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Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

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

4 March 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 12 March 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 read "Kate Batty".

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 5-19)

To confirm the attached minutes of the meetings of the Committee held on 30 January and 13 February 2020.

5 **ITEMS DEFERRED** (Page 20)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 21-24)

6 **APPLICATION NO DOV/19/00721 - 4 MILL LANE, SHEPHERDSWELL** (Pages 25-39)

Erection of two pairs of semi-detached dwellings and a detached Eco home; formation of parking, vehicular access and landscaping (existing dwelling to be demolished)

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

7 **APPLICATION NO DOV/19/01112 - THE WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE** (Pages 40-58)

Erection of two dwellings with associated parking, change of use and conversion of two annexe buildings to two dwellings with replacement door to window on front elevation of unit 5 and creation of gated entrance

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

8 **APPLICATION NO DOV/19/00947 - TONKERS, HAWKSDOWN ROAD, WALMER**
(Pages 59-69)

Erection of seven detached dwellings and creation of new access road with associated parking (existing dwelling to be demolished)

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

9 **APPLICATION NO DOV/18/00681 - FORMER KUMOR NURSERY AND 121 DOVER ROAD, SANDWICH** (Pages 70-101)

Erection of 56 dwellings, single and double garages, new vehicular access, associated parking and landscaping (121 Dover Road to be demolished)

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

10 **APPLICATION NO DOV/19/00216 - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN** (Pages 102-131)

Outline application for the erection of up to 42 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

11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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

Declarations of InterestDisclosable 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, 30 January 2020 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
E A Biggs
J P J Burman
M D Conolly
D G Cronk
M J Holloway
O C de R Richardson
H M Williams

Also present: Councillor P D Jull

Officers: Team Leader (Development Management)
Principal Planner
Environmental Protection Manager
Environmental Health Officer
Planning Solicitor
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/19/00615	Ms Jane Scott Mr Chris Cobbald Ms Justine Crush Mrs Penelope James	Councillor P D Jull Ms Suzanne Bangert Mr Rob Jones Councillor P Walker

88 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed members of the public and explained the meeting procedures. The Planning Officer would introduce the report, highlighting the key issues and considerations for Planning Committee members. This would be followed by public speaking, with three speakers on each side, plus a District Councillor. Finally, Members would ask questions, debate the application and vote. Due to the high level of public interest, the number of public speakers had been increased. It was important that the Committee was able to conduct its business without interruptions from the public gallery, and attendees' cooperation was requested. Persistent offenders would be asked to leave the Chamber.

89 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney, T A Bond and D P Murphy.

90 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors M D Conolly, M Bates and M J Holloway had been appointed as substitute members for Councillors D G Beaney, T A Bond and D P Murphy respectively.

91 DECLARATIONS OF INTEREST

There were no declarations of interest.

92 APPLICATION NO DOV/19/00615 - LYDDEN HILL RACE CIRCUIT, WOOTTON

The Committee was shown aerial views, drawings, plans and photographs of the application site. The Principal Planner advised that, since the report had been published, Highways England had withdrawn its holding objection to the application, subject to the imposition of a condition requiring the submission and approval of an events management plan which would be kept under review by Highways England. Members were also advised that 260 letters of support and 13 letters of objection had been received since the publication of the report, mostly raising matters that were already covered in the report. However, one representation had drawn attention to two saved policies within the 2002 Local Plan.

The first of these was ER6 which related to light pollution. Whilst the report did not refer to this policy, which was a material consideration, the impact of light had been taken into account, both in terms of its visual impact and impact on ecology. A condition had also been recommended which required full details of external lighting. The second policy was OS7 which related to outdoor sport and recreation. This policy was also a material consideration and did not support the expansion of major outdoor sport and recreational facilities outside the settlements of Dover or Deal unless they were accessible by a significant proportion of users by public transport, bicycle or on foot. The policy went on to say that, in all locations, development would not be permitted if it would cause harm to residential amenity through noise or illumination. The proposal under consideration was outside the settlements and not readily accessible other than by private vehicle. It was therefore in tension with the policy. However, the development would not cause additional harm to residential amenity in terms of noise and illumination. Moreover, it was considered that the policy had been overtaken by events, notably the National Planning Policy Framework (NPPF) which took a more nuanced approach to the expansion of businesses in rural areas, tourism, recreational uses and accessibility in the rural area. As such, it was considered that limited weight should be attributed to the policy. Overall, whilst these policies were material to the application, they did not affect the overall conclusion set out in the report.

Turning to the application itself, the Committee was advised that the site lay within the Kent Downs Area of Outstanding Natural Beauty (AONB). Most recently, the site had been the subject of an application that had been refused in June 2018. The grounds for that refusal had centred on the failure to provide sufficient evidence that the proposed engineering units functionally required such a location. Moreover, it had been considered that the proposed buildings and the inclusion of a camping area would cause significant harm to the character of the countryside and to the tranquillity, landscape and scenic beauty of the AONB. The current proposal omitted the engineering units and the camping area. The several buildings previously proposed had been rationalised into one pavilion building which was smaller than their combined footprint. The access road was comparable to the one previously proposed.

As a site located in the AONB, regard must be had for conserving or enhancing the natural beauty, landscape and scenic beauty of the AONB. The application had been accompanied by a landscaping and visual impact assessment. Members were shown photographs from ten viewpoints around the circuit. Tree hedgerows to the north of the access road, along the eastern boundary and between the tiered parking areas were proposed. The western boundary would be strengthened with new hedgerows and there would be new woodland planting to the south of the existing control tower. Swathes of meadow would also be allowed to seed intermittently across the site. The visual impacts of the previous application had given rise to a reason for refusal. When considered against existing structures and features, and proposals to enhance landscaping, Officers had concluded that, whilst the development would be visible from certain viewpoints, its adverse impact would be minor.

Using a map reproduced from the AONB Management Plan, the site currently had a medium to medium-low level of tranquillity. Subject to conditions, and as set out in the report, Members were advised that it was not considered that the level of tranquillity would be significantly diminished as a result of the proposals.

Third parties had raised numerous objections relating to the current levels of noise and the potential for increased levels should the application be granted. Noise levels were currently controlled by conditions attached to planning permission DOV/14/00415. These conditions, which limited the circuit to 52 days' use per year and required the submission of a calendar of events each year, amongst other things, were not considered to be robust and made the identification of breaches difficult. Under separate (non-planning) legislation, the Council's Environmental Health team had served a noise abatement notice which had established that noise from the circuit was causing a statutory nuisance and sought to limit that nuisance. Environmental Health officers visited the site around 12 times a year and had identified no breaches. The current application sought to retain current uses, as specified within the noise abatement notice, but reduced the period over which noise was averaged from one hour to thirty minutes in respect of the 55 decibel and 50 decibel events. This reduction in the time period over which noise would be averaged reduced the ability to dilute periods of louder noise with quieter periods, thus reducing the impact of these days on the aural environment. Residents would also be invited to join a new consultative committee.

The application also sought to increase the use of the site for quieter, non-racing events. A full description of the proposed uses was set out at paragraph 2.65 of the report. There would also be 49 silent days with no activities. Whilst the circuit's use would increase significantly, this was considered to be mitigated by the enhanced control of the circuit, including a noise management plan, the provision of a permanent noise monitoring system (with access to readings by the Local Planning Authority and their publication on the circuit's website), a calendar of events, and the reduction from one hour to 30 minutes over which noise would be averaged for category 2 and 3 events. Members had been provided with the draft wording of the proposed noise conditions that would be attached to any permission granted.

In respect of access, there would be a new access from Geddinge Lane which would give visitors access to the site from both carriageways of the A2. Direct egress would be possible from the existing access, complemented by egress from the new access which would provide direct access to both carriageways of the A2.

The development would cause no other impacts on neighbouring properties. Several conditions were recommended to deal with matters such as archaeology, ecology, contamination, construction (including details of dust suppression) and the disposal of foul and surface water. Whilst the applicant's assessment of the economic benefits was, by its very nature, a series of projections, it was considered to be robust. The development would significantly increase visitor numbers, and was likely to lead to additional employment at the circuit and in the wider area. Supported by the Council's Head of Inward Investment, Strategic Tourism Manager and Tourism Manager, it was concluded that the economic benefits of the development carried substantial weight.

In summary, the previous application had been acceptable in all respects (including noise and transportation) except for the principle of the engineering units and the visual and tranquillity impacts caused by the buildings and the camping area. The engineering units and the camping area were now omitted, and the previous buildings had been rationalised into one smaller building, thus reducing the harm to landscape character. Whilst the development would cause a minor adverse impact on the landscape, it was considered that the economic benefits of the application were compelling. The previous reasons for refusal had been overcome, and material considerations indicated that permission should be granted.

In response to Councillor M D Conolly, the Principal Planner clarified that the other activities proposed by the circuit were not racing or of an unduly noisy nature. If there were any applications to vary conditions, these could be brought back to the Committee for determination. The Planning Solicitor advised that the applicant had the right to apply to vary or remove a condition. However, if it was felt that varying or removing a condition would have a negative effect on the amenity of residents, the application could be refused. It was explained that there were various ways of dealing with a breach of condition, such as a temporary stop notice or an enforcement notice or, ultimately, an injunction which would restrain the activity. Members agreed that any applications to vary conditions should be brought back to the Committee.

Councillor M J Holloway commented that the circuit had existed on the site since at least 1947 and probably earlier so it was evident that this was not a proposal for a primary use in an undeveloped location. The previous application had not been refused on the grounds of noise, but because of the engineering units and the harm that would have been caused to the scenic beauty of the AONB by the proposed buildings that had now been rationalised into one. The concerns of residents had been recognised by the inclusion of over 30 conditions. These included significant improvements such as a robust noise monitoring system and management plan. Access improvements had also resulted in KCC Highways raising no objections. The economic justification for the development was compelling. It would support the retention of existing jobs and create a number of new ones, as well as supporting other businesses and drawing investment into the district. Councillor R S Walkden agreed, pointing out that Lydden, Shepherdswell and Coldred Parish Councils had voiced their support for the proposal, whilst 968 letters of support had been received, in contrast to 98 letters of objection. The proposal would bring significant advantages to the district, whilst the 30 conditions would safeguard the amenity of residents.

