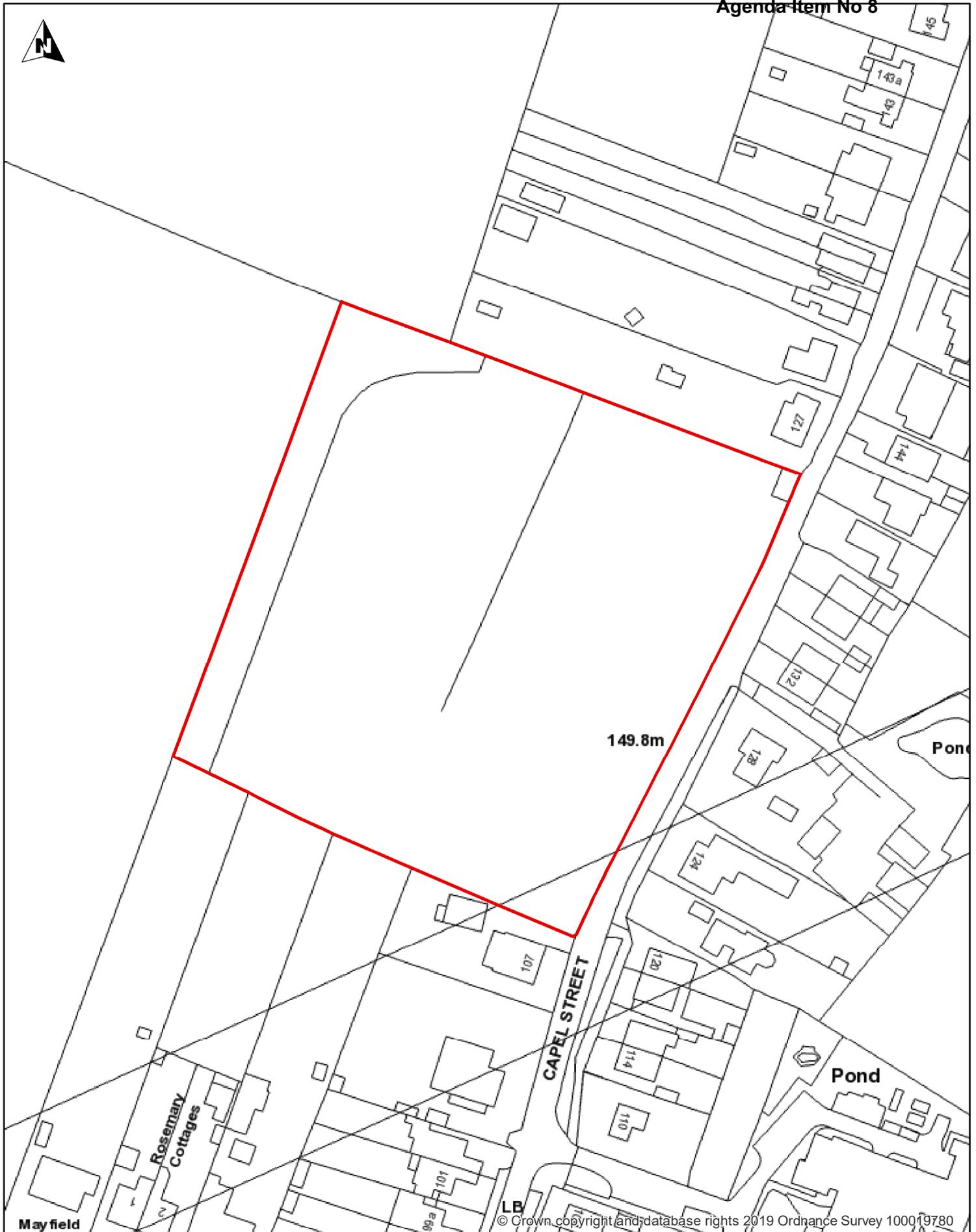
Recommendation

- I Delegated Authority GRANT PLANNING PERMISSION subject to a S106 Agreement to secure 6 local needs houses and the following conditions:
- 1) Standard time limit
 - 2) Drawing numbers

- 3) Material samples
- 4) Joinery details
- 5) Boundary treatment
- 6) Site levels
- 7) Ecological mitigation
- 8) Landscaping scheme – including the retention of hedgerows
- 9) Construction Management Plan
- 10) Foul and surface water drainage details
- 11) Parking spaces/garage retention
- 12) Highways – visibility splays
- 13) PD rights removed – boundary treatment, extensions, alterations to roof

Case Officer

Amanda Marks



DOV/19/00669
Land Between Nos 107 And 127
Capel Street
Capel Le Ferne

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/19/00669 - Outline application for the erection of 34 dwellings (8 x 2 beds, 16 x 3 beds and 10 x 4 beds) and means of access with associated landscaping (appearance, landscaping, layout and scale reserved) – Land between Nos 107 and 127 Capel Street, Capel-le-Ferne**

Reason for report – Deferred from Planning Committee

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement

- c) **Planning Policies and Guidance**

Please refer to report attached as an annexe.

- d) **Relevant Planning History**

Please refer to report attached as an annexe.

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

Please refer to report attached as an annexe.

Additional Comments since last agenda

Infrastructure and Delivery Officer – It has been confirmed that the updated off-site payment is £21,260 instead of £19,400 previously referred to. (The Parish Council have also agreed to use this payment towards the upgrade of the Lancaster Avenue playground).

KCC Highways: Have confirmed the acceptability of the proposals subject to the required off-site highway works.

KCC Development Contributions: The KCC assessment in 2016 was based upon the roll numbers and school capacity that was available at that time. The birth rate in Dover peaked in 2012 and that birth cohort, which entered schools in 2016, has proven to be the largest in the period 2003 to 2018. Demand for places is therefore reducing. This reduction is off-set by new demand generated from new homes. However, where surplus capacity exists which is sufficient to meet that new demand we are unable to seek developer contributions. This is the case in respect of this particular planning application.

Capel-le-Ferne Parish Council: Additional Comments

Still object to this amendment. The Architects have realised there is a "highways problem" with the proposed use of yellow lines. This being the loss of 17 parking spaces, which is significant, particularly at school pickup/drop off times, which is neighbouring this site. Their solution is to provide 15 visitor parking spaces on the proposed estate. This solution will never work, it would be an irritation to both drivers wishing to pickup/drop off at the school and potential new home owners on the estate.

It is time the Land Owner, Architects and Planner realises that the only sensible solution for this site is ribbon development, where properties are set back from Capel Street with a lay-by frontage allowing parking without the use of yellow lines. We would draw everyone's attention, especially the Planning Committee, to the attached recorded Kent Police Speed Watch Data for Capel Street 2018-2019. This being one of the main reasonings that Capel-le-Ferne Parish Council are still very unsure the

amended drawings will make any difference to Capel Street traffic and therefore, is the cause for continued objection.

Therefore, Capel-le-Ferne Parish Council urge Dover District Council Planning Committee to refuse this application in its current format and also take into account the continued high density of this application on this site, in that the access is on a very narrow rural country lane, where speeding is a major concern, being used as a "rat run" to/from Folkestone and Dover.

Separately, it has been noticed the Architect has made reference to Section 106. Councillors will accept the contribution towards improved play facilities at the Playing Field, Lancaster Avenue, Capel-le-Ferne, CT18 7LX. This is on the understanding, as you have stated "*it only comes into force if permission is granted*" and this is mentioned and made part of the Unilateral Undertaking in Section 6 CONDITION PRECEDENT – i.e. - This Undertaking shall come into effect upon the grant of the Planning Permission.

Third Party Representations – An additional 20 comments objecting to the proposal have been received since the application was last reported to Planning Committee. In total 123 representations have been received with 120 objecting, 2 neutral comments and 1 letter of support.

The additional 20 letters of objection that includes an objection from Cllr Rose, have not raised any new comments but have reiterated the ongoing parking problems in Capel Street and parking issues connected with the primary school. In summary, these identify that the replacement car parking being proposed will not be used for its intended purpose and still results in the loss of 4 on street car parking spaces. Capel Street is therefore not safe and this development will cause more harm and cannot be considered acceptable in terms of highway safety. This is not the right location for new development.

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

1.1 Please refer to report attached as an annexe.

2. **Main Issues**

Assessment

2.1 This application is being reported back to Planning Committee following its deferral at the 10 October 2019 committee meeting where a number of points of further clarification were required relating to principally highway considerations. These were:

- A plan clearly outlining the proposed highway works including new footpaths in close proximity to the site/at the site frontage
- KCC Highways and Transportation Engineer to attend meeting and explain why the application is acceptable in highway terms
- The number of on-street car parking spaces that would be lost as a result of the proposed off-site highway works and proposed double-yellow lines
- Further clarification in terms of the proposed visitor car parking spaces and the number of spaces that would be proposed to replace the on-street car parking
- Discussions with the agent in respect of the inclusion of layout in the description and the size of the proposed housing set out in the outline application.
- Clarification from KCC that a primary education contribution is not now

required and why

2.2 A detailed consideration of the planning issues was set out in the previous committee report and it is not intended to reproduce those discussions in detail in this report. These considerations have not been amended or are not materially different from the October Planning Committee report. Please refer to the attached annexe/previous committee report in relation to:

- Principle of Development
- Impact on the AONB and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations

2.3 In respect of the reasons for the application being deferred an amended masterplan and an additional highway works plan have been submitted and have been the subject of re-consultation. These show the proposed highway works along the site frontage and additional off-street car parking spaces that can be used by parents during school drop-off/collection. The highway plan shows the proposed highway works along the site frontage including the new public footpath (along the frontage) and the crossing point between the site and the new section of public footpath on the opposite side of Capel Street that links to the school entrance and the wider public footpath network.

2.4 In respect of the proposed highway works and car parking the agent states:

“As requested we have prepared Drawing No A1382-106 Rev B to show the full extent of the proposed highway works within the wider context superimposed on the proposed layout plan to provide further certainty for members. We have revised the Illustrative Master Plan Dr No A1382-110 Rev F to identify where visitor spaces will be provided and this includes 5 additional car parking spaces within the turning head...this has also been tracked as it serves as a turning head. We have also spent time quantifying the effects of the proposed highway works to Capel Street upon on street parking capacity. Our highway consultants, Markides Associates, have calculated that because of the waiting restrictions shown, there is a kerb length lost which would be equivalent to 17 parked vehicles along Capel Street. The latest attached layout plan (drawing no. A1382-110 Rev F) incorporates an additional 5 visitor spaces within the turning head which, together with the 10 visitor spaces close to the internal spine road provides a total of 15 non-allocated parking spaces across the site. These spaces could be accessed during school drop off and pick up times.”

2.5 This confirms that up to 17 on-street car parking spaces would be lost in total, due to the proposed off-site highway works. The plans identify that 15 replacement car parking spaces are to be provided on-site for use by visitors and parents when collecting children at the school with on-site turning space. These spaces will not have any restrictions placed on their use and 10 replacement parking spaces will be available along the length of the proposed access road, with a further 5 spaces available at the turning head further into the site. The 5 turning head spaces do appear to be quite detached from school access but could be used by staff at the school. This results in 10 ‘more causal’ parking spaces that parents could use with a public footpath linking to

the school gate. The net loss of car parking spaces is therefore 2 in total. This would not be considered to result in a severe impact on highway safety in line with paragraph 109 of the NPPF and a reason for refusal on these grounds would be difficult to defend at appeal.

2.6 A KCC Highways and Transportation engineer will also be attending planning committee to assist in further discussions in respect of highway considerations.

2.7 In terms of the inclusion of layout and the specific number of units in the description, the applicants have put forward the following:

“During the previous discussion by members at Committee, it was evident that the members considered the layout was of a high quality but questioned how this would be assured to be carried forward to the reserved matters application. We propose to address this by:

a. Referencing the specific mix in the application description and decision notice (i.e. 8 x 2 beds; 16 x 3 beds and 10 x 4 bed dwellings); and

b. Specifically conditioning the masterplan. Wording that we have used in a similar situation in Medway where members wanted additional design safeguarding at the outline stage is set out below ... “The development hereby permitted shall be carried out in accordance with the following approved plan drawing nos. A1382-106 Rev B and Dr No A1382-110 Rev F”.”

2.8 The description of the planning application has therefore been amended to include 8 x 2 beds, 16 x 3 beds and 10 x 4 beds and the site layout plan/masterplan will no longer be indicative but will be included in the approved plans list. The layout of the site is not however to be included in the matters being fully determined under this outline application. The site layout could therefore vary in some minor form if a Reserved Matters application were to be submitted, but the layout would largely need to be in conformity with the approved site layout plan. Additionally, the unit numbers and size of the proposed units would need to comply with the outline description to be submitted as a Reserved Matters application.

2.9 In respect of the KCC education contribution requests, Members will note that the previous application required both a primary and secondary education contribution, however, KCC have only requested a secondary contribution in respect of this application. The KCC Development Contributions team were asked to clarify this position and stated:

“The KCC assessment in 2016 was based upon the roll numbers and school capacity that was available at that time. The birth rate in Dover peaked in 2012 and that birth cohort, which entered schools in 2016, has proven to be the largest in the period 2003 to 2018. Demand for places is therefore reducing. This reduction is off-set by new demand generated from new homes. However, where surplus capacity exists which is sufficient to meet that new demand we are unable to seek developer contributions. This is the case in respect of this particular planning application.”

2.10 Seeking a primary education contribution when there are sufficient primary school places to meet the needs of the development would fail the three specific legal tests set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) which require that requests for development contributions of various kinds must be necessary, related to the development, and reasonably related in scale and kind. A primary school contribution could not therefore be justified as

necessary or related directly to the development.

2.11 The Heads of Terms that are considered necessary, related and reasonable to make the development acceptable in planning terms are as follows. At the time of writing the report and legal agreement is in the final stages of being signed by all parties.

- Secondary Education- towards Phase 1 expansion of Dover Grammar School for Girls of £139,910
- Library - contribution towards additional book stock for Capel mobile library of £1,632.54
- Social Care - £2639.42 towards Dover Social Care Hub
- Community Learning - £871.72 towards Adult Education at Dover Discovery Centre
- A total of £1,990 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site public open space contribution of £21,260 towards enhanced play space facilities at Lancaster Avenue (which equates to 60% of the total cost of that project).
- Payment of all associated legal costs.

2.12 In addition, a separate s278 Agreement under the Highways Act with KCC Highways and Transportation in respect of the access arrangements and off-site highway improvements will be required.

3. Conclusion

3.1 In terms of planning policies, development of this site within the settlement confines and on land allocated for residential development under Policy LA26 of the LALP is acceptable in principle and is in accordance with policies in the Core Strategy, Local Plan and the NPPF. The additional information and clarification provided has sought to underline this approach and no new material considerations have been raised that outweigh the benefits of this proposed development or would result in significant harm that cannot be addressed through conditions or legal agreements.

3.2 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the adverse impacts of the development identified in the report, although there is a large number of local objections to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on an allocated site within the district, including the provision of 30% affordable housing.

3.3 The proposed development of 34 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social benefit of providing 10 affordable housing units on the site, along with the relevant contributions towards local infrastructure costs that have largely been agreed in principle.

3.4 The proposal is within the quantum of housing suggested by LA26 (and other development plan policies) which also seek to retain a significant amount of natural screening in the context of the site location and its setting. The impact on the setting of the AONB is minimised and its special character protected. The proposed plans have also sought to address the concerns raised by the Planning Inspectorate by providing a mix of housing sizes, form and design rather than a standardised housing design with a similar footprint that would be out of keeping in the highly varied character

of the dwellings in Capel. The proposals are therefore considered to be in keeping with the character and street scene of Capel Street and development should be approved.