It was moved by Councillor M J Holloway and duly seconded that Application No DOV/19/00615 be APPROVED as per the report recommendation, subject to the inclusion of a condition relating to an Events Management Plan, as requested by Highways England.

In terms of economic benefits, the Principal Planner referred Members to paragraph 80 of the NPPF. The economic arguments were described in the report, and it was for Members to decide whether they also attached substantial weight to the economic case for the development.

In response to Councillor H M Williams, it was confirmed that racing days were limited to 52 days per year and could not be increased without applying for a variation to conditions. The additional days of activity sought were all of average noise levels that were below or equal to average background noise levels. In addition, there would be 49 silent days when there would be no activity on the site. The Environmental Protection Manager added that, under the conditions, the Council would be measuring noise levels over the course of half an hour rather than the current period of an hour. This would help to restrict the amount of noise generated by the circuit. A condition was also proposed that would require the circuit to use a system similar to the one employed by Goodwood Motor Circuit which required the circuit to submit readings to a website that was publicly accessible. The Council would check these readings and carry out spot checks.

Councillor E A Biggs commented that, whilst he thought it was a potentially exciting development, he had been surprised how tranquil the area was when he visited recently, and his view was that the increase in use would have a significant impact on residents. He also doubted the economic case for further development as he believed the majority of the jobs created would be of low value.

In response to Councillor J P J Burman, the Principal Planner advised that 'silent' days could be changed without notice. However, there was a notice period for changes to the calendar of events, ranging from 7 to 28 days' notice depending on the type of event. He also clarified that the 209 days of 'other activity' included road driving lessons, but these were limited to road cars designed for use on the public highway at speeds of up to 70mph. High-speed driving or racing was excluded.

Echoing points made by Councillor Burman, Councillor Conolly raised concerns about the disruption to residents' lives caused by changes being made to the calendar of events at short notice. Such changes could be highly irritating to residents who were entitled to some certainty about noise levels when organising or booking community/personal events. Given the length of time it undoubtedly took to plan racing days, he did not think it was unreasonable to expect the circuit to be able to give greater notice of changes.

The meeting was adjourned at 7.29pm for a short break and reconvened at 7.40pm.

The Principal Planner reminded Members that the site currently had planning permission to hold 52 days of racing per year. A calendar of these was provided before the beginning of the new calendar year. If Members were minded to change the notice periods, these needed to be proportional and reasonable given the extant permission. A reasonable option might be to change the notice period to three months for Categories 1 to 3.

Councillor M J Holloway, with the agreement of his seconder, agreed to amend his motion to require three months' notice of changes to the calendar of events involving Categories 1 to 3 events.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/19/00615 be APPROVED subject to the following conditions:

- i) Time limits for implementation;
- (ii) Approved plans;
- (iii) Programme for the delivery of the development;
- (iv) Submission of a Noise Management Plan, based upon the draft Noise Management Plan submitted with the application;
- (v) Restricting use of the circuit to specific definitions within categories (category 1, category 2, category 3, category 4, category 5, other activities and silent days);
- (vi) Provision and maintenance of a noise monitoring system on site, with the Local Planning Authority having real-time +>30mins remote access data;
- (vii) Detailed limitations regarding the maximum number of days' use within each category and operating hours;
- (viii) Additional hours on up to two Sundays per year, subject to the forfeiture of a day's racing;
- (ix) Track noise limits;
- (x) Noise limits for the public address system;
- (xi) Limitations of consecutive days racing;
- (xii) Publication of a calendar of events and the notice period for any changes;
- (xiii) Events Management Plan;
- (xiv) Samples of materials;
- (xv) Provision of landscaping, in accordance with full details to be submitted;
- (xvi) Provision of access road prior to the increased use of the site (i.e. prior to category 4, category 5, other activities and silent days), full details of which shall be submitted to the Local Planning Authority for approval;
- (xvii) Traffic Management Plan;
- (xviii) Travel Plan;
- (xix) Provision of four electric vehicle charging points;

- (xx) Car parking to be provided in accordance with the submitted parking strategy (small/medium/large events);
 - (xxi) Construction Management Plan;
 - (xxii) Programme of archaeological works;
 - (xxiii) Ecological mitigation and enhancements;
 - (xxiv) Full details of all external lighting;
 - (xxv) Landscape and Ecological Management Plan;
 - (xxvi) Full details of the method of bringing potable water to the site;
 - (xxvii) Foul drainage strategy;
 - (xxviii) Surface water strategy;
 - (xxix) Contamination mitigation in accordance with Section 8 of the submitted Phase 1 Contamination Risk Assessment;
 - (xxx) Previously unexpected contamination;
 - (xxxi) Full details of areas to be used for the storage of chemicals, oils and fuels.
- (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 report and as resolved by Planning Committee, and to draft and issue a Statement of Reasons.

The meeting ended at 7.42 pm.

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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 February 2020 at 6.00 pm.

Present:

Chairman: Councillor J S Back

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

Officers: Team Leader (Development Management)
Principal Planner
Principal Transport and Development Planner (Kent County Council Highways)
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/19/00669	Mr Alister Hume	Mr Keith Pilcher Councillor J Rose
DOV/19/00642	Mr John Mackenzie	Mrs Sharon Laflin Councillor P D Jull

93 APOLOGIES

It was noted that apologies for absence had been received from Councillors J P J Burman and D P Murphy.

93 APOLOGIES

It was noted that apologies for absence had been received from Councillors J P J Burman and D P Murphy.

94 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M Bates had been appointed as substitute member for Councillor D P Murphy.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 MINUTES

The minutes of the meeting held on 16 January 2020 were approved as a correct record and signed by the Chairman.

97 ITEMS DEFERRED

Members were advised that the two deferred items were due for consideration at the meeting.

98 APPLICATION NO DOV/19/00669 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE

Members viewed drawings, plans and photographs of the application site. The Principal Planner reminded Members that the application had originally come to Committee in October 2019, but had been deferred for, amongst other things, further details and clarification of proposed off-site highway works, including footpaths and parking. The application had subsequently been withdrawn from the 16 January agenda due to the late submission of a technical note by Capel-le-Ferne Parish Council which required due consideration.

In respect of the reasons for deferral and the applicant's response, the Principal Planner advised that these were addressed in detail in paragraphs 1.4 to 1.11 of the report. In summary, an amended master plan and an additional highway works plan had been submitted and been the subject of re-consultation. The applicant had prepared a drawing and layout plan indicating where parking would be provided, particularly parking spaces that could be used by parents at school collection and drop-off times. As a result of concerns raised by Members, the description of the application and the site layout plan had been amended to give some certainty over the design of the scheme that would be delivered. This meant that the indicative layout would form a masterplan that would be included in the approved plans list. Whilst it could be varied in a minor way at the reserved matters stage, it would need to be largely in conformity with the approved site masterplan/layout plan. In terms of concerns raised about financial contributions to education, Kent County Council's (KCC) position was set out at paragraphs 1.14 to 1.17 of the report.

Members were reminded that the application sought outline permission for the erection of 34 dwellings on a site which had been allocated for development in 2015 under Policy LA26 of the Land Allocations Local Plan (LALP). Subject to the caveat relating to the site layout, all matters were reserved, except for access. A previous application for a more intensive development had been refused and dismissed at appeal in 2016. The current scheme had a better variety of housing types which were more in keeping with Capel Street. A new footpath would be provided along the frontage of the site, and there would be four accesses serving separate dwellings. Double yellow lines would be installed on Capel Street to facilitate the free movement of traffic and to help with the current problems experienced at school times. Formal passing bays would also be provided.

KCC Highways had provided a comprehensive response to the technical note produced by Lime Transport, and this was set out on pages 18 to 20 of the report. In particular, KCC Officers had looked at the visibility splays and found these to be of a suitable standard. A lot of work had gone into addressing highways matters, and it was considered that the proposed measures would mitigate any impact of the scheme on the existing situation. It was reiterated that the applicant was not required to resolve or improve the existing situation. The Principal Transport and Development Planner (PTDP) added that the technical note raised no new issues

which had not already been considered when coming to a balanced judgement about the application.

The Committee was advised that, since publication of the report, four additional comments had been received from neighbours, and four letters had been submitted by the parish council, highlighting a failure to identify safety concerns. A letter had also been received from Capel Residents' Group, reiterating concerns submitted by the parish council and those raised in the technical note. The applicant had also provided a response to the technical note.

In response to Councillor O C de R Richardson, the Principal Planner clarified that the primary school had not been consulted about the proposals because it was not a statutory consultee. Councillor T A Bond stated that, whilst it was difficult to argue with the principle of development on the site as it was an allocated one, the traffic was a concern - albeit that it was likely to be problematic for only two hours a day. He felt that concerns about the impact at school times had not been properly addressed.

The PTDP reiterated that passing places were included in the highway works scheme which would extend and formalise existing passing places outside 34 to 32 and 86 to 82 Capel Street. Whilst there was ad hoc parking at present, the new development would incorporate properly designed and designated parking spaces and facilitate the movement of traffic along Capel Street. A national, standardised database had been used to predict the 19 two-way traffic movements per hour during school times. Members should also bear in mind that some of the children living in the new development would be attending the school which would lead to a reduction in traffic movements over time. An informal crossing point would be installed outside 120 Capel Street. This, together with the fact that Capel Street was within a 20mph zone, and that visibility and sightlines around the proposed crossing point were considered satisfactory, had led Officers to conclude that pedestrian safety issues had been thoroughly addressed. The school had a travel plan, and there were measures that it could take to lessen traffic impact, such as promoting its 'walking bus'. Having visited Capel Street during peak hours, highways officers were confident that the scheme would mitigate its own impact.

In response to Councillor D G Beaney who suggested that a site visit should be held, the Principal Planner cautioned that another deferral on highways grounds might be considered unreasonable, with the risk that the applicant could appeal on grounds of non-determination. In any case, highways issues had been considered in detail, with visits made by the highways officer at peak times. It was therefore difficult to justify holding a site visit at this stage in the process.

The PTDP advised that waiting restrictions would help to manage traffic. When visiting the site he had observed that there had not been many local residents exiting their driveways at school times. This indicated that residents tended to time their trips to avoid peak times. In response to Councillor E A Biggs who queried the review procedure, he advised that the review process would involve a Stage 3 road safety audit which would review the alterations and how they were operating. Officers were confident that the predicted trip rates were robust. He added that, when forecasting movements, previous national guidelines did not require any junction with fewer than 30 traffic movements to be considered which gave Members an indication of how severe traffic impacts had to be before a full assessment of highway capacity was required. He confirmed that sightlines would be checked before construction works took place, and that access points were fixed and could not be changed.

It was moved by Councillor E A Biggs, duly seconded and

RESOLVED: (a) That, subject to a Section 106 legal agreement to secure necessary planning contributions, Application No DOV/19/00669 be APPROVED subject to the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limits;
- (iii) Approved plans;
- (iv) Existing and proposed site levels and building heights;
- (v) Ecological mitigation and recommendations implemented;
- (vi) Ecological/biodiversity mitigation, enhancement and management plan;
- (vii) Construction Management Plan;
- (viii) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage);
- (ix) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme);
- (x) Landscaping details and maintenance of buffer zones;
- (xi) Open space management plan;
- (xii) Protection of trees and hedges;
- (xiii) Hard landscaping works and boundary details/enclosures;
- (xiv) Reporting of unexpected land contamination;
- (xv) No works on site until final SuDS testing is undertaken and submitted;
- (xvi) Design details of surface water drainage strategy;
- (xvii) Implementation and verification of SuDS scheme;
- (xviii) No other infiltration on site other than that approved;
- (xix) Contamination safeguarding;

- (xx) Off-site highway works undertaken and implementation of a Traffic Regulation Order;
- (xxi) External lighting to be addressed at reserved matters;
- (xxii) Details of replacement/visitor parking to be submitted for approval.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, and to agree a Section 106 agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

99

APPLICATION NO DOV/19/00642 - SITE AT CROSS ROAD, DEAL

The Committee was shown an aerial view and photographs of the application site which adjoined the settlement confines of Deal. The Principal Planner reminded Members that the application sought outline planning permission for the erection of up to 100 dwellings, with a layout that was indicative at this stage. A number of off-site highway works were proposed, including the widening of Cross and Station Roads and the installation of passing places. These works would formalise the management of traffic along these roads which was happening informally at present. Double yellow lines would be installed on both sides of Station Road, from underneath the bridge to the riding school. The application had been deferred at the meeting held on 16 January for a site visit.

A large number of representations had been received since the report was published, including three letters from Sholden Parish Council and three from the riding school, largely reiterating concerns previously raised. The owners of the riding school had stated that the development would affect not only the health and safety of their horses and riders but also business. They also raised concerns regarding the ownership of the strip of land along the boundary of the school.

The Principal Planner advised that plans indicated that the strip of land was, in fact, highways adopted land. If the proposed works could not be carried out due to ownership issues, the development would not go ahead. Accordingly, a condition was recommended that would ensure that these particular works took place before the commencement of construction. The applicant had responded to the riding school's representations, referring to the fact that there would be construction and environmental management plans. The applicant also argued that highway safety and visibility would be improved as a result of the roads being widened, the formalisation of rights of way and passing places, etc.

In response to Sholden Parish Council, Officers had circulated a briefing note that set out the Council's policy position which was supported by case law. The scheme complied with the National Planning Policy Framework, and was considered to be a sustainable development. Approval was therefore recommended.

Councillor Biggs reported on the site visit which had taken place on 11 February. A large contingent of members of the public had attended, together with parish council representatives, the applicant and KCC Highways Officers. As well as making their representations, the public had been given the opportunity to ask questions of KCC Officers. Site visit members had looked at Station Road and the disputed boundary of the riding school. Whilst Members had not come to an overall conclusion on the highway network and the impact on the riding school, they had agreed that

conditions should be attached to ensure that some of the highway works were completed before construction commenced in order to address ownership issues. They had also requested that dropped kerbs be installed opposite 112 and 114 Station Road to help residents access their driveways.

The Principal Planner clarified that conditions would be added to address these issues, including the installation of double yellow lines which would be progressed at the same time as other works. She read out the proposed wording of the two conditions. She also advised that, whilst not a statutory consultee, the British Horse Society had been contacted but no response had been received.

In response to Councillor H M Williams, the PTDP clarified that 58 two-way traffic movements were predicted in peak hours, with half travelling via Cross Road and others via St Richard's Road where some traffic was likely to split. The actual impact of these movements would diminish quickly as vehicles dispersed through the road network. He was of the view that there would not be the level of pedestrian flow to justify installing an additional pedestrian crossing in St Richard's Road to accommodate those walking from Cross Road to the shops and facilities in Mill Hill. However, the suggestion could be looked at. He confirmed that the 2018 Deal Transport Study (DTS) had not informed Officers' assessments of the scheme as they were only required to consider committed development and growth predictions. In any case, the DTS was an emerging document that was designed to inform the Local Plan. In summary, the applicant's transport assessment had used the appropriate methodology, and was robust and proportionate to the size of the development.

In response to Councillor Bond, the PTDP reassured the Committee that the highway works along Station Road would help to manage traffic flow and potential conflict. In terms of land ownership, he advised that a highways boundary search had been carried out by the KCC Highways Definition Team which showed that the riding school's boundary was within the adopted highway. He clarified that, whilst there were often areas of the highway that fell within homeowners' land title, KCC had highways rights over that land. The Planning Solicitor added that the question of land ownership was not a matter with which the Planning Committee needed to concern itself. It was a matter for the applicant to resolve before highway works or the development could take place. He emphasised that, if the Committee were minded to grant planning permission, this would not give the applicant any control over other people's land.

In response to concerns raised about double yellow lines, the PTDP acknowledged that there would be a loss of parking. However, this was of secondary importance to highway safety. The highways scheme would be subject to a road safety audit, and Officers were confident that no problems would be identified. With the proposed traffic management measures and a new 30mph speed limit, he was certain Station Road would be safer for horses and riders. In response to suggestions, he advised that the idea of installing horse warning triangles in both directions could be picked up at the detailed design stage of the Section 278 agreement.

Councillor Bond expressed reservations about the development which was outside the town confines, in a rural area. He was concerned that it would have a harmful impact on the riding school, parking and traffic flow.

The Chairman asked whether it would be possible to impose a condition that reserved future Section 73 applications relating to off-site highway works for

determination by the Planning Committee. The Planning Solicitor advised that a condition was not the appropriate mechanism for securing what was an administrative matter as it did not meet the tests for conditions. Notwithstanding this, the Committee's wishes could be noted in the minutes and respected if any such applications were forthcoming.

It was moved by Councillor D G Cronk and duly seconded that Application No DOV/19/00669 be APPROVED with additional conditions.

On being put to the vote, the motion was LOST.

Councillor Richardson expressed concerns about the safety of school children and horses. He was also concerned that development was being contemplated outside the confines, contrary to Policy DM1 of the Core Strategy. At the very least, he wanted to receive advice from the British Horse Society before determining the application.

The Development Management Team Leader recapped that there were no objections to the development on highway technical grounds, nor would there be any unacceptable landscape impact. In respect of Policy DM1, he cautioned Members about attributing full weight to the policy given that it was now acknowledged as being out-of-date. This meant that the application should be judged on its own merits. If deferred, there was a risk that the applicant would appeal on the grounds of non-determination. A refusal of the application could lead to a public enquiry where robust evidence would be needed to defend the decision.

The Principal Planner clarified that the applicant had submitted a landscape and visual impact assessment which had been assessed by independent consultants. This assessment of the scheme was set out in the report in some detail.

It was moved by Councillor R S Walkden, duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/19/00642 be DEFERRED pending advice from the British Horse Society.

(Councillor H M Williams stated that, whilst she may have been seen applauding one of the public speakers at the site visit, she was approaching the application with an open mind.)

100 APPEALS AND INFORMAL HEARINGS

The Development Management Team Leader introduced the report which outlined details of planning appeals determined between October and December 2019. In particular, he highlighted that costs of £46,500 had been awarded against the Council following the dismissal of an appeal for dwellings at Singledge Lane, Whitfield.

RESOLVED: That the report be noted.

101 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 8.18 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 12 MARCH 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/19/00642 **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 (Agenda Item 7 of 13 February 2020)**

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 informatics 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.