- 3.5 Additional details and plans have been submitted in respect of highway matters and KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the highway network is therefore acceptable.
- 3.6 The proposed development, although only in outline form, largely addresses most of the criteria identified in Policy LA26 of the Land Allocations Local Plan and accords with the principles of this policy, with the frontage hedgerow proposed to be replaced and the provision of an accessible public footpath along the site frontage. The proposal is therefore acceptable for this housing allocation site, accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be addressed by planning conditions. Consequently, the application is recommended for approval, subject to conditions and a s106 legal agreement to secure the required contributions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
- 1) Reserved matters details
 - 2) Outline time limits
 - 3) Approved plans
 - 4) Existing the proposed site levels and building heights
 - 5) Ecological mitigation and recommendations implemented
 - 6) Ecological/biodiversity mitigation, enhancement and management plan
 - 7) Construction Management Plan
 - 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
 - 9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)
 - 10) Landscaping Details and maintenance of buffer zones
 - 11) Open space management plan
 - 12) Protection of Trees and Hedges
 - 13) Hard landscaping works and boundary details/enclosures
 - 14) Reporting of unexpected land contamination
 - 15) No works on site until final SuDS testing is undertaken and submitted
 - 16) Design details of surface Water drainage strategy
 - 17) Implementation and verification of SuDS scheme
 - 18) No other infiltration on site other than that approved
 - 19) Contamination safeguarding
 - 20) Off-site highway works undertaken and implementation of a Traffic Regulation Order
 - 21) External lighting to be addressed at reserved matters
- II. Powers to be delegated to the Head of Planning, 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

Lucinda Roach

Annex 1: Previous Committee Report of 10 October 2019

- a) **DOV/19/00669 - Outline application for the erection of 34 dwellings and means of access with associated landscaping (appearance, landscaping, layout and scale reserved)**

Land between Nos 107-127, Capel Street, Capel-Le-Ferne, CT18 7HB

Reason for report - Number of contrary views (100).

- b) **Summary of recommendation**

Planning permission be granted subject to conditions and S106 agreement

- c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

LA26 - Land between 107 & 127 Capel Street
DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Paragraph 11-12 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

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

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

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

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

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

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

Paragraph 127 – Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, for the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 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, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 172 - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The scale and extent of development within these designated areas should be limited.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

Kent Downs AONB Management Plan (2014)

SD1 – Sustainable Development

LLC1 – Landform and Landscape Character

d) Relevant Planning History

There is an extensive planning history; the most recent and relevant are listed below:

DOV/01/00924 - Erection of stables and hay store - Granted

DOV/96/01006 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and access road – Refused - Appeal Dismissed

DOV/96/00222 - Erection of 23 No. 2, 3 & 4 bedroomed houses with garages and

access road - Refused

DOV/16/01316 - Outline planning permission for the erection of 10 flats in 2 no. blocks (6x1 bed and 4x2 bed); and 31 dwellings (10x2 bed, 15x3 bed and 6x4 bed); plus associated access and parking (with appearance, landscaping and scale reserved) – Refused – Appeal Dismissed

e) **Consultee and Third Party Representations**

Infrastructure and Delivery Officer – A contribution of £1900 will be required towards the Sandwich and Pegwell Bay access mitigation strategy to address its increased use.

The proposed development will be located close to the existing recreation ground and play area on Lancaster Avenue, which is owned and managed by the Parish Council. The distance between the development site and the play area is a little over 300m or around 450m along existing roads, which falls within the 600m accessibility standard set out in DM27 of the Land Allocations Document. The evidence supporting our adopted open space standard for children's equipped play is presented in the 'Review of Play Area Provision 2012-2026'. It includes the following text:

- Developments that are located outside the catchment of existing play facilities may give rise to the need for new play facilities.
- In other cases it may be more appropriate to secure an off-site contribution via a planning agreement, to increase the capacity of existing provision.

Therefore, provided that access to the existing play area can be improved, it would not be necessary to provide equipped play on site. A suitably scaled contribution for play may be calculated as follows: according to the adopted open space standards the additional need for children's equipped play space is 0.006 ha. The average play area size in our district is 0.01 ha and the cost of creating a Local Area for Play and providing fifteen years of maintenance has been calculated as £42,520 which equates to a commuted sum of £32,330 presuming interest at 2%. So the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. If we also considered the additional need arising for outdoor sport facilities that might increase the level of contribution required, although the recreation ground does not provide formal pitch provision. It is stated that multifunction open space will be provided on site. The only other category to consider is the additional need for allotment or community gardens.

DDC Ecologist – I have reviewed the suite of ecological survey reports submitted and accept their findings. They make recommendations for mitigation of impacts upon protected species including foraging bats and badgers to include:

- A bat sensitive lighting scheme, this should follow the Bat Conservation Trust and Institution of Lighting Professionals guidance.
- Working exclusion zones around active badger setts during development along with a suite of best practice procedures during the construction phase. The recommendation is for a 10-metre zone around each sett to be left undeveloped with badger proof fencing erected to the southern, eastern and northern sides of these setts. This fencing will need to be maintained throughout construction and post development and its' suggested that it is promoted as a wildlife area to new residents of this site. The importance of the wide hedgerow along the western

boundary as commuting route is also highlighted and the recommendation is to maintain its current width.

The only recommendation for ecological enhancement is the development of new hedge-lines and herbaceous borders, within the planned development zone. To achieve biodiversity net gain as required by the NPPF 2019, I advise that the following are considered:

- Provision of hedgehog nesting boxes and 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- Provision of ready-made bird boxes (mix of open-fronted and hole-nesting boxes)
- Integral Swift bricks or external boxes
- Provision of bat roosting spaces within the new buildings or installation of ready-made bat boxes.
- Provision of reptile/amphibian hibernacula (as stand alone or within new walls)
- Provision of log piles for invertebrates- stag beetles, reptiles and amphibians.
- Green walls
- Establish wildflower areas in addition to amenity grassland
- Integration of Sustainable Urban Drainage Systems
- Integration of green or grey roofs

Habitat Regulations Assessment

The current Thanet Coast Mitigation Strategy recognises the possible cumulative impacts of recreational pressure caused by developments within the whole of the Dover district. The conclusion that the distance of this development (20km) from the Thanet Coast & Sandwich Bay SPA/Ramsar is too great for the proposal to have any impact and reference is made to making financial contributions to the Thanet Coast Mitigation Strategy. Reference is also made to possible impacts upon Folkestone to Etchinghill Escarpment SAC but its stated that the scale of the proposal will not affect protected species. The report makes no assessment of what the possible pressures might be. I would suggest that the only likely significant effect is recreational pressure, leading to erosion of the chalk grassland the notified feature. The applicants therefore should consider why use of the SAC by the new residents would not have an adverse effect upon its integrity.

DDC Environmental Health - No objection, subject to conditions relating to discovery of potential contamination and hours of construction.

DDC Strategic Housing – Across the Dover District there is a need and a demand for affordable rented properties of all sizes. In addition, there is a demand for homes to be made available for sale via Low Cost Home Ownership schemes such as shared ownership - in particular there is demand for 2 bedroom houses as starter homes. This development proposes 10 affordable homes, which is in line with DDC policy for a development of this size and type. Of these properties, 7 should be for affordable rent and 3 for shared ownership. In order to meet the demand for low cost home ownership starter homes, the shared ownership homes ideally should be 2 bedroom houses, and the affordable rented homes should be 5 x 3 bedroom houses and 2 x 2 bedroom houses.

KCC Highways and Transportation – Initial concerns were raised in respect of various highway matters which need to be addressed, such as, minimum carriageway width, proposed pedestrian crossing point, conflict with on street parking, shared service requirements, location of off-street car parking and required visibility splays. In addition traffic levels and demand and trip generation of

development need to be clarified. A safety audit is also required for all the highway alterations in Capel Street, including any amendments.

Following amendments to the site layout and the submission of additional information KCC Highways have the following comments:

I refer to the amended plans and additional information submitted and confirm I now raise no objections in respect of highway matters. The site is allocated in the adopted Local Plan under policy LA26 for an estimated 40 dwellings and therefore the principle of development has been accepted. I also note the appeal Inspector's conclusion on the previous application DOV/16/01316 that the proposed similar access arrangements were satisfactory.

The proposals are likely to generate approximately 19 two-way vehicle movements in the morning and evening network peak hours. Whilst the existing level of traffic in Capel Street is generally of a low level, there is clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. There are some existing accesses which prevent parking and therefore provide passing places/give way points but some of these are of insufficient length and make manoeuvring more difficult. Over time there may be a few places at the school taken by pupils in the new development, reducing the number of pupils being driven to the school from further afield and therefore the number of vehicle trips in Capel Street. However, the development is still likely to lead to an increase in vehicle movements overall, particularly in the combined morning peak hour/school drop-off period. As such the development proposals include improvement of passing places in the section of Capel Street near the school, to assist with the flow of traffic particularly during the morning peak period. These improvements take the form of parking restrictions in the following locations:

- i) Between (and encompassing) the accesses to numbers 82 and 84 Capel Street
- ii) Across the accesses to numbers 96 and 98 Capel Street, but extended sufficiently to provide sufficient room for a car to readily manoeuvre in/out of the passing place. These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.

The site access arrangements include minor widening of Capel Street where necessary along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site accesses in Capel Street. Whilst this may remove a small amount of on-street parking, some additional unallocated parking can be made available within the new site and the reallocation of some school places to children living on the new development should help to reduce the demand for on-street parking at school drop-off and pick-up times.

A Traffic Regulation Order (TRO) would be required for the parking restrictions and this can be made by Kent County Council as the highway authority. According to advice to Planning Inspectors TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which clearly apply in this case. Traffic flow and highway safety should be the primary concerns in relation to introducing a prohibition of waiting rather than matters of

inconvenience or change. Therefore, if KCC is satisfied that the TRO is required and is the correct form of mitigation then they are in a position to dismiss erroneous objections and make the Order. The TRO could therefore be reasonably secured through a planning condition or s.106 agreement, with the drawings which highlight the TRO also referred to as approved drawings in the decision notice.

All the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s.278 agreement with the highway authority.

Construction traffic and timing/routing of the same, associated parking/turning areas and wheel washing facilities can be dealt with by condition through a Construction Management Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. Highways conditions should be secured. Whilst not currently a policy requirement, I would request that all curtilage parking spaces are fitted out to allow the charging of electric vehicles.

KCC Flooding and Waste Management - No objection subject to further testing to be undertaken prior to the design stage to ensure adequate cellular storage capacity and conditions relating to further design details at reserved matters stage, a detailed SuDS scheme and its management and verification.

KCC- Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Secondary Education
- Community Learning
- Social Care
- Libraries

These contributions total £145,053.68 to be secured through a Section 106 Legal Agreement as part of any submission. In addition, 1 Wheelchair Adaptable Home should form part of the social housing proposals and the provision of Fibre Optic Broadband across the site should be provided.

KCC Public Rights of Way Office - No comments to make.

Southern Water - No objection as they can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Environment Agency - No objections and development should cause no significant risk to the environment if developed appropriately, subject to conditions including no infiltration and contamination safeguarding and informatives in respect of pollution prevention and waste control.

NHS South Kent Coast CCG – No healthcare contribution is being sought in respect of this development.

Kent Downs AONB Unit – No comments submitted

Kent Police Crime Prevention – No objections in principle subject to a condition for measures to minimise the risk to crime to be submitted and approved.

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

Capel-le-Ferne Parish Council - Objects to the application and cannot support for the following reasons:

One of the reasons given for dismissing the previous outline planning application was: the harmful environmental effect the works would have on the character and appearance of the street scene would outweigh the social and economic benefits of the proposed development. Whilst accepting this application has removed the blocks of flats, the site still appears to be overdeveloped and at odds with the street scene in this part of Capel-le-Ferne. An example of the density of development in this part of Capel-le-Ferne can be seen in Elizabeth Drive, which runs to the rear of Capel Street. This estate was built on a parcel of land that is of similar size to the Capel Street plot, but there are only 21 dwellings on this plot. By further reducing the density of development in this application, it would satisfy the concerns with the character and appearance of the street scene for this part of Capel, but also alleviate the concerns regarding traffic congestion in Capel Street.

The application claims the proposal will meet the social dimension of the sustainable development balance by contributing to meeting the need for affordable housing in the district. The proposal will deliver an affordable housing provision of 30% which is in line with and Policy DM 5 of Dovers Adopted Core Strategy (2010). The affordable housing for this site will total 10 units, 5 x 2 bed and 5 x 3 bed units. It is difficult to understand how the 3 bed units will come under the affordable housing umbrella.

The responses to the 2019 Capel-le-Ferne Community Plan indicated that only 8% of Parishioner were between the age of 19 and 44, indicating that there was insufficient affordable housing for that age group. Capel-le-Ferne needs more 2 bed units and less 4 bed units.

Additional comments: continue to object to this application and submit further comments:

The Road Safety Audit - According to Para. 1.3, Capel Street appears to have reverted to a 30MPH speed limit. PLEASE NOTE this is a 20MPH ZONE LIMIT. Traffic exceeds this 20mph, with some drivers travelling more than 50% of the speed limit, as can be proved by Parish Council Speed Watch data over the last year. With a wider road and double yellow lines, i.e. no parked vehicles, this will lend Capel Street to become a much faster Street in the future, with the drivers who use this route now to/from Dover. The proposal of a new estate in this rural one lane location would increase the volume of traffic, adding to the likelihood of more vehicles speeding and spoiling the tranquillity of Capel-le-Ferne.

Parish Council do not understand the lining plan document, as this shows double yellow lines outside 84 and 98 Capel Street, both properties are on the Green Lane side of the School. Why is this being done?

The Masterplan has now been revised, reducing the number of driveways (crossovers) accessing directly onto Capel Street from 5 to 4. The Road Safety Audit raises concerns about these driveways (crossovers). The Audit states:

No details relating to the width of the vehicle crossovers serving the proposed residential units fronting Capel Street have been provided. The widths of the vehicle crossovers appear to be narrow and as a result there may be an increased risk of collisions between vehicles entering and exiting the access simultaneously. Although the driveway widths have been amended, to further reduce the risk of collision, the plans should be revised so that the houses fronting Capel Street have shared driveways that crossover onto the development access road and not Capel Street. Capel Street has several driveways and junctions already with blind exits. Drivers and residents using this Street have to exit these driveways and junctions with extreme caution, because of the speeding mentioned above. The proposal of a new estate in this rural one lane location would increase the volume of traffic, adding to the likelihood of "an accident waiting to happen".

Some residents and their visitors, have no driveways in Capel Street and rely on the "on-street parking". As is the same with school traffic at session times, parents need somewhere to park. Therefore, using the site for parking can only be a foreseeable problem for both residents of the site and likewise the parents.

Third Party Representations - A total of 103 representations have been received with 100 objecting, 2 neutral comments and 1 letter of support. The following is a summary of the objections received:

- Capel street is unsafe as existing with no footpaths, increased use will only make the road more unsafe for everyone
- Road not wide enough for extra traffic
- Cumulative impact of development on village, existing village will be compromised
- Parked cars obscure visibility
- Traffic generation and lack of nearby road capacity
- Adverse and increased impact on highway safety
- Driveways are already blocked by parked cars
- Parts of the highway are on private land
- Car parking falling below car parking standards and not sufficient for the proposed development
- Insufficient car parking resulting in on street car parking pressure
- Change character of whole village, community and tranquillity
- Urbanisation of Capel, affect local character of village
- Pressure on local services
- Mud on the road
- Lack of facilities and amenities in village to accommodate proposal
- Overdevelopment of site, too many dwellings and too many for Capel
- Inappropriate ribbon development
- The highway works proposed will make the use of Capel Street even more complicated, unworkable and push school parking outwards affecting more residents
- The road safety audit is inaccurate and out of date
- There will be nowhere for existing residents to park due to the proposed highway works
- Housing should not be in the village
- The need to retain the front boundary hedge is being ignored
- Further removal of countryside and wildlife
- Creating sprawl not infilling

- The development will affect the wellbeing of the whole community
- Development needs to be scaled down
- Adverse impact on AONB and view of it
- No more development is necessary in Capel
- Transport report submitted is 2 years out of date and re-use of the same supporting documents
- Development of the site was dismissed by an Inspector due to being harmful to the environment, effect on local character and street scene
- Too close to a school
- Dwellings proposed inappropriate
- Proposal overbearing out of scale and character with the area
- Surrounding area mostly bungalows
- Pedestrian crossing is sited in the wrong place
- Capel needs shops and facilities not housing
- This is not a sustainable development
- Lack of 'soft edge' to development as proposed in LA26
- Adverse impact on local wildlife on site, due to loss of hedge and habitats which should be protected
- The site is totally unsuitable for the proposed development.
- Insufficient drainage
- Removal of the hedge should not even be considered
- This is a rural village not an urban area where you would expect to see double yellow lines
- The submitted reports are unreliable and inaccurate
- Increased flood risk and drainage will not be sufficiently addressed
- Social housing is required in Capel not market housing
- Light pollution
- Increase in air and noise pollution and crime
- Landscape buffer zone inadequate
- Adverse impact on internet speed
- This greenspace should be protected
- Lead to overlooking and loss of privacy and loss of outlook which is unacceptable
- Construction period will be chaos for local residents
- No consultation of village
- Why should the village be changes forever for profit
- Capel Street is largely single lane and not enough room for vehicles to pass
- Highway safety is already a serious issue in Capel Street which is regularly blocked and access restricted by parked cars, road safety will only get worse
- There is no footpaths and the road can't be widened it is already unsafe for pedestrians including school/nursery children.
- Road is already unsafe and dangerous for everyone, it is only a country lane
- Overdevelopment of the site
- Proposed off-site parking bays are on private land
- Increased double yellow lines increases pressure elsewhere and are ignored and not enforced
- Road is inadequate to serve the development or construction vehicles
- Up to 18 parked vehicles will be displaced, where are these residents supposed to park their cars, this will cause more problems and is not a solution
- Widening of road will increase speeding further, which is already a problem
- Speed bumps are required
- Not the right site for development
- All hedgerows should be retained, birds use the hedge, it should not be removed

- and this is contrary to policy LA 26 that requires its protection
- Existing utilities can't cope, more development will make things worse
 - Any development should only be adjacent to the main roads
 - The site is not close enough to a bus stop to be acceptable
 - The hedgerow to be removed is an ancient hedgerow and should be retained
 - Local residents don't want double yellow lines
 - Parents dropping children off for the school ignore all existing measures the proposed double yellow lines will not work, no-one will enforce the measures
 - The need for more housing ignores the views of the local population
 - Capel street is a rat run and the speed limit of 20mph is completely ignored, this will only get worse
 - Residents views are not being taken seriously

The letter of support identified the need for new houses and affordable housing allowing people to stay in the village.

f) 1. **The site**

- 1.1 The site is located on the northern side of Capel Street and is extensively screened by hedgerow to all boundaries. To the west is the Kent Downs AONB with views of the site possible along Cauldham Lane where there are gaps in the hedgerow and from Green Lane which is a Public Right of Way between Capel Street and Cauldham Lane. Capel Street and the surrounding streets are predominantly residential with a mix of one and two storey detached and semi-detached housing of varying architectural styles.
- 1.2 The northern boundary adjoins a two storey semi-detached residential property and garden, to the south is a single storey detached dwelling on Capel Street and further rear gardens serving properties on Green Lane adjoining the southern boundary, opposite the site are a mixture of two storey properties. The site is currently undeveloped and used as horse paddock and occupies an area of 1.51 hectares. It is with Flood Zone 1 and Groundwater Source Protection Zone 3
- 1.3 The site lies within the settlement boundary with residential development to both the northern and southern boundaries. It is a designated housing allocation site under the Local Plan Land Allocations Policy LA26 subject to certain criteria and in effect infills this gap in the defined settlement.

The Proposal

- 1.4 The proposed development is a resubmission of a previous proposal that was refused at planning committee and subsequently dismissed at appeal (Ref: DOV/16/01316). This application is in outline form and includes details of the means of access and parking with appearance, layout, landscaping and scale reserved for future consideration in a reserved matters application. However detailed indicative plans have been submitted in this regard that show the proposed layout and typical housing designs along key sections. The proposal is for the erection of 34 dwellings including an indicative mix of 10 affordable units which is a 30% provision of affordable housing and overall 8 x 2 bed, 16 x 3 bed houses and 10 x 4 bed houses.
- 1.5 The indicative plans submitted provide an indication of the expected form, scale and layout of the proposed development. The indicative site layout includes the layout of the roads which comprises a main access road with two smaller

sections extending off to form two cul-de-sac's formed around two courtyards with a central turning area. In addition to this four separate vehicular access points are proposed from Capel Street to serve 1-2 dwellings fronting Capel Street. The main access/junction into the site is in a similar location to the previous proposal but is more rural in character and form. Off-street car parking is available for all the dwellings in the form of drives and dedicated car parking spaces.

- 1.6 The indicative layout and design of the units provides an eclectic mix of design form and size. A number of the units are shown to be bungalows and single storey this includes some of the units along the Capel Street frontage which include both detached and semi-detached units with varying roof forms and scales. These are sited behind a new boundary hedgerow with a new public footpath extending along the site frontage. The existing hedgerow to the western boundary will therefore be removed and replaced to allow a new footpath to be created. Overall the proposed dwellings are predominantly a maximum of two storeys in height. The siting of the units has been set back along the western boundary of the site to ensure the western landscaped 'buffer' (previously proposed) is retained and enhanced to reduce the visual impact on the adjacent AONB. Substantial new tree and hedge planting and associated landscaping is proposed throughout the development and along the principle access roads. The boundary landscaping to the northern and southern boundaries is to be retained and enhanced to provide a landscaped buffer to all boundaries.
- 1.7 The proposals also include off-site highway works which involve the provision of a stretch of public footpath along the eastern side of Capel Street and the provision of double yellow lines in front and near the site and at two further sections on Capel Street. The proposals also include the widening of Capel Street to 5.5m close to the site's main access and a new footpath along the length of the site frontage.
- 1.8 The following documents have been submitted in support of the application:
- Design & Access Statement
 - Planning Statement
 - Tree Report
 - Transport Statement
 - Stage 1 Road Safety Audit
 - Drainage Report
 - Habitats Regulation Assessment
 - Statement on Surface Water Drainage Works
 - Phase 1 Ecological Survey
 - Reptile, Bat and Badger Surveys
 - Flood Risk Assessment
 - Statement of Community Involvement
 - Construction Management Plan
 - Infrastructure/Utilities Statement
- 1.9 An amendment to the indicative layout has been submitted that has reduced the number of points of vehicular access from six in total to five. There has also been a minor reduction of the level of hard surfacing across the site layout (although this still appears to be quite high). The proposed off-site highway works were also submitted at a later date which set out the proposed double yellow lines, restrictions to car parking and additional footpath works. The amended site

layout and additional information have been subject to re-consultation.

(g) 2. Main issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the AONB and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations

Assessment

Principle of development

2.2 The application site lies within the settlement confines of Capel-le-Ferne, a Local Centre as identified in Policy CP1 of the Core Strategy, where development suitable for the scale that reinforces its role as a provider of services to local communities is appropriate. It is a site allocated for housing development under Policy LA26 of the Land Allocations Local Plan. The proposal is therefore considered to be in accordance with Policy DM1 and CP1 of the Core Strategy, as it is within the settlement boundaries. The principle of residential development on the site is therefore established by the adopted development plan which allocates the site for housing.

2.3 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.

2.4 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 within the defined settlement confines and is supported by other development plan policies (LA 26) and is ancillary to existing development or uses. As such, the application is in line with Policy DM1.

2.5 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 within the settlement confines. It is considered that the occupants of the development could access necessary day to day facilities and services. The development is justified by other development plan policies -LA 26 and as such, the development is in accordance with Policy DM11.

- 2.6 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 not result in the loss of countryside, as the site is within the confines of Capel. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the proposed landscaping and form of the development.
- 2.7 For the above reasons, the development is in accordance with policies DM1, DM11 and DM15 of the Core Strategy.
- 2.8 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.
- 2.9 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are DM1, DM1, DM15 and LA26.
- 2.10 The current Core Strategy policies and the settlement confines referred to within the policies 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 some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight.
- 2.11 Whilst it is considered that policy LA 26 is not out of date, policies DM11 and DM15 are not out-of-date, although they are in tension with the NPPF and DM1 is out of date. Nevertheless, policy LA 26 is considered to be the critical policy for the determination of the principle of the development and therefore the 'tilted balance' is not engaged. In addition an assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development will be made at the end of this report.
- 2.12 Policy LA26 of the Land Allocation Local Plan (2015) is considered, as identified above, to be up to date and provides for housing development on the site of up to 40 dwellings, to include a mix of housing types and densities with substantial landscaped boundaries and a lower density development on the western section. It sets out 9 criteria which development of the site would need to comply with which are:

- I. The design and layout should incorporate frontage development with adequate parking arrangements;
- II. The existing boundary hedgerows and vegetation to the west are retained;
- III. A landscape buffer is provided along the western boundary to reduce the impact on the AONB;
- IV. Development proposals are sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside;
- V. Footway connections are provided within the site and new footway provision is facilitated on KCC highway land on the eastern side of Capel Street to provide pedestrian connectivity to the primary school and beyond;
- VI. A financial contribution is secured to mitigate the impact on the Thanet Coast and Sandwich Bay SPA;
- VII. Development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing sewerage and water supply infrastructure for maintenance and upsizing purposes;
- VIII. If street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB; and
- IX. Vehicular access is achieved onto Capel Street which is designed to minimise the loss of the existing hedgerow.

2.13 As this is a criteria based policy it is important that any development proposal addresses as many of the criteria set out above. In addition to these site specific criteria, the development must be acceptable in all other material aspects. The proposed development, although only in outline form at this stage, where details are indicative, appears to appropriately address most of these criteria, which shall be discussed in more detail later in this report. It therefore largely accords with Policy LA26 and is considered an acceptable form of development on this site. The proposal is therefore largely in accordance with relevant development plan policies, being an allocated housing site, as well as the NPPF Framework and is acceptable in principle.

2.14 It should be noted that an earlier outline planning application for 41 units ref: DOV/16/01316 was refused at Planning Committee in September 2017 on the grounds of the effect on the character and appearance of the street scene and the impact on the landscape and scenic beauty of the AONB. This decision was appealed (ref: APP/X2220/W/18/3196016) and the appeal was dismissed in June 2018. The Inspector accepted that the impact on the AONB was acceptable but found the proposed layout to be harmful to the character and appearance of the street scene. It is considered that due to the revised proposal, layout and reduction in the number of the proposed units the development now proposed has addressed the concerns regarding the impact on the character and appearance of the street scene. This position shall be discussed in more detail later in the report.

Impact on the AONB and Visual and Rural Amenity

2.15 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be

permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location. Although not situated in the countryside, an assessment of the proposals impact on the character and appearance of the adjoining countryside is required.

- 2.16 Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:
- i. it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
 - ii. it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.
- 2.17 The site is not situated within one of the defined landscape character areas but consideration of the impact on the existing landscape and its character is necessary to ensure the proposed development does not affect the character of the wider landscape.
- 2.18 The application site also adjoins the Kent Downs AONB on its western boundary and to the north. The proximity of the site immediately adjacent to the AONB and the scale and nature of the application proposal is such that development of the site could affect the AONB, by virtue of impact on its setting. The setting of the AONB and its importance is recognised in the Kent Downs AONB Management Plan and policies SD1 and LLC1 of the plan are the most relevant. The Plan advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. Paragraph 172 of the NPPF is also relevant in this regard and seeks to protect the landscape and scenic beauty of the AONB. Consequently, the impact on the setting of the AONB, countryside and landscape adjacent to the site need to be considered, along with paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.19 Policy LA26 also has a number of requirements in respect of minimising the impact on the character and setting of the AONB, the surrounding countryside and landscape. This includes the retention of boundary hedgerows, a landscaped buffer along the western boundary and the sensitive consideration of the height, massing and street lighting of any proposals. These requirements are to ensure that the impact on the AONB and landscape character is minimised and protected by any development proposal. Consideration and an assessment of the requirements of the Kent Downs AONB Management Plan were taken into account in the allocation of this site. The policy allocation therefore seeks to address any impact through the setting of the relevant criteria and ensuring the mass and height of the proposed buildings are minimised and landscaping provides the appropriate screening.
- 2.20 The proposal incorporates substantial landscape buffers to the western, northern and southern boundaries of the site, especially along the western boundary where further enhancement through tree planting is proposed, (along with development set back along this boundary). Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape 'buffers' would incorporate both native planting and biodiversity gains appropriate

to the landscape character and site. The proposed landscaped buffers, at this stage, more adequately address the need for landscape screening on site and accord with the requirements of Policy LA26 with any impact mitigated on the setting of the AONB, wider landscape and adjoining countryside. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage.

- 2.21 The massing of the development, as shown on the indicative site layout, has also been significantly set back from the western side of the site and particularly along the western boundary which reduces the visual impact on the adjacent AONB, countryside and landscape. The indicative layout and limited massing of the overall development accords with the need for the sensitive treatment of the development site, as identified in Policy LA26. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the landscape and countryside.
- 2.22 In terms of the height of the proposed dwellings these are to be two storeys in height with some of the proposed buildings indicated as being single storey bungalows, including along the Capel Street frontage. The previous proposal ref: DOV/16/01316 that was refused by Members and dismissed at appeal proposed up to 3 storey development, in the form of a block of flats that raised concerns regarding the visual impact on the landscape and the impact on the setting of the AONB. The Planning Inspector nevertheless found the impact on the landscape and setting of the AONB to be acceptable. All flats and three storey elements have now been removed from the scheme and the reduced number of units 34 instead of 41, (as originally proposed) spreads built development more evenly across the site and provides a high level of landscaping. The maximum height of the proposed dwellings is to be up to two storey and therefore addresses this aspect. Nevertheless, it is still considered necessary to require proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings above ground as a condition. This is to ensure that the resultant height of the proposed dwellings is appropriate to its context and acceptable in terms of visual amenity.
- 2.23 In policy LA 26 it identifies that development should incorporate frontage development with adequate parking and footpath arrangements and the retention of the existing boundary hedge. However this proposal involves the removal and replacement of the existing hedgerow along the site frontage. This is to enable a public footpath along the roadside in front of a replacement hedge to form the garden boundaries. Along the Capel Street frontage, 11 detached and semi-detached dwellings are proposed, set back from the boundary with Capel Street with 4 joint vehicular access points in addition to the main access into the rest of the site. The previous proposal retained the hedge, although there was some loss due to the proposed access and related visibility splays and provided a public footpath behind the hedge line to the north of the proposed access and along the frontage to the south of the access with hedge planting reinstated behind. Although the former scheme retained a greater proportion of the existing hedge along Capel Street, it provided a footpath behind the hedge that restricted its use by all. This proposal although not seeking to retain the hedge frontage along Capel Street, is intending a replacement hedge along the frontage which in the long term will result in a greater proportion of hedgerow than the previous scheme, due to the set back offsetting the need for wider visibility splays at the road side.

- 2.24 At street scene level the indicative designs and layout proposed provide a more rural character to the development than the previous application and the varied house design, form and scale are more respectful of the existing eclectic character within Capel, (rather than a standard housing estate design), that also includes bungalows and individually designed units. This is more appropriate for Capel and would reflect existing building materials and design details. Although this aspect is to be addressed at a later Reserved Matters application, it has been shown that the previous concerns raised by Members and the Planning Inspector can and have been addressed in the revised proposals. The key reason for the Planning Inspector's dismissal of the appeal was the regular form, appearance and footprint of the proposed dwellings which were a standard size and layout resulting in a development that would be out of keeping in the varied character of the existing street scene. The application provides a great variety of units, of differing forms and designs, which although indicative, is more appropriate within the street scene and is therefore considered to be acceptable on this allocated housing site.
- 2.25 As such, it is considered that the relevant requirements of LA26 have largely been observed (albeit the loss of the boundary hedge along Capel Street and the reduced number of units allocated on the site), which state that "development should be sensitively designed in terms of height and massing in order to ensure the development does not have an adverse impact on the AONB and countryside". It should be borne in mind that the layout and design plans are indicative and careful consideration will need be given to the detailed layout submitted as part of any reserved matters proposals to ensure suitability of spatial layout arrangements. It is therefore considered that the scheme does not give rise to any adverse impacts on the visual amenity of the site and immediate surrounding area, nor does it fail to conserve and enhance the natural beauty and special character of the adjoining AONB. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy, policy LA 26 of the LALP, paragraphs 170 and 172 of the NPPF and the policies of the Kent Downs AONB Management Plan.