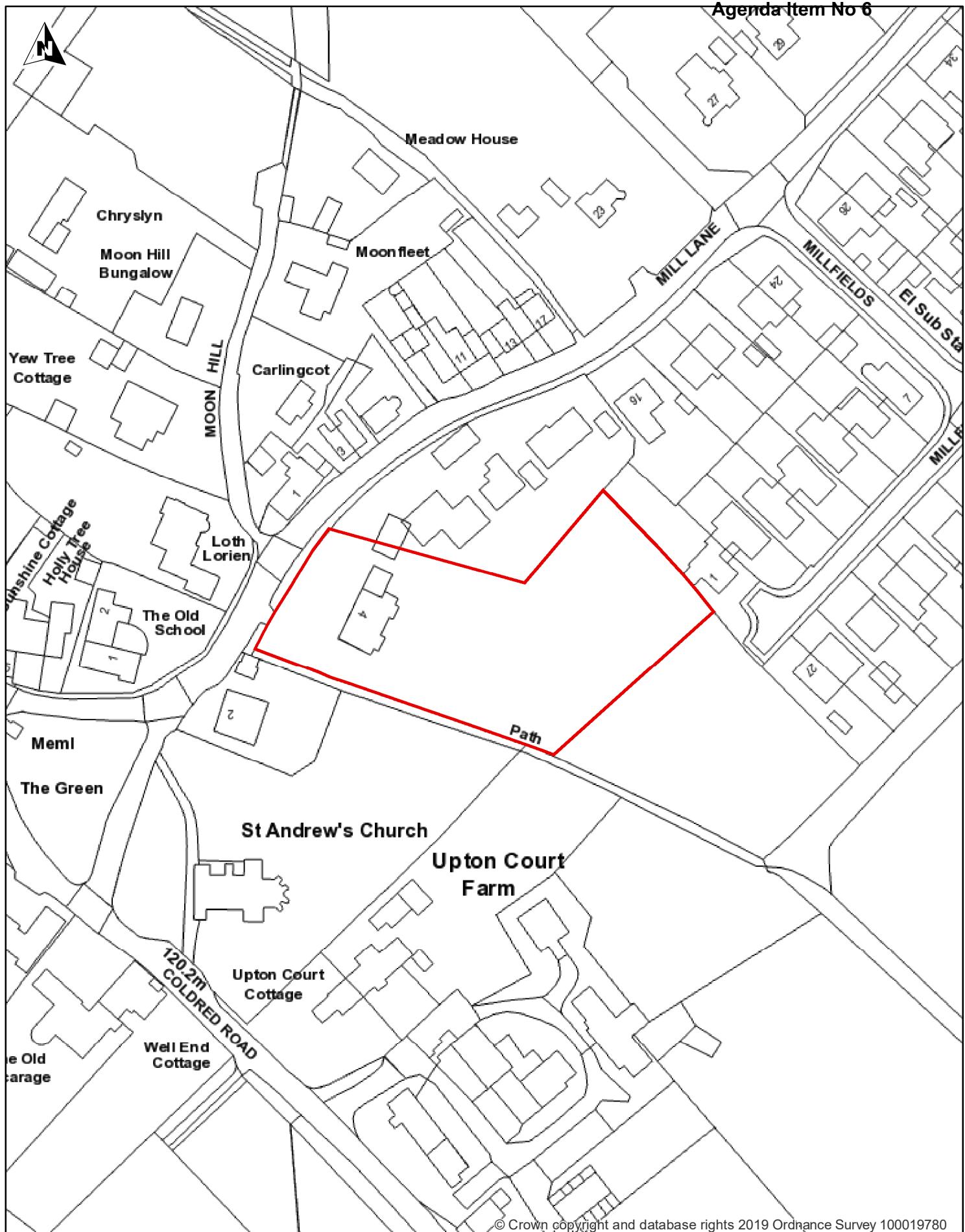
Article 10 - Right to free expression.

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.

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



DOV/19/00721

4 Mill Lane
Shepherdswell
CT15 7LJ

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/19/00721 - Erection of 2 pairs of semi-detached dwellings and a detached Eco home; formation of parking, vehicular access and landscaping (existing dwelling to be demolished) - 4 Mill Lane, Shepherdswell

Reason for report: As a result of the number of representations received in relation to the initial set of plans

- b) **Summary of Recommendation**

Planning permission be granted, subject to conditions.

- c) **Planning Policies and Guidance**

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 -The location and scale of development in the District must comply with the settlement hierarchy. Shepherdswell is identified as a Local centre and a secondary focus for development in the rural area.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11-Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- DM15-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 the allocations in the Development Plan Documents, is justified by the needs of agriculture, the need to sustain the rural economy or community and 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.

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 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of granting permission doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

- Paragraphs 184, 185, 189, 190, 192 and 193 relate to the determination of planning applications in relation to the historic environment and heritage assets.

The Kent Design Guide

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

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

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

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

National Design Guide

Provides guidance on objectives for good design and how this can make a positive contribution to the character of an area.

d) Relevant Planning History

DOV/18/00008 Outline application for the conversion and extension of existing house to four self-contained dwellings and erection of one detached dwelling (all matters reserved). This application was refused for the following reasons:

1. *The proposed single dwelling would be poorly related to the nearby built environment by reason of its isolated location and access arrangements and would be poorly related to the open countryside by reason that it would appear incongruous and obtrusive and harmful to the open, spatial context of the site. As such, the proposal harms the appearance of the open countryside and the character and appearance of the conservation area contrary to Policy DM15 of the Dover District Core Strategy and Paragraphs 127 and 196 of the National Planning Policy Framework.*
2. *The proposed southern extension to the existing building would by reason of its scale, proximity to the boundary of the site and the consequent direct and indirect impact upon trees within and adjacent to the site would cause harm to the character and appearance of the conservation area, contrary to Paragraphs 127 and 196 of the National Planning Policy Framework.*

e) Consultee and Third-Party Responses

KCC Highways

The Highways Engineer has stated verbally however that there would be no objection to the access, number of parking places or layout and that there is no highway reason for refusal of the scheme.

Standard conditions will be required in relation to the provision and retention of parking places, vehicle access and manoeuvring space. An Informative has been recommended concerning the need to obtain the necessary highway consents.

KCC PROW

No comments to make as the development will have no impact on the footpath.

Southern Water

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 recommended covering this matter in the event that planning permission is granted.

Notes that the application makes reference to drainage using Sustainable Urban Drainage (SUDs). Drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SUDs scheme and provide a management and maintenance plan for the lifetime of the development.

DDC Environmental Health

No objections raised but have recommended conditions covering mitigation matters in the event that contamination is found at the site during construction, prevention of dust and smoke pollution and restriction on times for demolition and construction.

DDC Tree Officer

Initially raised concerns about the impact of the proposal on the root protection area and canopy of a mature tree that extends out from the garden of number 2 Mill Lane towards the application site. It was noted that this tree has high amenity value and assurances were requested that it would not be detrimentally affected by the proposed development.

Further details and an Arboricultural Method Statement relating to the impact on all trees were submitted. The applicants' agent states that the tree adjacent to Upton House has been accurately surveyed and its spread plotted.

The Tree Officer has now confirmed that he is satisfied that the scheme would not be of detriment to those trees situated along the southern boundary. It is recommended that a tree protection plan is provided and approved, accompanied with an arboricultural method statement in accordance with BS5837: 2012. It is appreciated that some information has already been submitted to this effect but it would be useful to have this as a separate document accompanying the plan. This matter can be covered by a safeguarding condition.

DDC Ecological Officer

Accepts the findings and recommendations of the Ecological report for enhancement of the site for wildlife. The enhancements would provide a biodiversity net gain and can be covered by a condition.

DDC Heritage Officer

The demolition of the existing building is acceptable: whilst this building has some historic interest, appearing on historic maps dating to the beginning of the C20, the features of interest are retained to the rear and one side elevation.

The proposed units are sympathetically detailed, taking inspiration from neighbouring historic properties, and with the use of appropriate materials as shown on the plans will sit well within the CA.

By setting back from the road frontage, much as the existing building, this provides a gap between the units and the street which ensures that they do not impose on the street scene.

The proposal causes no harm to the significance of the conservation area and confirm my positive support."

Third-Party Representations

Parish Council

Initial comments: Support the application in principle but note care needs to be taken with design as it is in a Conservation Area. It was thought that the Eco Home was a good idea. Special attention needs to be taken about the parking around the site especially during school time.

Comments in relation to latest plans: The reduction in the number of parking spaces from 13 to 8 in relation to potential occupancy of new dwellings could lead to on street parking in the adjoining narrow road.

Original Set of Plans

A total of 72 representations were received in relation to the originally submitted plans. Of these 35 were in support and 34 raised objections. A further three were neutral.

Those in support made the following comments:

- Support for semi-detached houses
- Support for four bedroom houses
- The proposal will blend in with the surroundings and be a visual improvement
- Improvement to the street scene, the Conservation Area and overall character of the area
- Existing house is out of character and proposal represents an attractive infill.
- The detached house to the rear will be well concealed.
- Scheme includes provision of off road parking
- Proposal makes use of a brownfield site for much needed housing, rather than using an area of countryside.
- Occupants will bring business to the village
- Occupants would have access to a good local primary school
- Construction disruption is only a temporary phase

Those against the proposal made the following comments:

- Unnecessary loss of 4 Mill Lane
- Original plans-height of houses and dormers
- Development unlikely to have a positive impact on nearby Listed Buildings
- Semi-detached houses are out of keeping for a village location
- Lack of smaller properties for younger people or first time buyers

Other Matters Raised

- Noise/dust/disturbance during construction period.
- Parking problems and highway violations during the construction period.

Revised Set of Plans

In relation to the revised set of plans 5 representations have been received, all raising objections to the scheme, as follows:

- Proposal will result in the expansion of development outside the footprint of 4 Mill Lane and the introduction of five new dwellings, leading to overdevelopment of the site.
- The scale of the development would be overbearing and would harm the landscape close to St Andrews Church and the North Downs Way.
- The parking requirements for four-bedroom houses would exceed the proposed 8 spaces shown to be provided, leading to on street parking and issues of highway safety. On road parking spaces would also be lost as a result of the development.
- Detrimental impact on the Conservation Area, nearby trees and fauna and flora within the churchyard.
- The proximity of the new vehicle access would conflict with those already existing nearby.
- Damage to the quality of life of those living nearby.
- The applicant failed to adhere to the previous planning permission for the 3 recently approved dwellings completed on the adjacent site.

Other Matters Raised:

Support for the application comes from addresses as far away as Norfolk or those connected with the applicant's company, rather than residents.

Ongoing disruption by construction traffic and dangerous parking conditions on Mill Lane. Continued noise problems, difficulties for pedestrians and residents being blocked in by construction traffic.

Use of the land for the storage of plant and material.

There is no need for more houses locally and the price will not be affordable for local people.

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

The Site

- 1.1 The application relates to a roughly L-shaped site situated on the south eastern side of Mill Lane. The site is adjoined on three sides by other residential development but falls outside the settlement confines. The site lies within the Conservation Area.
- 1.2 The site is currently occupied by 4 Mill Lane (Upton House), a large, eight bedoomed detached two storey dwelling that is set back from the road frontage.

The house has a hipped roof above painted stucco walls. The house is separated from the road frontage by a paved area behind an evergreen hedge. The garden area immediately to the rear of the house is flat and then slopes down gently to the south east. This garden incorporates several trees and a pond with a number of trees.

- 1.3 The site extends behind three more recently constructed properties in Mill Lane and towards a semi-detached bungalow at the southern end of the residential cul de sac known as Millfields. This is a planned 1960s linear settlement of single storey dwellings, some now having dormer accommodation in the roof space.
- 1.4 The application site slopes down from the front to the rear towards another parcel of land that falls under the applicant's ownership. The site is adjoined by a public footpath running along the southern boundary leading towards open countryside. Beyond the footpath is a detached dwelling, number 2 Mill Lane, with the grounds of the Grade II listed St Andrews Church wrapping around the southern boundary of number 2.