Affordable Housing and Dwelling Mix

- 2.26 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 10 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% (7) of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units (3). It is considered that, subject to being secured through a condition, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing proportion for local people with 50% of this housing being 2 bedroom units that also satisfies Capel Parish Council's concerns in this regard.
- 2.27 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district.

Whilst these recommended proportions should inform the housing mix, they are not rigid. At this outline stage indicative details of the dwellings have been provided and indicate the proposed housing mix of 8 x 2 bed units; 16 x 3 bed units and 10 x 4 bed units. This provision would be considered in line with the needs identified in the SHMA.

- 2.28 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 33.8 dwellings per hectare which is at the lower end of the density level required under CP4. It should also be noted that policy LA 26 required 40 dwellings on the site, therefore the density of the development is below that expected on this site, but is considered more appropriate in relation to the character of the Capel. At the local level the mix and indicative design of the units is considered appropriate for this edge of village location and largely complies with the relevant policies identified.

Residential amenity

- 2.29 The proposed development in outline form reserves the appearance, layout, landscaping and scale of the development. However, the indicative site layout identifies all the proposed dwellings are but set well back from Capel Street boundary and all other adjoining boundaries. The closest existing properties along Capel Street are to the north and south, although proposed built development is sited a good distance from the respective boundaries and is unlikely to effect their residential amenity. Accordingly, it is unlikely that any adverse impacts with regard to privacy and overlooking, loss of outlook or overshadowing are anticipated on existing properties. Therefore the juxtaposition of the proposed units suggests that no adverse amenity issues.
- 2.30 The precise location of the proposed dwellings is unknown at this stage, however, the proposed access roads have been submitted in full and indicative plans submitted show the layout of dwellings at this stage. The final layout, will be the subject of an application for reserved matters, but will be likely to closely align with the layout shown on the indicative plan. The plans submitted demonstrate that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any properties would be directly harmed by the development but a detailed assessment would form part of any reserved matters application.
- 2.31 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development

are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout. It is considered that the living conditions of occupants of the dwellings would be likely to be acceptable.

Highway Impacts

- 2.32 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. 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.
- 2.33 Policy DM12 requires that developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.34 Full details of the means of access are submitted under this application and include a 4.8m wide access road to serve the site from Capel Street, along with four joint points of access to serve 10 dwellings off Capel Street. The access road would lead on to two clusters of dwellings within courtyards. Although only an indicative layout, 75 car parking spaces are proposed throughout the development, which exceeds KCC requirements and provides 7 visitor spaces to assist in the school peak periods. The proposed works also include the widening of the southern section of Capel Street to 5.5m, the provision of a public footpath along the site frontage, that will enhance pedestrian safety, a new footpath on the eastern side of Capel Street to link up with the existing public footpath network and the provision of double yellow lines in front of the southern section of the site and extending south up to the boundary of No. 114 Capel Street.
- 2.35 KCC Highways initially raised concerns in respect of the proposal as various matters needed to be considered further and addressed, such as the minimum carriageway width, proposed pedestrian crossing point, resolution of conflicts with on-street parking, location of off-street car parking and required visibility splays. In addition, a safety audit was also required for all the proposed highway alterations in Capel Street. In response to these concerns, additional highway work details and a road safety audit were submitted. These documents proposed the works required to the adopted highway on Capel Street and have been the subject of re-consultation. This includes the addition of double yellow lines on Capel Street, including two sections further along Capel Street to enable suitable passing places.
- 2.36 The proposed development is likely to generate approximately 19 two-way vehicle movements in the morning and evening peak hours; however, there is

clearly a significant increase in traffic during drop-off and pick-up periods for the nearby school, with the associated parking demand and consequent narrowing of the road to single way working in the section near the school. Although some passing places are available these are short in length and make manoeuvring difficult. Therefore, the development proposals include the improvement of sections of Capel Street to assist with the flow of traffic. These improvements take the form of additional parking restrictions between (and encompassing) the accesses to numbers 82 and 84 Capel Street and across the accesses to numbers 96 and 98 Capel Street, but extended to provide sufficient room for a car to manoeuvre in/out of the passing place. These add to existing passing areas to create adequate two-way flow and passing opportunities at regular intervals to accommodate the additional traffic from the development.

- 2.37 The site access arrangements also include minor widening of Capel Street along the site frontage to enable vehicles to pass each other and the provision of a footway linking the site to the existing footway network in Capel Street, providing pedestrian access to the school, bus stops and the wider village. The access arrangements require parking restrictions to maintain appropriate visibility at the proposed pedestrian crossing point and site access. Whilst this may remove a small amount of on-street parking, 7 additional unallocated parking spaces are to be made available within the application site to ease this pressure which would also provide public footways to the school and a crossing to improve pedestrian safety.
- 2.38 KCC Highways have advised of the acceptability of these highway proposals and that a Traffic Regulation Order (TRO) would be required for the proposed parking restrictions on Capel Street. TROs must be made for qualifying purposes including avoiding danger to persons or traffic and facilitating the passage of traffic, which applies in this case and could be secured through a planning condition. In addition, all the proposed highway alterations have been subject to an independent safety audit and can be carried out by the developer through a s278 agreement with the Highway Authority.
- 2.39 The proposed highway layout and associated parking arrangements for the new dwellings are therefore acceptable and are in accordance with current guidance, including exceeding parking standards. KCC Highways has confirmed that the off-site passing bays and road works proposed will be on the public highway and not on private land. Adequate access and turning facilities are also available for all of the proposed dwellings, refuse and emergency vehicles with a reduced need to park on-street and in particular Capel Street. If the application were to be granted conditions could be attached to ensure that the effects of the development would be sufficiently mitigated so as not to cause undue harm to the local highway network. In addition, a condition can require full details to be submitted for the off-site highway works, comprising the provision of footpaths and the TRO's required. A Construction Management Plan would deal with other matters such as associated parking/turning areas for construction vehicles and wheel washing facilities.
- 2.40 Significant concerns have been raised by third parties that the development would significantly and detrimentally increase and impact on traffic and the local highway which is identified as already struggling to cope with existing levels of traffic locally. A strong level of concern is also raised over the narrowness of Capel Street which causes significant local concern. It is however considered that with appropriate conditions and controls in place these concerns would to a

sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.

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

- 2.41 The impacts of the development are considered and assessed in this report. It is also necessary to consider 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.
- 2.42 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.
- 2.43 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.44 *For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.*
- 2.45 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. A contribution of £1990 is therefore sought to this effect.

Ecology

- 2.46 In furtherance to the impacts on the off-site Thanet Coast and Sandwich Bay, Ramsar/ SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by a Phase 1 Ecological Survey which considers both the flora and fauna of the site and in addition reptile, bat and badger surveys.
- 2.47 The site is grassland and grazed horse pasture of low ecological significance. The mixed hedgerow around the boundaries of the site provide botanical interest at a local level and should be retained where possible. The hedge lines provide nesting and foraging areas for birds, reptiles and bats and there is an active badger sett on site, to the north western corner. Badgers and their setts are protected by the Protection of Badgers Act 1992. Therefore, a specific badger survey is required which can then inform the proposed development, in order to comply with ODPM Circular 06/2005 (para. 99).
- 2.48 The species surveys have identified the potential for low reptile populations on site, the use of the site by two types of bats for foraging and commuting and the active use of the site by badgers. There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and enhanced and such measures can be controlled by suitable conditions. The Councils Ecologist has confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.49 In addition, the site has potential for hedgehog and, as such, precautionary safeguards for these species and improvements to their habitats have been recommended. In respect of birds using the site, these may be nesting on site and safeguards can be put in place that include construction work outside of the bird breeding season and under ecological supervision. Such safeguards have been recommended and these could be conditioned.
- 2.50 In respect of existing trees on the site these have been surveyed and a Tree Report submitted. The majority of tree cover is associated with the line of the mixed hedgerows to all boundaries. A small proportion of low category trees and some hedgerow is proposed to be removed to facilitate access to the site and the new public footpath along Capel Street. However, it is proposed to replant the hedgerow along Capel Street and includes a significant level of tree planting and landscaping across the site, along with reinstating gaps in hedgerows with appropriate species. Therefore, although there will be a loss of the hedgerow along the eastern boundary this is not significant to the wider area ecologically and the replacement hedge planting will ensure the impact on the street scene is minimised. To minimise the impact on the trees and hedges to be retained, the necessary protection measures required can be controlled by conditions.
- 2.51 The proposed layout allows the existing hedgerows to the north, south and western boundaries to be retained and additional planting to allow deeper landscaped areas where new trees can be planted. On the western site boundary the enhanced hedgerow depth and the new trees will provide a

landscape 'buffer' between the site and the AONB to the west. New planting will consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species, landscape designations and conservation and enhancement of biodiversity which are considered to comply with the aims and objectives identified through the NPPF and the Kent Downs AONB Management Plan.

Drainage and Flooding

- 2.52 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable 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 natural drainage as closely as possible.
- 2.53 A Drainage report and FRA have been submitted in support of the application which confirms that infiltration drainage is suitable on this site. It is proposed to deal with all surface water and run-off by 4 deep bore soakaways into the subsoil below so that there will be no increase in run-off from the site as a result of the proposed development. There will also be an underground tank for each soakaway of between 50 and 200 cubic metres to allow storage capacity for storm water.
- 2.54 This method of surface water disposal is considered acceptable for this site with the Environment Agency and KCC raising no objection but advising of appropriate conditions to ensure the protection of the groundwater quality in respect of pollution prevention and waste. KCC Flood and Water Management are the Lead Local Flood Authority and have also raised no objection subject to conditions relating to further testing and final details in respect of the surface water drainage measures and management and verification of the approved scheme. The proposed drainage measures for this outline proposal are therefore considered acceptable at this stage, subject to conditions, further testing and details that could also be considered at a Reserved Matters stage.
- 2.55 Southern Water supplies foul waste at this location and they have raised no objection as they can provide foul sewage disposal capacity for the proposed development. They advise that they would require a formal application for a connection to the public sewer to be made by the applicant or developer. The proposal is therefore acceptable in this regard.

Planning Contributions

- 2.56 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.57 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support

the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.

- 2.58 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demands which would be generated by the development. As there is access to an existing play area at Lancaster Avenue it would not be necessary to provide equipped play on site. However, a suitably scaled contribution for upgrading or additional play equipment/space has been calculated according to the cost of creating a new Local Area for Play and providing fifteen years of maintenance at £42,520 which equates to a commuted sum of £32,330 including interest at 2%. Therefore the need created by this development equates to around 60% of a play area, which would result in a contribution of £19,400. This would need to be secured through a s106 and with the payment of this contribution, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.59 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is sufficient primary school provision but insufficient secondary school provision to meet the needs of the development. KCC have also requested a contribution of £139,910 towards the Phase 1 expansion of Dover Grammar School for Girls, due to exceeding the capacity of pupil spaces generated by the development. In addition a contribution of £1,632.54 towards additional book stock for Capel mobile library, a Social Care contribution of £2639.42 towards Dover Social Care Hub and a Community Learning contribution of £871.72 towards Adult Education at Dover Discovery Centre, would ensure that the needs generated by this proposed development would be met. It is considered that the requested contributions are 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.
- 2.60 NHS CCG have advised that no contribution will be sought for this development.
- 2.61 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:
- Secondary Education- towards Phase 1 expansion of Dover Grammar School for Girls of £139,910
 - Library - contribution towards additional book stock for Capel mobile library of £1,632.54
 - Social Care - £2639.42 towards Dover Social Care Hub
 - Community Learning - £871.72 towards Adult Education at Dover Discovery Centre
 - A total of £1,990 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy

- An off-site public open space contribution of 60% towards enhanced play space facilities at Lancaster Avenue of £19,400.
- Payment of all associated legal costs.

- 2.62 In addition, a separate s278 Agreement under the Highways Act with KCC Highways and Transportation in respect of the access arrangements and highway improvements outside of the application site will be required.
- 2.63 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

- 2.64 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination, a condition would be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved.
- 2.65 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design.
- 2.66 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. External lighting will need to be included in a condition identify its requirement at reserved matters stage, due to its importance in this sensitive location as a result of the adjoining AONB and bat protection measures.
- 2.67 Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

3. Conclusion

- 3.1 In terms of planning policies, development of this site within the settlement confines and on land allocated for residential development under Policy LA26 of the LALP is acceptable in principle and is in accordance with policies in the Core Strategy, Local Plan and the NPPF.
- 3.2 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the adverse impacts of the development identified in the report, although there is a large proportion of local objection to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on an allocated site within the district, including the provision of 30% affordable housing.
- 3.4 The proposed development of 34 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social benefit of providing 10 affordable housing units on the site. In addition, the relevant

contributions towards local infrastructure costs have largely been agreed in principle, including education and open space contributions.

- 3.5 The proposal is of a relatively low density but within the quantum of housing suggested by LA26 (and other development plan policies) which also seek to retain a significant amount of natural screening in the context of the site location and its setting. As has been discussed above, the impact on the setting of the AONB is minimised and its special character protected. The proposed plans have also sought to address the concerns raised by the Planning Inspectorate by providing a mix of housing sizes, form and design rather than a standardised housing design with a similar footprint that would be out of keeping in the highly varied character of the dwellings in Capel. The proposals are therefore considered to be in keeping with the character and street scene of Capel Street and development should be approved.
- 3.6 Initial objections from KCC Highways have also been overcome following additional information submitted which included a Road Safety Audit. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the highways is consequently acceptable.
- 3.7 The proposed development, although only in outline form, largely addresses most of the criteria identified in Policy LA26 of the Land Allocations Local Plan and accords with the principles of this policy, albeit with the loss of the frontage hedgerow, although this is proposed to be replaced and allows the provision of an accessible public footpath; it is therefore an acceptable form of development for this housing allocation site. The proposal therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be addressed by planning conditions. Consequently the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

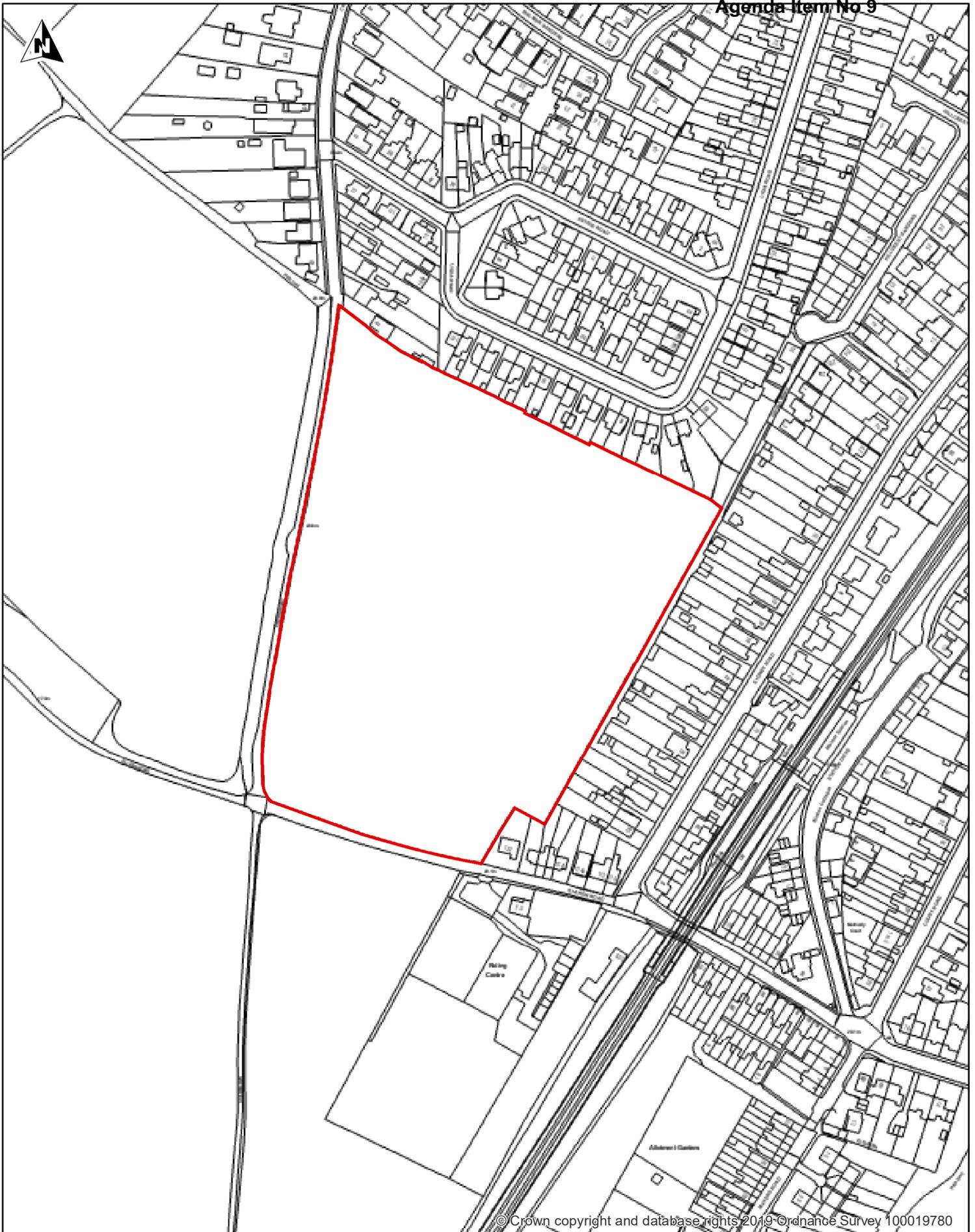
4 Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
- 1) Reserved matters details
 - 2) Outline time limits
 - 3) Approved plans
 - 4) Existing the proposed site levels and building heights
 - 5) Ecological mitigation and recommendations implemented
 - 6) Ecological/biodiversity mitigation, enhancement and management plan
 - 7) Construction Management Plan
 - 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
 - 9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)
 - 10) Landscaping Details and maintenance of buffer zones
 - 11) Open space management plan
 - 12) Protection of Trees and Hedges

- 13) Hard landscaping works and boundary details/enclosures
- 14) Reporting of unexpected land contamination
- 15) No works on site until final SuDS testing is undertaken and submitted
- 16) Design details of surface Water drainage strategy
- 17) Implementation and verification of SuDS scheme
- 18) No other infiltration on site other than that approved
- 19) Contamination safeguarding
- 20) Off-site highway works undertaken and implementation of a Traffic Regulation Order
- 21) External lighting to be addressed at reserved matters

- II. Powers to 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: Lucinda Roach



DOV/19/00642
Site at Cross Road
Deal
CT14 9LA

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/19/00642 - Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal**

Reason for report - Number of contrary views (100)

b) **Summary of Recommendation**

Planning permission be granted subject to conditions and S106 agreement

c) **Planning Policies and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy
CP3 - Distribution of Housing Allocations
CP4 - Housing Quality, Mix, Density and Design
CP6 - Infrastructure
DM1 - Settlement Boundaries
DM5 - Provision of Affordable housing
DM11 - Location of Development and Managing Travel Demand
DM12 - Road Hierarchy and Development
DM13 - Parking Provision
DM15 - Protection of Countryside
DM16 - Landscape Character
DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Paragraph 11-12 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure

developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

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

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

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

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

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

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

Paragraph 127 – Planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, for the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 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, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Kent Design Guide (2005)

d) Relevant Planning History

DOV/17/00505 - Outline application for the erection of up to 235 dwellings (with landscaping, appearance, layout and scale to be reserved) - Refused

DOV/17/00336 – Request for Screening Opinion for residential development – EIA Not required

DOV/16/01441- Change of use of land for the keeping of horses and the erection of field shelters, stables and fencing and laying of hardstandings – Refused

DO/80/1180 – Outline application for residential development at 12 dwellings per hectare – Refused – Appeal Dismissed

CH/1/68/8 – The erection of dwellings – Refused

CH/1/65/236 – The erection of dwellings – Refused

CH/1/64/64 – Outline application for dwellings and estate roads - Withdrawn

e) Consultee and Third-Party Representations

DDC Infrastructure and Delivery Officer – Policy CP 6 of the Core Strategy 2010 states that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Additional need arising from residential developments is calculated using average occupancy rates. Where the application is in outline and the final housing mix is not known, a policy compliant mix across all tenures is assumed. On this basis, the below table calculates that **274.49** new residents will be generated by the proposed development.

Applying the adopted DM27 requirement of 2.22 ha per 1,000 population against the anticipated number of new residents of **274.49** generates an overall accessible green space requirement of **0.6094 ha**. The indicative site layout shows 0.90 ha Accessible Green Space is to be provided on site.

An area of on-site accessible green space should be secured as part of the site layout at the reserved matters stage. The amount required will be dependent on the final agreed mix of housing applying the 2.22 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.6094 ha**.

Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents of **274.49** generates an overall outdoor sports facility requirement of **0.3212 ha**. On site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant.

Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The **0.3212 ha** natural grass playing pitch need generated by the proposed development equates to **45.88%** of a natural turf senior pitch which equates to a proportionate offsite contribution of **£45,879.54**.

Improving pitch quality at the Deal & Betteshanger Rugby Club is an emerging priority from work currently being undertaken as part of the update to Dover's Playing Pitch strategy. Of the two pitches, the floodlit pitch is of poor quality as the floodlit area of the pitch has drainage issues. The non-floodlit pitch is of standard quality.

A proportionate contribution, which would be **£45,879.54** based upon the indicative housing mix for this scheme, towards an enhanced maintenance regime at Deal & Betteshanger Rugby Club, would be justified in this instance.

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of **274.49** generates an overall children's equipped play space requirement of **0.0165 Ha**. There is no existing play area within the applicable accessibility standard. The indicative site layout shows a Children's Equipped Play Space of **0.03 ha** is to be provided on site. Provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement. The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage. The anticipated number of new residents generates an Allotments / Community Gardens requirement of **0.0576**

The indicative site layout shows a Community Orchard of **0.05 ha** is to be provided on site. Provision and long-term maintenance/management of the Community Orchard should be provided onsite and secured within the legal agreement.

The minimum amount required will be dependent on the final agreed mix of housing applying the 0.06 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than **0.0165 Ha** The type, layout and design will be dependent on the final agreed mix of housing and site layout agreed at the reserved matters stage.

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. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £6,066.43 is therefore necessary for this site to be considered policy compliant.

The introduction of new CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements. The council employs a dedicated monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous

financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established.

DDC Ecologist - I have reviewed the Ecological Appraisal and support the recommendations made to provide **biodiversity net gain**. This includes the creation of approximately 1 hectare of greenspace. (This represents about a quarter of the site area). The following habitats using native species are proposed:

- An attenuation pond as a SUDS feature,
- woodland planting in the south eastern corner,
- sown species rich grassland using an appropriate wildflower mix,
- Tall ruderal vegetation to provide foraging opportunities for seed specialists such as linnet and yellowhammer
- an orchard.
- the planting of tree belts, hedgerows and scrub, to enhance habitat connectivity
- a bat sensitive lighting scheme (this should follow the bat Conservation Trust Guidance Note 8 'Bats and artificial lighting' 12 September 2018)
- installation of bat boxes on retained trees or incorporated on to selected new buildings.
- Breeding opportunities for birds by inclusion of nest boxes or nest bricks.

Habitat Regulations Assessment - The report has also included information to enable DDC to complete a HRA. The only predicted likely significant effect is the disturbance of bird species as notified features of the Thanet Coast & Sandwich Bay SPA and Ramsar due to increased recreational pressure. I agree with this conclusion. The applicant will be required to pay the tariff levied on the number of units proposed as per the DDC Thanet Coast Mitigation Strategy.

DDC Housing Manager - There is a need and demand for affordable rented homes of all sizes within the Dover district. In addition to 70 homes for sale, the application proposes 30 homes with 1, 2 and 3 bedrooms for affordable rent, which would provide a valuable contribution towards meeting the affordable housing needs of the district.

DDC Environmental Health - No objection subject to conditions relating to a Construction Environmental Management Plan and Contaminated Land conditions.

I note the Air Quality Screening Report (Wardell Armstrong ref# LE13820/PT/MW/002 6th March 2019) considers the impact of the development in terms of the construction and operational phases and I can confirm that a detailed air quality assessment is not required for this application. In terms of the construction phase it is noted there is clearly the potential for fugitive dust levels to cause disturbance to existing residents in the area. It is therefore recommended that a site specific dust management plan is submitted and secured by condition that includes suitable mitigation to control dust levels in accordance with the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction 2014.

It is noted that in terms of good design principles and best planning practice Electric Vehicle re-charging provision is to be provided. The incorporation of facilities for charging plug-in and other ultra-low emission vehicles is noted as one means of achieving this. I would therefore recommend a suitable condition is included in respect of securing this provision.

Noise Screening refers to noise assessment report (Wardell-Armstrong LE13820 May 2017). EH concur with the findings of the report and would recommend a sound insulation condition.

DDC Waste Team - All individual properties will have a launch pack consisting of 180 litre refuse bin, 240litre recycling bin for tins, glass & plastics, 55litre black box for paper/card recycling, 23litre outside food caddy & 7litrenkitchen caddy. Flats depending on the amount of properties in each block will vary approx. 180litres of refuse per flat, 55litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling & outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

KCC Highways and Transportation – I refer to the amended plans and additional information submitted for the above on 21November. The Transport Assessment shows there is unlikely to be a severe impact on the wider highway network in capacity terms from the vehicle trips generated by the proposals, with the junctions assessed still working within capacity. The vehicle trip generation figures used (58 two-way trips in the am peak hour and 62 two-way trips in the pm peak hour) are very robust for this location within walking distance of schools, bus stops, the railway station and other services/amenities, such that the number of trips generated is in any case likely to be less than that considered in the assessment. The distribution of trips to/from the site is likely to be split evenly in Cross Road north and south of the site access, with most trips to/from the south then being along Station Road.

The northern section of Cross Road is subject to existing on-street parking; however, it is not a heavily trafficked road and there are regularly spaced passing places available. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Cross Road and at the junction with St Richards Road, and highway improvements are therefore proposed as follows:

- Widening of the road in the vicinity of the site access to allow two vehicles to pass each other and provide suitable manoeuvring room for refuse/delivery vehicles servicing the site;
- Provision of a footway between the site access and the existing footway network in Cross Road;
- Formalisation and improvement of the existing single-way working section of the road between the site access and the wider section of Cross Road to the north, improving visibility for drivers on the approaches to the single-way working section. This will require the removal of two existing on-street parking spaces currently in use on the west side of the road;
- Provision of an additional passing place in the section of Cross Road to the south of the site, providing regularly spaced passing places between the site access and the junction with Station Road;
- Extension of the existing 30 mph speed limit to the junction of Cross Road and Station Road,
- Provision of improved pedestrian crossing facilities at the junction of Cross Road with St Richards Road, including dropped kerbs, tactile paving and a pedestrian island. This will require the removal of four existing on-street parking places currently in use on the east side of Cross Road and the south side of St Richards Road.
- The majority of Station Road between the site and Dover Road has suitable width and passing places where necessary to accommodate the development. However, there is still a need to suitably accommodate the additional traffic and pedestrians in the narrower section of Station Road between the site boundary and Station Drive, and highway improvements are therefore proposed as follows:
- Widening of the section of Station Road fronting the site;
- Formalisation and improvement of the existing single-way working section of the road between the site boundary and Sydney Road together with a new 1 metre-wide footway connecting the site to the existing footway network. Whilst it would be preferable to have a wider footway, both the road and footway are unlikely to be heavily trafficked and this will be a lower speed environment, so

the footway width available is considered to be acceptable. These works will require the removal of three existing on-street parking spaces currently in use on the south side of Station Road,

- Extension of the existing 30 mph speed limit to the junction of Station Road and Cross Road
- Provision of improved pedestrian crossing facilities at the junction of Station Road with Station Drive, including a pedestrian build-out, dropped kerbs and tactile paving. This will require the removal of two existing on-street parking spaces currently in use on the south side of Station Road.

The proposed improvements acceptably mitigate the impact of the development such that it is not considered to be severe.

The detailed street layout and parking provision within the site would be dealt with through a reserved matters application. The routing and timing of HGV's related to construction of the development will need to be suitably managed and this can be resolved through a Construction Management Plan secured by condition.

Taking all of the above into account I would not recommend refusal on highway grounds subject to a significant number of highway conditions being secured.

KCC Archaeology: The application is accompanied by an Archaeological Appraisal report and a Built-Heritage Statement, the appraisal provides a reasonable account of the archaeology of the area and of the site's archaeological potential. The site lies on a south-west facing slope just off the crest of the Mill Hill ridge. The Mill Hill area has long been recognised for its archaeological importance with several significant archaeological discoveries having previously been made nearby.

During the nineteenth century several large chalk quarries were developed along the Mill Hill chalk ridge by local builders. No formal archaeological investigations were undertaken during this quarrying however numerous burials (both cremations and inhumations) of probable Iron Age, Roman and Anglo-Saxon date were recorded during the working of the pits.

Between 1984 and 1989 the Dover Archaeological Group undertook excavations on the site of the Walmer Way housing development which also lies to the north of the proposed development site. More than 500 individual archaeological features were identified which dated from the Neolithic (c. 3000 BC) to the post-Roman period (c. AD 1400). Some 132 burials were also excavated. The extents of this important multi-period site were not located in any direction. Discoveries at the Walmer Way site, some of which are of major importance, included a sixth century Anglo-Saxon cemetery, a rare Iron Age inhumation cemetery, a Bronze Age ring-ditch, Neolithic pits and a Romano-British field system. One of the Iron Age graves contained a particularly important burial, that of the 'Mill Hill Warrior', who was buried with a sword, shield and crown (now displayed in the British Museum).

The archaeological appraisal rightly identifies that the proposed development site lies within a rich and dense archaeological landscape and suggests that overall the site should be considered to have a moderate potential for previously unrecorded archaeological remains to be present on site. In broad terms I would support the WYG assessment of the site's archaeological potential. The document goes on to note that the construction of the proposed development would result in the removal of any archaeology which might be present at the site and that due to the nature of the development such construction impacts could occur across most of the application site. On this basis the appraisal advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an

approach and would suggest that such an archaeological programme could be secured by condition.

I would suggest that the proposed development has the potential to affect presently unknown archaeological remains from a range of periods. Paragraph 199 of the NPPF notes the requirement for developers “to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible”. It is therefore recommended that a condition is included in any forthcoming planning consent to secure the investigation and recording of the archaeology to be affected by the development and to ensure that the results of these investigation are made publicly accessible.

KCC Flooding and Waste Management – In principle, we are satisfied with drainage information submitted at this stage and therefore have no objections to the drainage design. Should your local authority be minded to grant permission from this development, we would recommend conditions relating details of surface water drainage to be provided at reserved matters stage, to a detailed sustainable surface water drainage scheme and a verification report.

KCC Economic Development – Financial contributions are requested from the developer for the enhanced provision and projects towards community services to include:

- Primary Education - £3,324.00 per dwelling towards Phase 2 expansion at Deal Primary School
- Secondary Education - £4115.00 per dwelling, towards Phase 2 expansion at Dover Grammar School for Girls
- Community Learning - £25.64 per dwelling towards IT equipment for the new learners at Deal Adult Education Centre
- Social Care - £76.26 per dwelling towards Meadowside Social Care Hub in Deal
- Libraries - £48.02 per dwelling towards large print books at Deal Library

These contributions to be secured through a Section 106 Legal Agreement as part of any submission. In addition, the provision of Fibre Optic Broadband across the site should be provided.

Southern Water – The exact position of the public foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water.

Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water hence requests the following condition to be applied:

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

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required and to design such works in the most economic manner to satisfy the needs of existing and future customers.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval the following condition is attached to the consent:

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

Environment Agency: This site is in a very sensitive area for groundwater resources, being in an SPZ1 for a licensed abstraction. Therefore we would seek to ensure careful management of such a large development in such a sensitive setting and would be likely to object unless a condition relating to contamination safeguarding, is placed on any permission granted.