The Proposal

- 1.5 The application comprises two elements, as follows:

It is proposed to demolish number 4 Mill Lane and to construct two semi-detached pairs of properties reached via a single vehicle access within the site frontage. Each of these houses would be two storey's in height, with accommodation in the roof space providing four bedrooms. The houses would be designed with a ridged tiled roof above elevations of brick to the ground floor and render to the first floor. The houses would incorporate rooflights to the rear. The dormer structures shown on the original plans have been deleted from the scheme. At the rear each house would have a patio area with further garden space beyond.

- 1.6 A total of eight parking spaces would be provided to the front of the pairs of properties, two for each dwelling. The parking area would be adjoined by a strip of landscaping along the site frontage and to the sides. The single access point would be provided towards the centre of the site, further north of the existing site entrance.
- 1.7 The second part of the application comprises the construction of a two-storey flat roofed dwelling of more contemporary design situated to the rear of the recently constructed dwellings fronting Mill Lane, towards the north eastern boundary of the site and number 1 Millfields. This property would be set into the slope of the land with a lower courtyard surrounded by a gabion wall.
- 1.8 This property would incorporate a grass roof with skylights and solar panels over the courtyard and balcony to the southeast elevation. The dwelling would have two bedrooms and a therapy pool room on the lower floor with a third master bedroom, en-suite facilities and living accommodation on the upper floor. To the front of the property there would be a double width garage. Access to this property would be via a new separate vehicle access situated to the north of the proposed semi-detached frontage houses (subject of this application) and south of a recently constructed dwelling also fronting Mill Lane. There would be room to park three cars with manoeuvring space to allow vehicles to enter and leave in a forward direction.

2. Main Issues

2.1 The principle of the development

- The impact on the character and appearance of the Conservation Area and the neighbouring tree
- The impact on the adjoining countryside/landscape
- The impact on residential amenity
- The impact on the highway network
- The impact on ecology

Assessment

Principle of Development

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 2.4 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocations Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. Reduced weight should also be applied to policies CP1 and DM1 of the Core Strategy.
- 2.5 Under policy CP1 of the Core Strategy Shepherdswell is defined as a Local Centre and a secondary focus for development in the rural area. The application site currently falls outside the defined settlement confines of the village. Weighed against this, it's recognised that the site is already occupied by a dwelling (proposed to be demolished in this application). It adjoins areas of existing residential development which lie within the settlement confines, and fronts one of the main routes through the village from where local services/facilities within Shepherdswell can be accessed.
- 2.6 Reference is made above (part d) to a recent application for residential development on the site (DOV/18/00008) for a similar scale of development to that currently proposed. While that application was refused, the reasons turned primarily on the anticipated impacts of the proposal rather than any in principle objection based on the proximity of the site to the village confines.

- 2.7 While the site lies outside the village confines it does adjoin them. The suitability of the site for the development in this case is considered to turn on the detailed assessment of the merits of the scheme as set out in this report, relative to matters including its impact on the natural and historic environment and a consideration of its general compatibility with the requirements of the NPPF, including paragraph 11 (presumption in favour of sustainable development).

Impact on Character of Area/Conservation Area

- 2.8 Shepherdsell is a fairly well spread out settlement comprising a mix of house styles and sizes of differing ages. There is also variety in the plot shapes and sizes. The surrounding countryside is undulating with quite far reaching views across fields in some places. The application site lies within a conservation area and adjoins the historic core of the settlement which includes the listed St Andrews Church and other historic buildings fronting a small village green. Beyond this area, to the east along Mill Lane, the built character is more varied with 19th C rural cottages giving way to standard 20th C house types as one leaves this core.
- 2.9 Paragraph 193 of the NPPF advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 require "special regard" and "special attention" to be paid to the desirability of preserving Listed Buildings and Conservation Areas.
- 2.10 The proposal involves the demolition of No. 4 Mill Lane. This is a large solid looking house that is set back from and partly screened from the road frontage by an evergreen hedge. It is not a listed building and does not make a significantly positive contribution to the character of the area generally. As such, no objections are raised to the principle of demolition.
- 2.11 During the determination of the application it has been important to ensure that any development of this site would not result in harm to the overall character of the Conservation Area and the setting of the nearby listed church. For this reason the design of the frontage houses in particular has been the subject of considerable negotiation involving the Council's Heritage Officer to achieve a form that would be appropriate for this location.
- 2.12 The submitted plans initially showed two pairs of large semi-detached houses with hipped roofs and dormer structures to the front and rear. These were considered to be inappropriate given their height, size and bulk which would have appeared out of place in this rural village location and would not reflect the context of this part of Mill Lane. In addition, there was concern about the creation of two vehicle accesses to the frontage and the extent of hard surfacing resulting in an urban appearance.
- 2.13 After detailed discussion revised plans have been received showing the two pairs of frontage houses amended to incorporate a ridged roof above brick and

rendered elevations. The houses have also been pulled back from the site frontage and away from the south western boundary and only one access would be provided to the frontage houses. As a result, the appearance in the street scene would be less dominant and there would be no undue harm to the character of the Conservation Area. The density of the scheme is considered to be acceptable and would not result in overdevelopment of the site having regard to the existing varied character of development in the vicinity.

Impact on Trees

- 2.14 The initial tree survey received with the application did not meet with BS5837:2012 standards. Further information showing the canopy spread of the tree, location of the Root Protection Area, tree and branch spread has now been received. The Council's Tree Officer has confirmed that the revised siting of the frontage houses will ensure that the development not have a detrimental impact on the root protection area and canopy of the trees to the south west of the site.

Detached Contemporary House

- 2.15 With regard to the contemporary dwelling proposed to the rear further details have been provided including sections through the site from front to back and side to side to show the relationship with the levels at the site and the property at 1 Millfields. The additional information clarifies that the house has been designed to take advantage of the slope so that it would be set into the land rather than stand out significantly above it. This dwelling would appear largely as single storey with the lower floor and courtyard being set into the surrounding ground level.
- 2.16 The sections through the site show that the eaves height of the contemporary house would be slightly (40cm) above those of number 1 Mill Field. There would be a distance of approximately 4.7m between the new house and number 1 Mill Field. With regard to the relationship with the frontage houses it is noted that the upper floor of the contemporary house would be slightly below the ground floor level of the frontage houses.
- 2.17 By virtue of the falling land levels to the south east the proposed contemporary dwelling would fit into the slope of the site without undue harm to existing residential amenities. The detached house whilst of contrasting and contemporary design would have a satisfactory relationship with both the new adjacent dwellings in Mill Lane, the closest property in Mill Field and the currently proposed frontage houses. Although of non traditional design the detached dwelling would not appear as an incongruent or obtrusive feature when viewed from the rear, such as to cause undue harm to the spatial context of the site. The appearance of the rear of the application site would clearly be altered but not harmed by the proposal. In terms of general visual amenity the detached dwelling would not result in unacceptable harm such as to justify withholding consent.

Impact on Countryside

- 2.18 The application site does not fall within any nationally designated landscape. The village is however surrounded by pleasant undulating landscape some of which is in use for agricultural purposes. The site is adjoined by existing residential development on three sides but the land falls away to the south east towards

undeveloped countryside. Access to the countryside from the village is possible from a number of footpaths, including the one to the west of the application site. It is therefore possible to see the site from a distance when approaching by foot from the south east.

- 2.19 The proposed dwellings would form a new developed edge to this part of the village but would not extend as far out to the south east as the properties in the Mill Close cul de sac development to the north east. Whilst the view when approaching or seen from the countryside to the south east will alter with the introduction of the new houses, they would be seen in the context of the existing built form of the village. As a result there should be no undue harm to the character of the countryside as a result of the proposed development and no harm in terms of policy DM15.

Impact on Residential Amenity

- 2.20 Under the previous outline application, it was noted that with a suitable design, appropriate landscaping and planning conditions overlooking from the site towards existing adjacent properties could be suitably mitigated.
- 2.21 The current application shows the proposed frontage dwellings set back approximately 19-20m from the highway so that there would be a sufficient degree of separation to avoid overlooking and loss of privacy for existing occupants in Mill Lane. The siting of the dwellings would result in a similar layout and separation distance to other existing houses on either side of Mill Lane.
- 2.22 The PRoW to the west would continue to separate the development from number 2 Mill Lane. The frontage houses have been designed without habitable windows in the side elevations. A condition can be attached stating that no new openings are installed in the side elevations of the properties, to prevent any direct overlooking.
- 2.23 The contemporary dwelling to the rear would be set approximately 4.7m from the north eastern boundary with the adjoining property 1 Millfields to the north east and 15.8m from the rear elevation of the new property to the north west. Only high level windows or those serving non habitable rooms are shown in the adjoining elevations of the contemporary dwelling. Again, a condition can be imposed to ensure that no further openings are installed in these elevations to prevent overlooking or loss of privacy.

Highway Impacts

- 2.24 Policy DM11 states that 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 maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban and rural confines will not be permitted unless justified by development plan policies.
- 2.25 The proposed development would be provided with a satisfactory number of parking places and manoeuvring space for each dwelling to enable cars to enter and leave in a forward direction. The KCC Highways Engineer considers that a

total of 8 spaces (two for each of the frontage houses) is sufficient for the size of dwellings proposed and no objection has been raised to the location of the new vehicle accesses. Conditions would be required to ensure the parking and turning areas for all dwellings are provided and maintained.

Impact on Ecology

- 2.26 The Senior Ecological Officer has recognised that the proposal provides the opportunity for a biodiversity net gain for this site. In summary this would include bat boxes on trees or buildings or integral bat bricks or tiles, bird boxes, log piles or brushwood heaps for reptiles. Other opportunities for net gain include the green roof with a low nutrient status, compost heaps near the pond to encourage egg laying by grass snakes and planting of native species near the pond to improve wildlife. A condition can be imposed to provide measures to encourage wildlife to the site.

Other Matters

Neighbour Comments

- 2.27 The original comments of the neighbours have been given careful consideration in addition to those made in relation to the latest set of plans. Those observations relating to planning matters have been addressed in the relevant sections in the above report.
- 2.28 With regard to the non-planning matters raised by neighbours, Members will be aware that any potential disruption, noise or disturbance during the construction process would not constitute a reason for withholding planning permission. A condition can be attached requiring the submission of a Construction Management Plan which is a standard procedure for this type of development.