The design of infiltration SuDS needs careful consideration in this location. We therefore request that a planning condition restricting infiltration drainage to the approved scheme only is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Clean surface drainage is likely to be acceptable to go to shallow infiltration drainage with suitable pollution prevention measures incorporated in line with good guidance. Foul drainage is indicated to go to mains sewer, there must be confirmation from the local provider that all connections have been fully made before any occupation is permitted.

We would anticipate the requirement for a construction environmental management plan to be included in any permission in accordance with good construction practice.

Highways England: Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, the A2 in the vicinity of Dover particularly the Duke of York Roundabout.

Highways England previously responded to proposals on this site on the 12 August 2019 (attached). Having reviewed the additional information (revised access arrangements and RSA designers response) provided on the Planning Portal we are satisfied that the impacts of this proposal on the SRN will be unchanged. Accordingly, the proposal will still result in a minimal additional impact on the SRN that is unlikely to materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/13, particularly paragraphs 9 & 10, and MHCLG NPPF, particularly para 109). Therefore, we do not offer any objections or requirements relating to the application.

Natural England: No objections, standing advice should be referred to. Designated sites [European] – no objection subject to mitigation - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Rural Planning Ltd: There would be a loss of some of “best and most versatile” agricultural land. A judgement and recent appeal decisions, in which relatively little significance has been placed on the loss of BMV land, it appears that to successfully argue loss of BMV land as a reason for refusal, the burden would fall on a Council in having to demonstrate that the development is unnecessary, as it could take place on sufficient other feasible sites, of lower quality land than the application site. I am not personally aware that there are sufficient other feasible sites of lower quality. In conclusion, it seems unlikely that loss of BMV land could be seen as a valid reason for refusal of the application in this instance.

South Kent Coast CCG: Requests a contribution of £89,700 to General Practice towards improvements at Balmoral Surgery.

Justification for infrastructure development contributions request:

This proposal will generate approximately 280 new patient registrations when using an average occupancy of 2.8 people per dwelling. The proposed development falls within the current practice boundary of a number of Deal town centre practice, including Balmoral Surgery, St Richards Road Surgery, The Cedars Surgery and Manor Road Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area; the need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

This development is expected to impact directly on the town centre practices, and in line with the Development Plan, the CCG would support the improvements to Balmoral Surgery as a priority project to absorb growth from planned housing developments. The practice will be required to develop a business case in order to mitigate the impact of the growth already experienced, as well as any future growth from additional development. The proposal would be to fit out the current vacant expansion space on

the first floor of the building. The project was costed a number of years ago, and tenders will need to be revisited should the scheme go ahead.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future. It is likely that the restrictive occupancy nature of this development will have a higher impact than normal on the workforce as residents are more likely to have multiple or complex health needs.

The population growth of 280 will require 23 m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £69,000. A further 30% allowance for development fees means our request totals £89,700. In addition to the above we request that any agreement regarding a financial contribution:

- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practice detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.
- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the planning regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance with regulations the CCG confirms that there would not be more than four other obligations towards the final project(s).

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

Kent Police Crime Prevention – We have considered this application with regard to Crime Prevention Through Environmental Design and the National Planning Policy Framework (NPPF). Applicants/agents should consult a local Designing Out Crime Officer (DOCO) or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.

Secured by Design (SBD) Homes 2019 is the current guidance document addressing community safety and security requirements for dwellings. To meet SBD requirements, doorsets and windows must be tested and certified by an SBD recognised third party certification authority. Approved Document Q building regulations for doorset and window specifications only require testing to PAS 24 2016 – www.securedbydesign.com

The applicant/agent has not yet demonstrated that they have considered designing out crime or crime prevention. To date we have had no communication from the applicant/agent and there are issues to be discussed and addressed, these include:

1. Development layout
2. Perimeter, boundary and divisional treatments
3. Permeability
4. Parking inc. visitor
5. Lighting and CCTV
6. Access Control
7. Doorsets
8. Windows

Meeting SBD Homes 2019 – this application should achieve SBD Silver standard as a

minimum.

We welcome a meeting or discussion with the applicant/agent about site specific designing out crime. If these issues are not addressed, it may affect the development and have a knock on effect for the future services and duties of local policing. If this application is to be approved, we request that a Condition or Informative be included to show a clear audit trail for Design for Crime Prevention and Community Safety and meet both our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

A development that achieves SBD accreditation, demonstrates that security has been addressed. If the applicant/agent intends to apply for SBD accreditation they are strongly advised to contact us before completing the application form.

Walmer Parish Council: Although the site lies within Deal Town Council's area, it is very close to the boundary with Walmer Parish Council. The site is roughly rectangular in shape, being bound on the south by Ellen's Road and on the west by Cross Road. The northern boundary is formed by the rear gardens of Lydia Road, while the eastern boundary is the rear gardens of Sydney Road and an access lane to those properties.

The application is an outline proposal for some 100 houses, some of which will be "affordable". The application makes provision for play space, a community orchard, a balancing pond, landscaping including tree planting, and limited road improvements on Cross Road. The internal road layout is contained within the site with a single access point onto Cross Road. The proposal would extend the built area of Deal into countryside, and on to potentially productive farmland.

Cross Road is a two-way road with a mix of detached and terraced houses from the entrance from St Richards Road to the north-western corner of the application site. From that point Cross Road becomes a single-track, country lane with no pavement. The southern end of Cross Road forms a T-junction with Ellen's Road, which is a continuation of Station Road, and links through to the road to Ripple in Great Mongeham. Ellen's Road is a single-track country lane with no pavement. It's continuation as Station Road to the railway bridge is also a single-track lane with no pavement, though there are a few terraced and detached houses close to the junction with Sydney Road. Road is a two-way road with a mixture of housing on both sides. Walmer station is accessed on foot from Sydney Road, which has resulted in day-long parking on both sides of the road by rail passengers with consequent problems of obstruction, poor sightlines and constriction of the roadway for emergency vehicles.

Both Sydney Road and Cross Road give out on to St Richards Road. The Sydney Road junction is close to the railway bridge and opposite the off-set junction with Telegraph Road. The Cross Road junction is between the plumber's suppliers and a Londis store and is opposite the off-set junction with Mill Hill. Parked vehicles on both sides of the Cross Road junction radically reduce sightlines for drivers emerging from Cross Road, and vehicles on St Richards Road can travel at speed on a long straight road. St Richards Road is heavily used by vehicles and by children travelling to and from St Mary's RC Primary School which is on the road. It is also used by primary school children travelling to and from Hornbeam Primary, on Mongeham Road, and the Downs Primary and the Walmer Science annex of the Goodwins Academy, both of which are off Salisbury Road in Walmer, a continuation of St Richards Road. Both Salisbury Road and Station Road join on to Dover Road, which carries some two-thirds of commuter traffic out of Deal every morning. Taken with the current development of Miller's Retreat on Station Road in Walmer, the Gladman proposal will only increase the pressure of vehicles on an already stressed junction.

The development will have a detrimental impact on the residents of Lydia Road and Sydney Road who will lose the rural outlook from the rear of their properties. The urban

fringe of Deal and Walmer will be extended to the south and east and will intrude on views from Coldblow Hill and elsewhere on the down land to the south. The land subject to the application provides a habitat for various species of invertebrates, which provide a food supply for bats which are frequently observed in the rear gardens of Lydia Road.

The proposal envisages the widening of Cross Road from the site's north-east corner to the proposed entrance of the site. The bulk of the existing single-track will remain but vehicles travelling northwards will not have priority over vehicles moving southward into the site. The intention is to direct all vehicle traffic to the Cross Road/St Richards Road junction. This will result in a proliferation of road signs in the countryside and will introduce a discordantly urban aspect to an essentially open rural area.

The Transport Statement on which Gladman relies, makes a great deal of how close the site is to various alternative transport modes. All of these involve either walking or cycling to reach Walmer station or a bus stop on Sydney Road. To access Sydney Road from the site would necessitate travelling along Ellen's Road. This is potentially highly lethal. The Transport Statement in paragraph 5.3.3 makes reference to the closeness of the site to the national cycle route, which it claims is the North Sea Cycle Route from Colchester to Shetland. The Transport Statement also lists, among others, the Telegraph pub as a local facility. The Telegraph pub has now closed. The Transport Statement concludes, at paragraph 9.1.2, that the proposal is safe and efficient for vehicles; and that it is sustainable for cycling and walking and for access to bus and rail transport. The claims made in the Transport Statement's Conclusion are palpable nonsense. Access to bus and rail transport on foot or by bike would be via single-track lanes and highly dangerous. The additional pressure of vehicles using Cross Road will put excessive strain on an edge-of-settlement residential road and on the staggered junction with St Richards Road and Mill Hill.

Dover District Council currently has a 5-year housing land supply and the surviving policies from the Dover District Local Plan are all relevant. All three adopted plans agree that the site in question is outside the Deal Settlement Boundary and, unlike other sites in Deal, Walmer and Sholden, is not identified as suitable for residential development. As Figure 3.4 of the Core Strategy highlights, the general lie of the land on Deal's southern Settlement Boundary means that the site would be highly visible from the chalk down land ridge to the south and would introduce a totally unacceptable suburban element into what is currently a clear and distinctive boundary between town and countryside. Even the proposed provision of landscaping and planting on the southern and eastern boundaries of the site would not conceal the suburban appearance of the proposal as the land slopes down to a dry valley along the bottom of which runs Ellen's Road.

Grounds for refusal of the application are found in surviving Local Plan policies DM15 (protection of the countryside), DM1 (settlement boundaries), DM16 (landscape character), DM11 (location of development and managing travel demand) and CP1 (settlement hierarchy). The proposal does not provide an acceptable level of economic, social or environmental sustainability as required by the NPPF, as it relies on the spurious contention that residents will have access to alternative transport modes. These alternative modes are only accessible by walking or cycling down narrow country lanes. If permitted, residents of the development would be dependent on car transport in order to access educational, employment, and leisure facilities. The proposal also fails to deliver sustainable development as it will introduce a discordant urbanised element into what will remain a rural area.

Although proposal offers a limited number of environmental improvements, such as the community orchard and aspects of landscaping, this is an outline application and such minor changes could be watered down or even abandoned if the proposal were

allowed to progress. As outlined above, there are powerful planning policies which very powerfully outweigh the minor advantages offered as part of the scheme.

Great Mongeham Parish Council: strongly objects to this application on the ground outlined in the letter from Walmer PC. In addition the Council would like to raise an objection on highways grounds. This development would cause an increase in traffic in Great Mongeham, as people wishing to head in the Sandwich direction would use Ellens Road and Great Mongham as a rat run to the Deal - Sandwich Road. Traffic through the village has increased greatly in the past few years following other developments in the area. An additional 100 dwellings will only add to the traffic problems in Great Mongeham.

Sholden Parish Council - Sholden Parish Council would like to object to the application. It is noted that the proposed development site is part of a "dry valley". In essence that means that water - surface or otherwise - in that dry valley would normally dissipate via the porosity of the chalk below. Building on the dry valley site will force the water to go elsewhere. The maps that we have seen easily show that this water will eventually end up in Sholden Parish in general. Paragraphs 160 and 161 of the NPPF are quite clear on flood risk. The application for planning permission stands to be refused, quite simply, because there will be an increased flood risk elsewhere - namely Sholden.

Deal Town Council: Deal Town Council object as proposed area is outside settlement boundary, not in DDC's current Local Plan, would cause major Highways issues, fails to deliver sustainable development, would have a negative impact on amenity and character of the area. The plans are contrary to the adopted policies of the Planning Authority and are contrary to the National Planning Framework.

Third Party Representations - A total of 101 representations have been received objecting to the proposal (100 Objections and 1 Support). The following is a summary of the objections received:

- Infrastructure in Deal needs to be provided before any more residential development should be allowed
- Noise of 200 vehicles accessing the site will impact upon those already living either side of Cross Road
- Given the location, the residents will be reliant upon private vehicle transport
- Cross Road and Station Road should be widened where possible and include double yellow lines
- Traffic lights should be erected at the junction of Station Road and Dover Road to help ease congestion
- Will lead to the infilling of the gap south of St Richards Road all the way to Mongeham
- Brexit may increase the need to grow more produce domestically and the loss of farmland should be stopped.
- Impact archaeological remains
- The proposed new footpath is too narrow to be safely used, with no lighting and adjacent to a road with a 60mph speed limit
- No passing space in Station Road and 'priority system' proposed does not address this
- Add to pressure of congested junctions at Station Road – Dover Road and Salisbury Road – Dover Road
- Power network cannot cope
- LPA should look at fully planned new town rather than further extensions to Deal/Walmer
- Development is outside the urban boundary
- Detrimental impact on the landscape

- The development is in the countryside
- New housing development should be considered through the development plan
- A 5-year housing supply has been demonstrated
- This is high quality agricultural land
- This has serious traffic implications
- Local roads can't cope and are not suitable for increases in traffic
- Not enough school places already
- Bats use the site
- Cross Road already floods
- Doctors are over capacity already
- The water supply and foul drainage system cannot cope with increases
- The drains flood nearby properties and roads, including sewerage
- Impacts the amenities of existing residential properties
- Deal doesn't need more housing
- The Transport Assessment is insufficient to assess the impact and contains inaccuracies
- The proposed pedestrian crossing doesn't consider parking and visibility
- Local roads are narrow, mostly single lane due to parking
- Existing schools have closed, only 1 secondary school in Deal
- Existing roads are heavily congested
- More of the countryside will disappear
- Increase in pollution
- Impact on a peaceful rural location
- Significant impact on existing neighbouring properties
- Dover Road is unsafe and can't cope with increased volumes
- Cross Road is very narrow and already busy
- Not enough car parking in town already
- Facilities in town are not good enough people will have to travel elsewhere
- Additional roads in Deal are needed
- Cross Road is effectively a single lane
- Traffic is already seriously affecting a small town
- Access to Dover Road is difficult and hazardous already
- The impacts of the development cannot be assessed at this stage due to other developments
- Dangerous impact on traffic and roads causing chaos
- No suitable access to the site
- How will construction traffic access the site under a low railway bridge
- Cars already use the fields to pass as the road isn't wide enough
- There are no public footpaths along adjacent roads
- The development will destroy the rural landscape and be detrimental
- Refuse lorries and emergency vehicles already struggle to get access
- Existing wildlife has not been considered
- Hospital facilities are limited
- Lack of local jobs and no employment opportunities
- This is a small seaside town
- This development is just greed and a money-making exercise
- Cars are parked along the length of Cross Road
- The town is sustainable, this development is not
- This will seriously harm the visual and landscape quality and character of the countryside contrary to Policy DM15
- Access to the A258 is already difficult with long delays
- More development will change the character of Deal which gives it its appeal
- Permission for stables on the site was refused
- Affordable housing is required
- Will only be bought as second homes

- Properties looking onto the site are bungalows, development will be overpowering
- The developers have no consideration of the impact on the town and local people
- Ponds are hazardous for children
- The noise and pollution from the construction traffic will be hideous
- Extension to the town should go through the proper planning process
- Deal is becoming a dormitory town
- Overhead power lines need to be put underground
- No consultation with local residents
- Increased hazards for pedestrians which is already difficult due to parking and poor quality footpaths
- Have all alternative and brown field sites been considered
- There are enough housing estates already for a small town
- The town heritage and history needs to be retained
- Effect on the quality of life for residents
- There are regular accidents at the junction onto Dover Road
- The financial benefit to Deal would be minimal
- Loss of enjoyment of countryside
- Increases in air pollution
- The landscape in the valley is very important
- Will affect public footpaths and increased use of footpaths
- Sewers overloaded every time it rains heavily
- Development would be an eyesore
- The immediate area is not on mains drainage
- Children have to travel to Sandwich and Dover for schools
- Public transport is poor and not good enough for increased use
- Roads unsuitable for HGV's
- Increased pressure and hazards on an unmanned level crossing at Coldblow
- Impact on Duke of York roundabout
- Impact on the local riding centre and horse riding in the area will be significant
- Impact on cyclists in the area
- Roads are already often blocked with cars refusing to reverse so two cars can pass
- HGV's often get stuck
- There are already a large number of houses for sale in Deal there is no local demand
- Land identified as highway land, is not within the highway and is privately owned land, land registry documents confirm this

The following is a summary of the comment received in support of the proposal:

- Fits as an extension to the existing properties in an existing road
- Effectively an infill development
- The site has a lower flood risk than other previously permitted sites

Landscape Consultant's Advice

An independent Landscape Consultant was appointed by DDC to provide advice on the landscape impact of the proposed development and provide advice on the appropriateness of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicants. A full report has been provided and is available to view online. It concludes:

"Taking into the account the findings of the LVA and the assessment of policy compliance as set out in the preceding section of this report, it is advised that overall,

there appear to be no significant landscape and visual issues that would arise in granting consent of an outline planning permission.

In summary, the proposed development would have some landscape and visual relationship with existing settlement along the northern and eastern site boundaries and although development would extend across a sloping open field, the landscape impact of this is minimised to some degree by existing development to the east.

Although some adverse effects are predicted, these are relatively localised in extent and the proposed mitigation measures are considered an adequate response to minimise effects and help integrate the site into the surrounding landscape.”

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

The Site

- 1.1 The site is located on the southern boundary/edge of Deal and is currently used for agriculture and the growing of crops. The site comprises an agricultural field with Cross Road to the west and some hedgerow, small trees to the south western corner. The site is roughly rectangular in shape and is located on a slope which falls north and south, with a 14.5m fall across the site. The site bordered by Station Road which runs along the southern boundary where it meets a crossroads with Ellens Road, Cold Blow and Cross Road. The boundaries along Cross Road comprise sections of hedgerow or are open onto the adjacent fields. The eastern boundary is formed of garden boundaries with properties off Sydney Road backing onto the site with some tree planting. The northern boundary is largely formed of the residential garden boundaries of residential properties on Cross Road and Lydia Road and is mixed, consisting of various forms of wooden fencing and landscaping.
- 1.2 The northern and eastern boundaries abut the settlement confines and the rear gardens of adjacent properties with a mixture of property styles and ages; these comprise mostly two storey dwellings and some single storey properties. To the south on the opposite side of Ellens Road/Station Road is open farmland with no defined field boundaries. To the west (on the other side of Cross Road) is open agricultural land and a small group of buildings and tree screen. The site is in Flood Zone 1 and is situated within a Groundwater Source Protection Zone 1 and located upon a Principal Aquifer.

The Proposal

- 1.3 The proposed development is a resubmission of a previous, albeit significantly larger, proposal (235 dwellings over a larger site area) that was refused under delegated powers (Ref: DOV/17/00505). This application is an outline planning application for the erection of up 100 new dwellings and associated works which includes access roads and the provision of open space, including a community orchard, proposed play area and attenuation pond. Only details of the access have been provided at this stage with landscaping, appearance, layout and scale of the units to be reserved for future consideration. Indicative site layout plans have been provided which show the main features of the site and a single junction onto Cross Road. The site is 3.94 hectares with a developed area of 2.74ha and a proposed density of 36 dwellings per hectare. 30% affordable housing is proposed.
- 1.4 Indicative images have been submitted which provide an indication of the expected form of the development. The proposed site layout identifies new tree planting along the principle access roads, the retention and enhancement of existing landscaping and some hedgerows with a footpath through and around this area to link with existing footpath connections. An attenuation or balancing pond to deal with SuDS is located to the southwestern corner of the site. Public open space and

a proposed community park and play area are located towards the southern and western boundaries of the site.

1.5 The following documents have been submitted in support of the planning application:

- Development Framework
- Design and Access Statement
- Planning Statement inc. Affordable Housing Statement
- Landscape and Visual Impact Assessment
- Transport Assessment and Framework Travel Plan
- Ecological Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Phase 1 Preliminary Risk Assessment
- Flood Risk Assessment and Foul Drainage Analysis Report
- Air Quality Screening Report
- Noise Assessment
- Built Heritage Statement
- Archaeological Desk Based Appraisal
- Utilities Appraisal
- Soils and Agricultural Land Quality Report
- Statement of Community Involvement
- Socio-Economic Report

1.6 Amendments have been submitted in respect of the Transport Statement which has been updated and expanded to include additional analysis and the associated off-site highway works have also been amended and additional works are now proposed to address highway safety considerations. The amended and additional information have been subject to re-consultation.

(g) 2. Main Issues

2.1 The main issues to consider are:

- Principle of Development
- Impact on the landscape and Visual and Rural Amenity
- Affordable Housing and Dwelling Mix
- Impact on Residential Amenity
- Highways Issues
- Appropriate Assessment
- Ecology
- Drainage and Flooding
- Planning Contributions
- Other Material Considerations
 - Archaeology and Heritage Assets
 - Air Quality
 - Land Contamination

Assessment

Principle of Development

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 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. Having regard to the wording of this policy, the erection of dwellings in this location is by definition 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. Although the site is outside the settlement confines, it is adjoining and it is within walking distance of a number of local facilities. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy.
- 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, as the site is outside the confines. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the proposed landscaping and form of the development, a detailed justification of this position is discussed in more detail below. It is considered therefore, that the proposal is contrary to the first part of Policy DM15 (loss of countryside), but is in line with the second part of Policy DM15 (whether harm is caused).
- 2.6 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.
- 2.7 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is therefore considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.8 The current Core Strategy policies and the settlement confines referred to within the policies 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 some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight. Whilst it is considered that policies DM11 and DM15 are not out-of-date, although the parts of these policies which place 'blanket' restrictions on development outside of confines are in tension with the NPPF, policy DM1 is now out-of-date. Given how important this policy is, and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the 'basket of policies' which are most important for determining this application are out-of-date.

- 2.9 The 'tilted balance' identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be approved.
- 2.10 It should be noted that an earlier outline planning application on a much larger site for 235 dwellings ref: DOV/17/0505 was refused under delegated powers. This was refused on a number of grounds including being contrary to policy DM1 and outside the settlement confines. However, this was determined before the current NPPF where the national policy position changed in respect of new residential development. As policy DM1 is now out of date, paragraph 11 of the NPPF applies. The application therefore needs to be assessed against paragraph 11 of the NPPF and specifically - 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 or where specific policies in the NPPF indicate that development should be restricted.
- 2.11 There are no policies that indicate development should be restricted as the site has no landscape or other designations. Permission should therefore be granted unless there is any clear harm that would significantly and demonstrably outweigh the benefits of additional housing development in the district. This report identifies that there is no visual harm to the landscape or local highways and has been found to be acceptable in all other material considerations. It is therefore an acceptable form of development for this site and is recommended for approval as it meets the overarching objectives of the Core Strategy and the framework set out in the NPPF as whole.
- 2.12 In addition, the applicants have also identified their position in terms of the development being sustainable and that the assumptions made by the Council regarding the delivery of housing are inaccurate and over-estimate the level of housing that can be delivered in the five year period. As such, the applicant considers that the overall supply of housing as stated by the Council cannot be delivered. As referred to above, the Council has a 5 year supply of housing that can be delivered, however, there is a need to provide additional housing sites in the new local plan. As no significant harm has been identified it is therefore appropriate to approve acceptable proposals for housing. A more in depth discussion of the Council's housing land position and its deliverability is not therefore required at this stage in respect of this application.
- 2.13 In terms of sustainability, this is defined in the NPPF and the assessment of sustainability can be separated into three dimensions: economic, social and environmental. The applicant has presented a case that the provision of housing will provide additional benefits to the local economy and boost the local economy. The Core Strategy sets out 14 objectives which, broadly, align with the relevant priorities in the Councils Corporate Plan 2016-2020. These objectives include fostering population growth and delivering additional housing to broaden the range and improve the quality and market perception of the District. Whilst it is agreed that encouraging inward investment should carry some weight these need to be weighed against the benefits and disbenefits of the development as a whole.
- 2.14 The applicant has also advised that the development would create direct and indirect jobs during the construction phase of the development and have further identified that the development could provide local residents employed in its construction. The development would also increase annual spending following completion. The employment which could be generated by the development therefore adds further weight in favour of the development.

- 2.15 The applicant has also advised that the development would deliver a New Homes Bonus and provide additional council tax payments. The LPA must have regard for local financial considerations, as far as they are material to the application. However, the Planning Practice Guide identifies that it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. Therefore this is not a material consideration and cannot be attributed weight. The development would however provide a contribution towards affordable housing of 30% which is sought by Policy DM5 and is a material consideration. The development would increase the local population and, accordingly, spending power. The applicant has submitted that the residents of this proposal would increase total gross expenditure annually.
- 2.16 With regards to the social role, the development would provide additional dwellings, which would contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply. Turning to the environmental role, the proposed development mitigates the visual impact on the landscape, subject to conditions that also provide ecological and biodiversity enhancements, as required by the NPPF.
- 2.17 The applicant's points, although not determinative on their own, add further weight to the recommendation for approval and need to be assessed as material considerations in its favour, notwithstanding the policy position. The development is in tension with the parts of the development plan which provide 'blanket' restrictions on development outside of confines, however, these elements of policies are considered to conflict with the NPPF. The development would broadly accord with the overarching aims of the Core Strategy and accords with the NPPF and is therefore acceptable on this site.

Impact on Landscape and Visual and Rural Amenity

- 2.18 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location.

Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:

- 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 the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.

- 2.19 The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.20 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which identifies that the impact on the character of the landscape will be Minor to Moderate Adverse as all of the existing landscape features are to be retained and enhanced. Local views are considered to be limited due to existing

landscape features and there are some long distance views but these are not considered to be significant with the proposed tree planting mitigating any long term effect. The impact on the visual amenity from residential receptors will however be significant and is identified as Major Adverse, due to the development on a previously undeveloped site. There is considered to be a limited impact on public footpath users overall due to the context of the site and the existing group of trees. Any impacts from lighting are considered to be localised and mitigated by existing and proposed tree planting, plus being set against the backdrop of the urban environment. To conclude the report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The development is therefore appropriate for its landscape context and would not give rise to any unacceptable long-term landscape impact or visual harm.

2.21 Due to the location of the site, being outside the defined settlement boundary and the potential for harm to the local landscape, it was considered necessary to seek independent advice from a landscape consultant. A landscape consultant was appointed by DDC to undertake a landscape assessment, advise on the submitted LVIA and assess whether there was an unacceptable level of harm on the landscape as a result of the proposed development. The consultant undertook a rigorous assessment of the local character of the area, (both immediately adjoining and long distance views) and his conclusions are set out in the consultation section above. This has confirmed that the impact on the landscape as a result of this development is acceptable and that no significant landscape or visual issues would arise should permission be granted, subject to the mitigation measures and green infrastructure put forward being fully implemented.

2.22 In terms of whether the proposal would be compliant with policies DM15 and DM16 the consultant's report states:

“Does the proposed development result in the loss of, or adversely affect the character or appearance, of the landscape/countryside?”

As detailed in applicant's LVA, no major adverse have been identified on the landscape as a result of the proposed development. The most noticeable landscape effects would be on the site and site and its immediate setting where a *Moderate Adverse* effect is predicted on completion, reducing to *Moderate to Minor Adverse* once new planting matures. These findings are considered to be a reasonable and balanced assessment and to this end, broadly comply with policies DM 15 and 16.”

2.23 In respect of the proposed mitigation measures the proposal incorporates a landscape buffer on the western and southern boundaries of the site, especially along the western boundary where further enhancement through tree and hedge planting and associated green space is proposed, (along with development set back along this boundary). Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape mitigation would incorporate both native planting and biodiversity gains appropriate to the landscape character and site. The proposed landscaping, at this stage, more adequately addresses the need for landscape screening and mitigation on site and accords with the requirements of policies DM15 and DM16. Any visual impact is therefore mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage. It should be noted that without these mitigation measures the proposal may not have an acceptable impact on the landscape.

2.24 The massing of the development, as shown on the indicative site layout, has also been significantly set back from all boundaries and particularly along the western

boundary which reduces further the visual impact on the adjacent landscape. The indicative layout therefore confirms that the development of this site can be appropriately sited in this regard and can mitigate the impact on the landscape and countryside. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is set out to be up to two and a half stories, which is a reasonable expectation. Nevertheless, it is considered that the height of the resultant dwellings should be controlled by a condition to require the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. This is to ensure that the height of the proposed dwellings on this sloping site are appropriate and acceptable in respect of the visual amenities of the landscape.

- 2.25 It is therefore considered that the scheme does not give rise to unacceptable adverse impacts on the visual amenity of the site and immediate surrounding landscape. As such the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy and paragraphs 170 and 172 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

Affordable Housing and Dwelling Mix

- 2.26 Core Strategy Policy DM5 and the adopted SPD require that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required 30% affordable housing, which amount to 30 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to being secured through a condition or in a section 106 legal agreement, which would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.27 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district. Whilst these recommended proportions should inform the housing mix, they are however not rigid. At this outline stage very limited indicative details of the dwellings have been provided and any reserved matters application would need to be considered in line with the needs identified in the SHMA.
- 2.28 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered in the supporting documents. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 36 dwellings per hectare which is at the mid-point of the density level required under CP4 and is considered appropriate in relation to the character of this part of Deal. At the local level the mix and indicative design of the units is considered appropriate for this edge of settlement location.

- 2.29 In considering appearance, design and layout of the scheme, consideration has been given to the principles contained within the Kent Design Guide and Building for Life 12 that both support good design.

Residential Amenity

- 2.30 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed access roads have been submitted in full and will inform the final location and layout of these dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would be likely to closely align with the layout shown on the indicative plan. This plan demonstrates that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between new and existing properties and reasonable a standard of accommodation can be achieved. Given the location of the site and the separation distances to other properties, it is considered unlikely that the living conditions of any properties would be harmed unacceptably by the development but a detailed assessment would form part of any reserved matters application and would need to ensure that all measures to minimise the impact on existing properties backing onto the site, along the northern and eastern boundaries, are mitigated from any detrimental impact on their residential amenities.
- 2.31 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development. It is considered that the living conditions of occupants of the dwellings could be acceptable.
- 2.32 The development has the potential to cause unacceptable harm to the amenities of neighbouring properties during the construction phase and a construction management plan should be required by condition to mitigate this potential harm. The construction management plan would limit the construction hours, provide dust management and ensure that mud is not deposited on the public highway. No concerns have been raised in relation to noise and disturbance following occupation and given that the scale and nature of the proposed uses, it is not considered that an unacceptable degree of noise and disturbance would be caused.
- 2.33 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potential exceedance of recommended indoor noise levels with windows open, which has the potential to cause noise and disturbance to future occupiers. The application has been supported by a Noise Assessment, which concludes that, without mitigation future occupiers of the development are likely to experience impacts from road noise with windows open for units in close proximity to adjoining roads. Therefore proposed dwellings in these areas would need acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. Consequently, this has been identified and can be addressed through a condition as suggested by Environmental Health and would need to be considered in more detail at any reserved matters application.

Highway Impacts

- 2.34 The relevant Core Strategy policy is DM11 and to a lesser degree policies DM12 and DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures

that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. 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.