- 2.29 The department is aware that some of the representations in support of the proposal do not come from local addresses and notes the observation that the process appears to be in favour of the applicant. This is a matter that cannot be addressed under this planning application and it is necessary for Officers to follow the current adopted Committee constitution.

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

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

The following appropriate assessment has been undertaken on that basis.

- 2.31 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.

- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

3 Conclusion

- 3.1 The site falls outside the defined village confines of Shepherdswell but lies adjacent to existing residential houses on three sides. As with the previous outline application the principle of developing this site for residential purposes is considered acceptable due to the proximity to and mixed nature of the surrounding settlement pattern.
- 3.2 Following considerable discussions and negotiations the form of the proposed development is now satisfactory and would not have a detrimental impact on existing residential or visual amenities or the character of the Conservation Area or the surrounding landscape. The scheme is acceptable to the Council's Heritage Officer subject to all necessary safeguarding conditions.
- 3.3 Access to the frontage houses and the detached dwelling to the rear and the parking facilities are acceptable in terms of adopted KCC Highway standards.
- 3.4 The current application provides significantly greater detail than the 2018 outline application and with this level of information it is clear that the proposal will not result in overdevelopment of the site or harm to the neighbouring trees to the south west.
- 3.5 In the light of the above policy context it is recommended that planning permission should be granted.

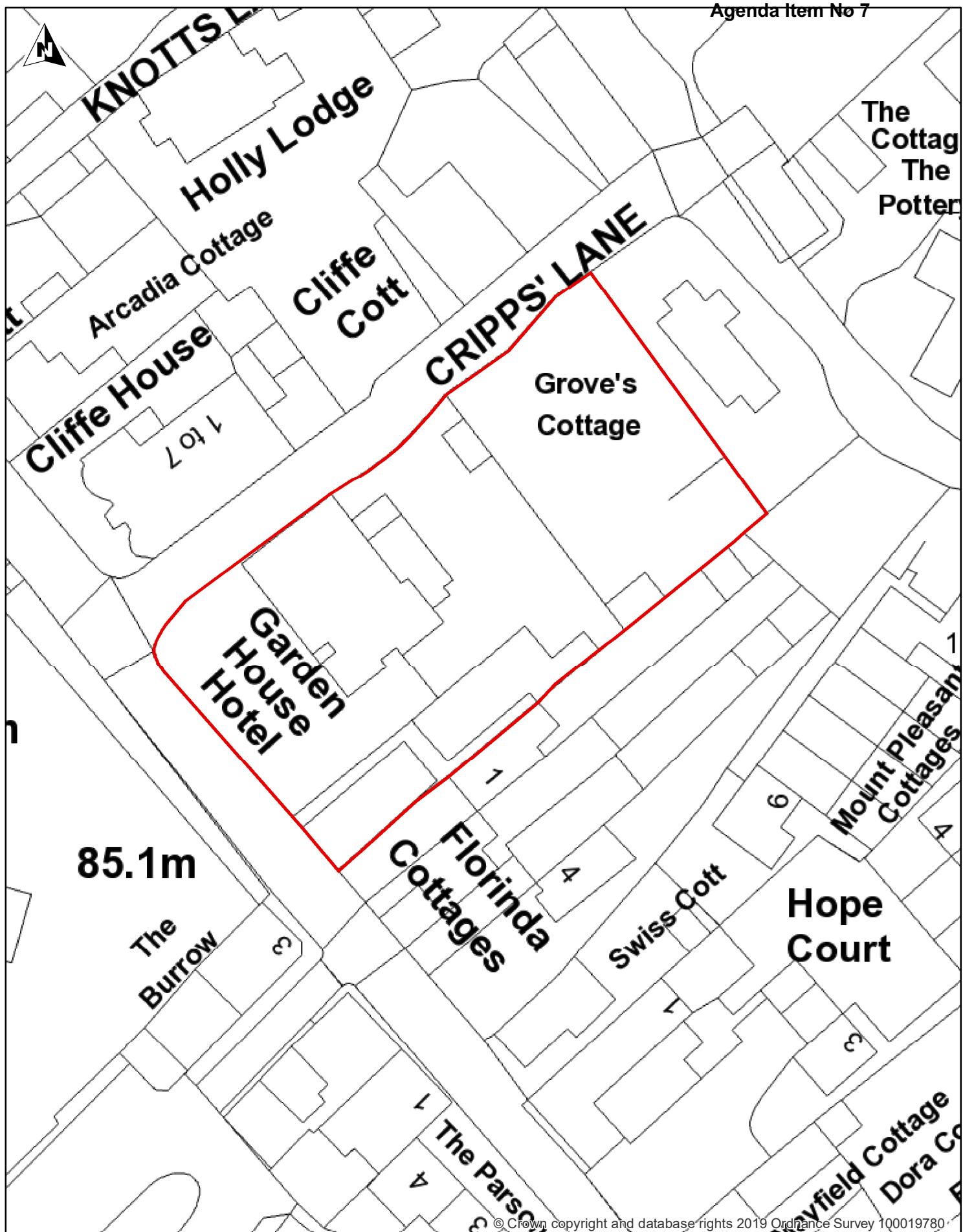
g) Recommendation

- I PERMISSION BE GRANTED subject to conditions to include:

1. Time limit for implementation
 2. Approved Plan numbers
 3. Submission of construction management plan
 4. Submission of materials samples
 5. Details of slab levels
 6. Retention of parking/turning spaces
 7. Submission of Landscaping details
 8. Submission of Tree Protection measures
 9. Env Health Contamination mitigation
 10. Env Health No burning of materials at the site
 11. Env Health Demolition hours
 12. Submission of details of ecological enhancements 19.8.19
 13. Remove PD rights windows in roof
 14. Remove PD rights in relation to side windows
 15. Remove PD rights front walls
 16. Joinery Details (including porches)
 17. Drawings 1:10 of proposed eaves/string courses/plinth details
 18. Details of positions of flues/vents/meter boxes
 19. Refuse details
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary conditions in line with the issues set out in the report and as recommended by Planning Committee and to draft and issue a Statement of Reasons

Case Officer

Hilary Johnson



DOV/19/01112

The White Cliffs Hotel
High Street, St Margaret's At Cliffe
CT15 6AT

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/19/01112 - Erection of 2 dwellings with associated parking, change of use and conversion of 2 annexe buildings to 2 dwellings with replacement door to window on front elevation of unit 5 and creation of gated entrance - The White Cliffs Hotel, High Street, St Margaret's-at-Cliffe

Reason for report: Number of representations received

- b) **Summary of Recommendation**

Grant planning permission subject to conditions.

- 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. St Margaret's 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 essentially its home community.
- DM4 – Permission will be given for the re-use or conversion of structurally sound, permanent buildings in Villages for commercial, community or private residential uses. The building to be converted must be of suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects.
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking provision
- DM24 – Retention of rural shops and pubs

Town and Country Planning Act 1990 (as amended)

Sections 66 and 72 include statutory provisions relating to issues to be taken into account when considering planning applications which affect listed buildings and conservation areas, respectively.

National Planning Policy Framework 2019 (NPPF)

- 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. Where there are no relevant policies or the most important policies for the determination of the application are out of date, planning permission should be granted unless either there is a clear reason for refusing the proposed development in order to protect an area/asset of particular importance (as identified in the framework), or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when taking the Framework as a whole.
- 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’.
- Paragraph 78 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ... guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.
- Paragraph 108: Developments should ensure that safe and suitable access to the site can be achieved for all users.
- Paragraph 109: Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative effect on the road network would be severe.
- Paragraph 110: Applications for development should (amongst other things) create places that are safe, secure and attractive, which minimise the scope for conflict between different road users, and which allow for the efficient delivery of goods.
- Chapter 11 promotes the effective use of land, including using suitable brownfield land in settlements, taking account of the desirability of maintaining an area’s prevailing character and setting.

- Chapter 12 seeks to achieve well-designed places by allowing development that is visually attractive and sympathetic to local character and promotes a high standard of amenity for existing and future users.
- Paragraph 192: In determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 196: Where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

02/01101 & 01102 - Erection of single storey kitchen extension to inn, external alterations to ancillary buildings and extension/alterations to one of same to create 2 self catering units, and revisions to forecourt layout – Granted planning permission and LBC

04/00805 - Erection of building to form 2 units of self-contained holiday accommodation – Granted

04/00875 - Raise height of existing boundary wall, rebuild south west and south east facing elevations, replacement windows, insertion of rooflights, external and internal alterations – Granted

07/00466 – Erection of 1 no. 3 bedroom detached dwelling – Granted

10/00131 – Renewal of planning permission DOV/07/0466 – Granted

19/01113 – Application for LBC for Conversion of 2no. annexe buildings from self-catering to residential units. unit 4 internal alterations to remove & insert new partitions, infill & insert new openings to form ground floor living accommodation. Unit 5 replace front elevation door with window. Internal alterations to remove & insert new partitions to form ground floor wc & first floor ensuite, bathroom & bedroom. Insert access gate with new piers to boundary wall – Awaiting determination

09/01166, 13/00756, 14/00989 – Various works to trees

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

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

No development or new tree planting should be located within 3 metres on either side of the external edge of the public sewer and no new soakaways should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.

Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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 requested, to draw this to the applicants' attention.

Kent Highways: The development proposal does not meet the criteria to warrant involvement from the Highway Authority. Requests informative regarding the potential need for consents from the Highway Authority.

DDC Environmental Health Officer: No objection. Requests a condition regarding the need to carry out further investigations, etc., should unanticipated contamination be discovered during construction.

DDC Waste Officer: Provides information on the bins required for each residential property.

DDC Tree and Horticulture Officer: I am of the opinion that the proposed development will result in the subsequent loss of three of the trees within the site, all of which are protected by TPO 1990, 5 and located within a Conservation Area. The development itself necessitates removal of one sycamore and I have concerns that post development pressure will lead to the removal of further trees within the site. T2 is located within close proximity to the proposed dwellings and given its size will prove to be overly dominant in a garden for two of the three gardens, even if reduced in size. The trees located on the northern boundary will be adjacent to the proposed parking area. T5 which is identified as a sycamore partially overhangs the northernmost parking space. The release of honeydew will effectively make this space unusable and quite possibly both spaces allocated to property no.2. In light of the above I object to the scheme.