- 2.35 Policy DM12 requires that developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.36 The application site is situated on the south western settlement boundary with Deal/Walmer. Details of the proposed access have not been reserved and consequently full details of the proposed vehicular access to the site have been provided. The proposed development is likely to generate approximately 58-62 two-way vehicle movements in the morning and evening peak hours, (with these figures above expected levels). A vehicular access junction has been proposed, located fairly centrally along the Cross Road frontage. The proposed junction would be 5.5m wide, widening to a bell-mouth junction of 6m, with a 2m wide footpath on either side. Off-site works include the widening of Cross Road to 6m and a new 2m wide footpath on the application side of the widened road linking up to the existing footpath on Cross Road. Station Road is also proposed to be widened to enable two way traffic along the southern boundary and a new footpath of 1 metre width to link up with the existing footpaths on Station Road. The upgrading of pedestrian crossing facilities at the junction with St Richards Road and Station Drive has also been proposed. The nearest train station is in Walmer which is sited 0.6km from the application site which could be reached by foot. The site is currently not served by public transport but is within easy walking distance of a number of facilities.
- 2.37 Whilst the proposed layout is indicative and only the means of access is being considered at this stage, footpaths are proposed on the side of Cross Road and Station Road along with a number of other footpaths on the site. There are therefore footpath links proposed to the wider area including Station Road and residential development to the north. It should be noted there is currently no footpath or street lighting along Station Road and Cross Road with enhancement proposed. Station Road would provide the main footpath link with Walmer train station and wider bus routes. The proposals therefore provides connections to the existing townscape and adjoining built form and encourages walking.
- 2.38 KCC Highways initially raised concerns in respect of the proposal as various matters needed to be considered further and addressed, that included off-site highway works and further clarification of traffic safety measures. In response to these concerns, additional highway work details were submitted and are now considered to be acceptable. Both Highways England and KCC Highways have confirmed that the proposed works are acceptable on the highway network and do not raise capacity or highway safety concerns. The proposed works and the erection of up to 100 dwellings do not therefore result in any highway safety or capacity concerns and accords with paragraph 109 of the NPPF.
- 2.39 Significant concerns have also been raised by the Parish and Town Councils and third parties that the development would significantly and detrimentally increase and impact on traffic and the highways in the area which are identified as already struggling to cope with existing levels of traffic locally. There is also concern that the proposal would cause further access difficulties onto Dover Road and the

junction with Station Road which would result in further capacity and highway safety issues. A strong level of concern is also raised over the narrowness of the more immediate local highway network, including sections of Cross Road and Station road which already cause significant local concern and car parking issues. In addition, a local resident has identified that highway land identified along Station Road is not highway land and is in private ownership. It has been advised that this is a matter to be addressed separately by the two parties.

- 2.40 It is however considered that with appropriate conditions and controls in place these concerns would, to a sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.
- 2.41 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1 of the Core Strategy. Whilst the layout of the development has not been submitted at this stage, the indicative details demonstrate that car parking can be provided in association with the proposed dwellings. At this stage, with matters reserved, details of car parking provision have not been provided, although the submitted Transport Assessment confirms that such provision will be made in accordance with KCC guidance. Having regard for the density of the development, it is considered that the site is capable of providing the necessary car parking, subject to acceptable details at the Reserved Matters stage.
- 2.42 In conclusion, the highway issues considered in relation to this proposed development are sound and acceptable from both highway safety and capacity perspectives. They fully accord with paragraph 109 of the NPPF and are therefore acceptable. There is therefore no highway grounds to refuse this planning application.

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

- 2.43 The impacts of the development are considered and assessed in this report. It is also necessary to consider 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.
- 2.44 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.
- 2.45 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.46 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).

Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.

- 2.47 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. A contribution of £6,066.43 is therefore sought to this effect.

Ecology

- 2.48 In furtherance to the impacts on the off-site Ramsar/ SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by an Ecological Appraisal which considers both the flora and fauna of the site and in addition reptile and bat species surveys.
- 2.49 The site consists of an arable field bounded with 2-5m wide margins of grassland or scrub. The semi-improved grassland and field margins have the potential to support reptile species due to their varied vegetation. The site therefore has habitats which could provide a potential for reptiles and high numbers of reptiles have been reported locally. A reptile survey has been submitted in support of this application and a low population of reptiles are recorded (2), as a result there is the potential for displacement to other parts of the site where suitable habitat is retained. It is noted that the application includes a significant amount of green infrastructure which may be sufficient to allow onsite displacement of reptiles.
- 2.50 In relation to bats, the report confirms that, the trees on the site do not contain features which would provide for roosting. However, the margins of the site and the hedgerows provide some potential for foraging and commuting. A Bat Survey has been submitted in support of the application that found the site was used for commuting and foraging.
- 2.51 There was no evidence of badgers using the site and the site is also considered to be unsuitable for other protected species. In respect of birds using the site, these may be nesting on site and safeguards can be put in place which could include additional surveys if construction work is undertaken during the bird breeding season. Such safeguards have been recommended and these could be conditioned.
- 2.52 There is therefore potential for a detrimental impact on protected species, however, the submitted species surveys recommend a series of mitigation measures, to ensure that the impacts on these protected species and biodiversity generally are minimised and enhanced and such measures can be controlled by suitable conditions. DDC Natural Environment Officer has confirmed that the findings of the submitted ecological appraisals are accepted and subject to the implementation of the full mitigation measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.53 There will be some loss of the hedgerow along the eastern boundary this is not significant to the wider area ecologically and the replacement hedge and tree planting will ensure the impact on the street scene is minimised. The proposed layout allows additional planting to provide a deeper landscaped area where new trees can be planted to the south western corner of the site. On the western site

boundary the enhanced hedgerow and the new trees will provide a landscape 'buffer' between the site and the open landscape beyond. New planting will consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species, landscape and conservation and enhancement of biodiversity which are considered to comply with the aims and objectives identified through the NPPF.

- 2.54 In respect of existing trees on the site these have been surveyed and an Arboricultural Assessment submitted. There are some mature trees located along the boundaries of the site, along with some hedgerow. No significant tree loss is proposed on the site, most existing trees and hedgerows on site are situated around the field boundaries and are to be retained. A proportion of hedgerow is proposed to be removed to enable highway access and the widening of Cross Road. A small group of trees on the boundary to the north are proposed to be removed to enable development, however it is proposed to plant a significant level of tree planting across the site with a long term management plan. It is considered that although there will be a loss of some trees these are not significant to the wider area and would therefore be acceptable. The impact on those to be retained and the necessary protection measures including root protection zones could be controlled by condition.

Drainage and Flooding

- 2.55 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere, and priority should be given to the use of sustainable 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 natural drainage as closely as possible.
- 2.56 The submitted Flood Risk Assessment, which includes an Outline Surface Water Drainage Strategy, confirms that due to ground conditions and soil composition (which has been established following ground investigations) infiltration drainage is suitable on this site subject to appropriate treatment of surface waters prior to discharge. Whilst the proposed drainage features, such as swales, would allow some infiltration, primarily water would be drained into a proposed attenuation pond which would then discharge into groundwater (Bedrock Aquifer) to replicate existing discharge features. The Lead Local Flood Authority (KCC) have commented that the submitted drainage strategy demonstrates that surface water can be adequately disposed of, however, in order to ensure that suitable discharge takes place and does not result in pollution to controlled waters, they have recommended conditions should be attached to any grant of permission requiring full details of the final drainage strategy, together with a timetable for its implementation and details of maintenance/verification, to be submitted to and approved by the LPA.
- 2.57 The EA supports these comments and agrees that conditions are necessary to ensure the protection of the Groundwater Source Protection Zone and Principle Aquifer. Nevertheless, they have identified that the site may not be suitable for other forms of infiltration drainage due to controlled waters and the principal aquifer. Notwithstanding, they have raised no objection to the proposed development subject to conditions including no infiltration of surface water drainage without consent and contamination safeguarding. They have advised that, subject to these conditions the scheme is acceptable, however without such conditions an objection would be raised. Therefore, it is considered that, subject to appropriate conditions, the surface water drainage from the site would not be likely to cause localised flooding and could be suitably controlled. The proposed drainage measures for this outline proposal are therefore considered acceptable in principle at this stage,

subject to conditions, further testing and details that would also be considered further at Reserved Matters stage.

- 2.58 It is noted that a high proportion of representations have identified that there is an issue with existing flooding on the highway (Cross Road) and the capacity of the existing public surface water system. It is expected this would be partly addressed by the proposed development and form part of the necessary highway agreements in relation to the necessary highway works. Consequently, any detailed drainage layout should also address this matter.
- 2.59 Regard must also be had for the disposal of foul sewerage from the site. The application has been supported by a Foul Drainage Analysis which assesses the availability of foul sewerage provision in relation to development of this site. It identifies that there is an initial concern regarding the capacity of the existing foul sewerage system to accommodate this development and off-site works will be required. The report concludes that this is a matter to be dealt with through other legislation and should not form the basis of a planning condition.
- 2.60 Southern Water have undertaken capacity checks which have demonstrated that the existing foul sewer network does not have the capacity to meet the needs of the development without the development providing additional local infrastructure. It identifies the proposed development would increase flows into the wastewater system and as a result increase the risk of flooding in and around the existing area. In accordance with Planning Policy Guidance, Southern Water have therefore requested that a number of conditions could be attached to any grant of permission including a condition to require full details of the proposed foul drainage strategy, together with aligning the occupation of the units with the necessary network reinforcement works that would be undertaken by Southern Water. Such conditions are seen as necessary for this proposal and reasonable and would need to be addressed before works commence on site. The conditions would ensure that the development would cause no harm to the local sewerage network and would not increase the risks of flooding elsewhere, in accordance with paragraph 163 of the NPPF and Planning Policy Guidance. Consequently, and subject to appropriate conditions, the proposed surface and foul water drainage strategy is acceptable in principle for development on this site.

Planning Contributions

- 2.61 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.62 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.63 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demands which would be generated by the development. Given the scale of the development, it would give rise to a need for 0.6094ha of accessible green space. The developer is proposing to provide 0.90ha, including the provision of public open space in the form of a Local Play Area (LAP), community orchard and informal recreation areas. The overall size of this combined open space is

- 1.20ha that provides adequate on site provision for this element of the open space requirements under policy DM27.
- 2.64 However, this space would not provide outdoor sports facilities and an outdoor sports requirement for this proposal would generate a need for 0.3212ha. It is not practical for this to be provided on site and there is a need to improve the pitch quality at Deal and Betteshanger Rugby Club. It has therefore been calculated that a proportionate contribution of £45,879.54 is necessary towards this outdoor sports provision to be secured through a s106 agreement. With the payment of this contribution, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.65 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there are insufficient primary school and secondary school provision to meet the needs of the development.
- 2.66 The proposal would give rise to up to 27 additional school pupils and the need can only be met through the Phase 2 expansion of Deal Primary School. A contribution of £3,324 per dwelling has been requested from this development to meet the need identified. KCC have also requested a contribution of £4115 per dwelling towards the Phase 2 expansion of Dover Grammar School for Girls where there is an additional demand for 20 pupils.
- 2.67 In addition, contributions of £4,801.58 towards large print books at Deal Library, a contribution of £2,563.87 towards IT equipment for the New Learners at Deal Adult Education Centre and a contribution of £7,626.00 towards Meadowside Social Care Hub in Deal, all of which would ensure that the needs generated by the development would be met. It is considered that each of these requested contributions are 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.
- 2.68 NHS CCG have also advised that the Balmoral GP surgery in Deal would need to be expanded for the additional increase in patient numbers with a project identified for the provision of a second floor of accommodation. The proposed development would be likely to generate a proportionate contribution from the development of £89,700.
- 2.69 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:
- Primary education – towards Phase 2 expansion of Deal Primary School of £3,324.00 per dwelling
 - Secondary Education- towards Phase 2 expansion of Dover Grammar School for Girls of £4115.00 per dwelling
 - Community Learning – towards IT equipment for the new learners at Deal Adult Education Centre of £2563.87
 - Social Care – towards Meadowside Social Care Hub in Deal of £4801.58
 - Library - contribution towards large print books at Deal library of £7,626.00

- A total of £6,066.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site public open space contribution for outdoor sports facilities at Deal and Betteshanger Rugby Club of £45,879.54
- Monitoring per trigger event of £236 per event
- Payment of all associated legal costs.

2.70 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

2.71 The NPPF identifies the importance and significance of heritage assets in the consideration of development proposals. There are no designed heritage assets on the site or in close proximity and a Built Heritage Statement has been submitted. This considers all known heritage assets in the immediate proximity of the application site including the Grade II Ripple Windmill and Church of St Martin and concludes that their setting and significance would not be affected. The conclusions of this report are accepted and no designated heritage assets will be affected by these proposals.

2.72 The application is also supported by a Desk-based Archaeological Appraisal and Geophysical Survey as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The submitted survey identifies the significance of some of the finds close to the application site and based on this evidence and geotechnical surveys concludes overall that there is a medium/moderate likelihood of archaeological remains on the site which could be dealt with through a further archaeological investigation that could be controlled by condition.

2.73 KCC Archaeology has provided their statutory views on the archaeological potential of the site and concurs with the conclusions of the Archaeological Appraisal on the basis that:

“...The assessment advises that archaeological mitigation works would be appropriate and suggests a programme of archaeological investigation, involving archaeological trial trenching in the first instance, with the results of the trial trenching informing the scope of any further archaeological mitigation. I agree with such an approach and would suggest that such an archaeological programme could be secured by condition. It is recommended that a condition is included to secure a record of the archaeology and to ensure that the results of the investigation are made publicly accessible.”

2.74 As such, it would be reasonable to attach a condition requiring a programme of archaeological work to be undertaken in advance of development in accordance with the NPPF.

2.75 The likelihood of contaminants on site is limited due to the previous use of the land, nevertheless, as the proposed end use is residential it is susceptible to risks of contamination. A Preliminary Risk Assessment has been undertaken and submitted. This identifies an elevated risk of pollution and a moderate likelihood of contaminants on site is limited due to the previous adjacent uses and a former landfill close to the boundary. There is also the potential for radon gas and links with hydrocarbons. It is identified that further intrusive ground investigations are required and Environmental Health concur with its findings. It is therefore recommended that the full range of contamination conditions would be necessary if

- permission were to be approved, to ensure any future development of the site is deemed suitable for the proposed residential use. This would include a full site investigation and remediation strategy, a verification report, certification and in addition a condition would also be required to ensure that should any contamination be identified during construction then further investigation and remediation and/or mitigation measures would need to be submitted and approved. Such conditions would therefore appropriately address any potential contamination and any necessary remediation of the site.
- 2.76 An Air Quality Screening Report has been submitted with the application that has identified that due to the existing air quality levels and data for the area, the impact during the construction and operational phase is unlikely to be significant or exceed current standards. Environmental Health concurs with the findings to date and have not raised an objection subject to appropriate conditions. Given the location and characteristics of the site, having regard for the Kent and Medway Air Quality Guidance Documents and in line with best practice, it is expected the installation of electric vehicle charging points will be required for this application. Details for the provision of any charging points should be required by planning condition. Along with measures to prevent dust for residential receptors and appropriate dust mitigation measures that can be controlled through a construction environmental management plan condition. It is generally accepted that air quality levels once construction works are complete are unlikely to exceed any agreed objectives and are acceptable for the proposal with no further measures required.
- 2.77 The Kent Police Crime advisor has no objection subject to a condition being imposed to submit details for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design. Any application for reserved matters would need to consider crime prevention, in accordance with the NPPF and, as such, it would be reasonable to require details of such measures at the reserved matters stage.
- 2.78 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

3. Conclusion

- 3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be contrary to policy DM1 and in tension with the 'blanket' restrictions in policies DM11 and DM15. The development otherwise accords with these policies and is in accordance with policies DM16 and DM25 of the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal.
- 3.2 When weighing up the benefits of the development identified in the report, although there is a significant objection to the proposed development, there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.
- 3.3 The proposed development of 100 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education, health and open space contributions.

- 3.4 Initial objections from KCC Highways have also been overcome following additional information submitted. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements relating to off-site highway works. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the local highways is consequently acceptable.
- 3.5 The proposal in this outline application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be adequately addressed by planning conditions. Consequently, the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

g) Recommendation

- I. PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:
- 1) Reserved matters details
 - 2) Outline time limits
 - 3) Approved plans
 - 4) Existing the proposed site levels and building heights
 - 5) Ecological mitigation and recommendations implemented
 - 6) Ecological/biodiversity mitigation, enhancement and management plan
 - 7) Construction Management Plan
 - 8) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
 - 9) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)
 - 10) Landscaping Details and maintenance of green spaces
 - 11) Open space management plan
 - 12) Protection of Trees and Hedges
 - 13) Hard landscaping works and boundary details/enclosures
 - 14) Reporting of unexpected land contamination
 - 15) No works on site until final SuDS details are submitted
 - 16) Design details of surface Water drainage strategy
 - 17) Implementation and verification of SuDS scheme
 - 18) No other infiltration on site other than that approved
 - 19) Environmental Construction Management Plan
 - 20) Internal acoustic requirements for dwellings
 - 21) 4 Stage contamination, remediation and verification conditions
 - 22) Programme of archaeological works
 - 23) No piling on site
 - 24) Details on foul drainage
 - 25) No occupation of development until foul infrastructure reinforcement works are completed
 - 26) Details of a scheme for Secure by Design principle compliance
- II. Powers to 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

Lucinda Roach