St Margaret's Parish Council: The Parish Council objects to this application on the following grounds: This is an over-development of the site in the Conservation Area. PC would like to express concern re access to Plots 4 and 5. There is

insufficient parking provision for both the Hotel and proposed houses, which will have a knock-on effect in the village. Comments reiterated with regard to the amended scheme.

Public Representations: 37 objections received on the original scheme and 17 objections received following re-consultation on the amended scheme. The reasons for objection are summarised as follows:

- Insufficient parking provision; this will put further stress on narrow roads; users should not have to rely on the village car park which is already used as “overspill”; access for refuse vehicles will be impeded;
- Loss of parking for the hotel; lack of spaces for delivery vehicles;
- Access is narrow and potentially dangerous; limited visibility at junction with High Street;
- Over-development of the picturesque and historic village core;
- Will not enhance the community or the village at large;
- Water/sewerage/drainage systems already under strain;
- Village is in the AONB and shouldn't be built up by using small spaces for housing;
- Because of lack of footway in Sea Street, lanes are used by children walking to school; safety concerns;
- Upheaval and noise during construction works;
- Overlooking to properties in Hope Court;
- Too close to existing dwellings;
- Pollution from extra traffic;
- Fails to deliver sustainable development; reference is made to the three “strands” of sustainable development;
- Fails to preserve or enhance the character and appearance of the Conservation Area; affects the setting of key heritage assets and will lead to substantial harm or loss of significance;
- Impact on economic issues for the local community, business and tourism;
- Poor design: small dwellings are no more than nesting boxes for humans; car parking is the dominant visual feature; lack of outdoor amenity space; inappropriate design of roof;
- Even if site is suitable for residential development, this should not mean having a harmful form of development;
- Site was previously used as a builders' yard and could be contaminated;
- Concern for future maintenance of protected trees;
- Impact on Groves Cottage (to the north-east): loss of privacy from upper floor windows; overshadowing and loss of daylight and solar gain; overbearing and loss of outlook due to close proximity to rear windows of this dwelling; elevated position of new houses exacerbates these issues; plans misrepresent the gap between the properties;
- Loss of sunlight, visual amenity and outlook to other neighbours; overlooking;
- Concern over impact of hard surfacing on surface water run-off;
- Site should not be considered as previously developed land;
- Comparison with previously approved scheme is not accurate; previous scheme was smaller and further away.
- Reduction in number of houses doesn't overcome previous issues;

- Car parking still inadequate; the applicant has deliberately underestimated the overall need, including that for staff; inadequate facilities for commercial deliveries;
- Access is not suitable for construction vehicles: concern for safety of schoolchildren;
- Involves cutting down ancient trees in the Conservation Area;
- Overdevelopment;
- Negative impact on CA remains; overall mass is now greater and roof is taller; new houses will dominate their surroundings;
- Noise pollution;
- Discrepancies in the measurements relative to Groves Cottage remain; this makes it difficult to assess the true impact;
- Parking issues will be made worse if DDC introduces charging in the public car park;
- Loss of sunlight/solar gain to Groves Cottage; loss of outlook;
- Inadequate publicity due to positioning of site notice;
- Need to consider controlling future extensions under permitted development in order to protect neighbours' amenity.

f)

1. The Site and Proposal

- 1.1 The White Cliffs Hotel is a detached two and three storey building located on the corner of High Street and Cripps Lane in the centre of St Margaret's at Cliffe. It is a complex building with a number of side and rear additions. It is Grade II listed and in the Conservation Area.
- 1.2 To the front (southwest) of the main building, between it and the High Street, is a forecourt/parking area accessed off Cripps Lane very close to the road junction; this is enclosed by a brick wall along the High Street frontage; the road slopes up, such that in the southern corner the application site is noticeably below the level of the road.
- 1.3 Adjacent to the southeast boundary are two detached, part two-storey, part single-storey buildings currently used as "annexe" bedroom and self-catering accommodation in connection with the hotel. One is at the front part of the site and abuts the High Street boundary. The other sits further back on the site and extends beyond the rear wall of the main hotel building. To the rear of the hotel is a garden area bounded on the northwest and northeast sides by tall boundary walls and hedges. Beyond the rear wall is a car park, accessed off Cripps Lane. This has a loose surface and is not formally laid out. The access slopes up from the road. It appears that part of the original car park has been fenced off to form an additional garden area with a shed.
- 1.4 TPOs cover a Sycamore in the rear garden of the hotel, close to the wall with the car park, another Sycamore in the area fenced off from the car park, and two more Sycamores and a Maple along the bank that separates the car park from Cripps Lane.
- 1.5 On the opposite side of Cripps Lane from the hotel is Cliffe House, a detached three storey listed building; this is attached to the hotel by a bridge across the road at second floor. Further down Cripps Lane is a house set

back from the road (but fronting onto Knotts Lane) and Cliffe Cottage a Grade II listed house which sits on the road frontage opposite the car park entrance.

- 1.6 To the rear of the car park is Groves Cottage, a detached bungalow. The rear elevation of this bungalow is between 2m and 3m off the boundary, but not exactly parallel to it. The boundary is formed by a fence with trellis on top, total height about 1.5m when seen from the car park side, but the bungalow itself sits on slightly lower ground. There are habitable room windows on the rear elevation.
- 1.7 To the southeast of the hotel, beyond the “annexe” buildings that sit on the side boundary, is a terrace of houses fronting the High Street; these have long rear gardens that stretch almost the whole depth of the application site. Beyond these gardens are dwellings in Hope Court, the rear elevations of which face back towards the application site.
- 1.8 There are three main elements to this proposal:
 - The conversion of the two detached buildings currently used as annexe bedroom and self-catering accommodation to provide two independent dwellings, one in each building (referred to as units 4 and 5);
 - The construction of two semi-detached dwellings on the car park; this part of the scheme has been amended during the lifetime of the application; it was originally proposed to erect a terrace of three;
 - Alterations to the brick wall of the hotel garden to create a gated entrance from Cripps Lane.

Conversion of Annexes

- 1.9 Both units 4 and 5 are curtilage listed buildings; a separate application (DOV/19/01113) has been submitted for listed building consent for the proposed internal and external alterations to these buildings. So far as these two buildings are concerned, this planning application relates solely to the change of use and proposed external alterations.
- 1.10 Unit 5, at the front of the site, currently houses two separate self-catering units operated as part of the bunkhouse/hotel. One has one bedroom and the other has two and each has a kitchen and bathroom. They have separate entrance doors. It is proposed to convert this to a single three-bedroomed house with two living rooms and a kitchen on the ground floor. The only external alteration proposed is the replacement of one of the front entrance doors with a window to match the other windows on the front elevation.
- 1.11 Unit 4, which sits to the rear of unit 5, currently houses seven bedrooms with en-suite bathrooms, four on the ground floor and three on the first floor. It is proposed to convert this to a single, three-bedroomed house, with three living rooms plus kitchen and utility room on the ground floor. No external alterations are proposed to this building.

1.12 Each unit would have two allocated car parking spaces in the shared forecourt at the front of the site. This will leave six parking spaces remaining for the use of the hotel. The applicant has explained that, once the “annexe” accommodation has been relinquished, this will leave the hotel with five guest bedrooms on the first floor of the main building, with accommodation for a night manager on the second floor, and the ground floor remaining as existing for use by the resident guests in the bunkhouse only. The existing bar and restaurant would cease to operate and would not be open to the public. The six parking spaces for the hotel therefore provide one each for the guest bedrooms and one for staff.

New Build Houses

- 1.13 The amended scheme now proposes a pair of semi-detached three-bedroomed houses on the existing car park area at the rear of the site. These are sited so that their front elevation faces towards Cripps Lane, with car parking to the front, and rear gardens behind (to the southeast). They are slightly staggered so that unit 1 (the right-hand one) is sited 1.5m further back than unit 2. They have pitched roofs with gables to front and rear and a central valley; unit 2 also has a single-storey element with a catslide roof on its left hand side (towards Groves Cottage), but this is only on the rear part of the building, being set back from the front elevation by 6m. The ridge height will be 8.8m above ground level, with first floor eaves at 6m.
- 1.14 The front elevation of unit 2 is 12m back from the site boundary with Cripps Lane. A total of five car parking spaces is proposed at the front of the site, three in front of unit 2 and two in front of unit 1; the vehicular access will remain in its current location. A bin store is provided at the front of the site. The two-storey portion of the side elevation of unit 2 will be 5.7m in from the side boundary with Groves Cottage and approximately 8.5m from the rear elevation of that dwelling. The outer end of the single-storey outshot will be 3.5m in from the boundary. The rear elevation of unit 1 will be 6.4m away from the rear boundary, which adjoins the end of the rear garden of Florinda Cottages. Fenestration will be predominantly to the front and rear, with only three ground floor windows on the southwest side elevation of unit 1, and two ground floor windows and a high-level rooflight (over the stairs) on the northeast side of unit 2. External materials will be buff facing brickwork and white painted weatherboarding for the walls and slate for the roof. Windows will be white painted softwood and the doors will be painted hardwood.
- 1.15 It is this part of the site that had planning permission for the erection of a single dwelling in 2007 (renewed in 2010). The applicants have provided a layout plan and sectional overlay to indicate the outline of the previously approved building for comparison with the current proposal.
- 1.16 As part of this proposal it is proposed to remove two trees, the sycamore adjacent to the wall between the hotel garden and the existing rear car park, and another close to the southeastern boundary (within the rear garden of proposed unit 1). The first of these has been identified in the submitted arboricultural report as a poor specimen that has been pollarded more than once and has tight forks with indications of decay. The second is another poor specimen which, although in a better condition than the first, also has

tight forks at high level. Two replacement trees are proposed at the front of the site, adjacent to the High Street frontage.

New Entrance Gate

- 1.17 The proposed alterations to the side boundary wall on Cripps Lane involve the removal of a section of brick wall and the creation of a gateway. The wall forms part of the listed building. The opening will be 1.2m wide and have a pair of fielded and braced timber gates 1.3m high, which is marginally below the height of the existing wall. New brick piers will be erected either side of the opening, to frame it. These will be in matching bond and materials to the existing wall. The applicants have indicated that these works achieve the reinstatement of an historic opening.

2. Main Issues

- 2.1 The main issues for determination are as follows:

- The principle of conversion of the existing buildings
- The principle of new residential development on the rear car park
- Heritage issues (listed buildings, their settings and Conservation Area)
- Impact on neighbours' residential amenity
- Highways, access and car parking
- Trees and ecology
- Need for Appropriate Assessment under the Habitats Regulations
- Other issues – contamination, noise, sewerage
- Whether the development, taken overall, represents sustainable development

Assessment

- 2.2 The application site lies within the village of St Margaret's which is identified under policy CP1 as being suitable for a scale of development commensurate with its community role. Being within the rural settlement confines, development on this site is acceptable in principle under policy DM1.

The Principle of Conversion of the Existing Buildings

- 2.3 This element of the scheme proposes no new built development but rather a change of use and relatively minor alterations to existing buildings. DM4 explicitly allows for the conversion of structurally sound, permanent buildings in villages for private residential use. These two buildings fulfil those criteria. They also fulfil the criteria of being of suitable character and scale for the proposed use and contributing to local character. In respect of this last, they are weatherboarded buildings whose scale and appearance fit well with their setting and that of neighbouring buildings.
- 2.4 There is also a requirement that the proposal should be acceptable in other planning respects; relevant issues are discussed in other more specific sub-headings below, but also relevant is the change in the nature of the hotel

business that is proposed in parallel with the specific change of use of these two buildings.

- 2.5 At present, it appears that the business operates as a hotel (with both bedroom and self-catering accommodation) that also offers restaurant and bar facilities to non-residents. The applicant has indicated in correspondence that the business is not economically sustainable in its current format due to high levels of competition in the accommodation market and social changes that have affected people's eating and drinking habits. According to the applicant, the net effect of the proposed changes would be to reduce the number of guest bedrooms from 15 to five, together with the bar and restaurant no longer being available to non-residents.
- 2.6 The hotel element would therefore remain, albeit on a reduced scale. With regard to the loss of the bar/restaurant as a public facility, policy DM24 seeks to resist such losses where this would harm the economic and social viability of the community it serves. There are similar provisions in NPPF para 92 which says that planning decisions should guard against the unnecessary loss of such facilities, particularly where this would reduce the community's ability to meet its day-to-day needs. However, there are a number of outlets in St Margaret's that provide a range of choices for people wishing to eat out. In this instance it would be difficult to mount an argument that the changes proposed here would significantly harm the viability of the settlement or mean that it fails to meet its day-to-day needs.
- 2.7 Subject to the more detailed issues discussed below, the principle of these proposed conversions is therefore acceptable.

The Principle of New Residential Development on Rear Car Park

- 2.8 Policy CP1 also provides the starting point for consideration of this element of the proposal. The provision of two, family dwellings would be consistent with the strategic role of St Margaret's as a village; it is also consistent with the intention behind NPPF para 78.
- 2.9 NPPF chapter 11 encourages the most 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 (para 117). Para 122 supports development that makes effective use of land, taking into account the desirability of maintaining an area's prevailing character and setting, and the importance of good design. In my opinion, the car park site falls within the definition of Previously Developed Land set out in Annex 2 to the NPPF; it is in the curtilage of developed land occupied by a permanent structure. In such circumstances, redevelopment for residential use is not only supported, but is positively encouraged by NPPF policies (subject to other planning considerations).
- 2.10 It is also relevant to note that planning permission has previously been granted for residential development on this land (in 2007 and again in 2010). Although those permissions expired without being implemented, they form part of the planning history of the site and given that there has been no significant change in relevant policies since that time, must carry substantial weight.

Heritage Issues – Impact on Listed Buildings, Their Settings and the Conservation Area

- 2.11 The issues to be considered here include the impact on the Grade II listed hotel building (including all curtilage listed buildings), its setting, the setting of other nearby listed buildings, and the character and appearance of the Conservation Area.
- 2.12 Section 66(1) of the 1990 Planning Act states that: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses".*
- 2.13 Section 72(1) states that: *"In the exercise, with respect to any building or land in a conservation area, of any powers under any of the provisions mentioned in sub-section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*
- 2.14 NPPF paragraph 192 requires that, in determining planning applications, Lpas should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.15 NPPF paragraph 193 requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Under paragraph 194, any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification. Under paragraph 196, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.16 The official list description for the hotel describes it as follows:

Hotel. Various dates, C18 to end C19. Weather boarded, rear ranges with painted brick. Slate and plain tiled roof. Three storey main range with stacks to left, centre and rear right. Irregular fenestration of 4 wooden casements on first and second floors and 3 on ground floor with door to centre left of 6 panels with bracketed hood. Rendered left return with half glazed door in pilaster surround. Recessed 2 storey wing to right with double pitch hipped roof and outshot. Joined to Cliffe House to left by second floor weather boarded bridge. The Hotel was originally a series of outbuildings to Cliffe House. Included for group value.

- 2.17 As required by NPPF para 189, the applicants have submitted a Heritage Statement which assesses the significance of the relevant heritage assets and the impact of the development upon them.
- 2.18 In considering the impact of the proposed works to the annexe buildings, it is of note that the hotel building itself is said to be included in the statutory list by reason of its group value; moreover, the annexe buildings are curtilage buildings (i.e. not listed in their own right) of more recent date. The proposed replacement of the second front door to unit 5 with a window to match the existing windows on the front elevation will improve the symmetry of the building. This will preserve the special characteristics of the listed building and preserve and enhance the character and appearance of the conservation area, thus fulfilling the statutory requirements of Sections 66 and 72 and causing no harm. In terms of NPPF paragraph 193, the heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.19 Similarly, the reinstatement of the gateway in the side wall will preserve the listed building and preserve and enhance the character and appearance of the conservation area thus fulfilling the statutory requirements of Sections 66 and 72 and causing no harm. In terms of NPPF paragraph 193, the heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.20 The proposed erection of the two new houses on the car park area raises more complex issues but, again, it is reasonable to conclude that this element of the scheme preserves the settings of the relevant listed buildings (i.e. the hotel building and Cliffe Cottage) and also preserves and enhances the character and appearance of the conservation area. In reaching this conclusion, a number of factors need to be taken into account, including the location, scale, massing and detailed design of the proposed building, and its physical relationship to the listed buildings. It is also pertinent to consider the current appearance of this part of the application site and the contribution it makes to the character of the conservation area.
- 2.21 The houses are to be sited a significant distance back from the frontage with Cripps Lane and the separation distance to the front of Cliffe Cottage opposite will be 17.85m. This part of the conservation area, away from the High Street frontage, is characterised generally by intimate relationships between the buildings and Cripps Lane itself has an enclosed character with roadside boundary walls for much of its length. The trees on the bank opposite Cliffe Cottage will be retained, maintaining the visual separation to a large extent, and the front part of the site will continue to be used for car parking. Taking all these factors together, the immediate setting of Cliffe Cottage will be preserved and there will be no harm to this heritage asset.
- 2.22 The distance from the side elevation of the new houses to the rear main wall of the hotel will also be 17.85m. This part of the site is already visually separated from the main hotel building and its garden to a certain extent by virtue of the intervening high wall. The ridge height of the new houses is broadly the same as that of the hotel and the new building will not challenge it, visually. The setting of this listed building will therefore not be harmed.

- 2.23 In terms of the impact of this element of the scheme on nearby listed buildings, the statutory requirement of section 66 is therefore met. In terms of NPPF paragraph 193, these heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.24 Looking at the impact on the wider conservation area, as has already been identified, the built form around Cripps Lane and Chapel Lane is largely intimate and enclosed. Although land levels vary, and the surrounding buildings are accordingly of varying absolute heights, the ridge height of the proposed houses will be broadly comparable with those of the hotel building and also of Hope Court, to the southeast. The overall form of the houses, with pitched roofs and gabled ends, is also a common feature in this part of the conservation area. The choice of external materials is also appropriate for this setting. Although the car park is currently an open and unbuilt site, its visual appearance is somewhat unkempt and this contributes little to the character and appearance of the conservation area; indeed, there is an argument for saying that it is a positive detraction.
- 2.25 Taking all these factors into account, the conclusion is reached that the design of the building preserves the character of the conservation area, and the removal of the current use is a positive enhancement to the appearance of the conservation area. This fulfils the Statutory requirement of Section 72. It meets the objectives of NPPF paragraphs 192 and 193 by sustaining the significance of the conservation area and making a positive contribution to local character. It also meets the objectives of NPPF paras 122 and 127.

Impact on Neighbours' Residential Amenity

- 2.26 The use of the annexe buildings as independent residential units is unlikely to have any material impact on the residential amenity of existing residents. They are already used as living accommodation, albeit by residential guests at the hotel. The rear elevations abutting the boundary with 1 Florinda Cottages have no window openings and this will not change. Although marginal, it may well be that the levels of activity surrounding two independent family dwellings are less than currently experienced with the hotel-related uses.
- 2.27 The neighbouring property potentially most affected by the erection of the two new houses is Groves Cottage. This detached bungalow sits to the northeast of the application site and on slightly lower ground. It is between 2m and 3m from the boundary fence. There are four windows on the rear elevation of Groves Cottage, at least some of which appear to serve habitable rooms. The top of the boundary fence is roughly level with the tops of the windows.
- 2.28 The original scheme proposed a terrace of three houses, bringing the end elevation much closer to the boundary than is now proposed. The height and position of that end wall, taken together with the difference in ground levels, would have resulted in an unacceptable loss of outlook and an overbearing effect on Groves Cottage. The amended scheme that has now been submitted represents a significant improvement.

- 2.29 The main, two-storey part of unit 2 will now be a minimum of 8.5m away from the rear elevation of Groves Cottage. Although the single-storey side “extension” will be closer, at about 6.6m, not only does this have a lower eaves height, but it is also beyond the point where the rear elevation of Groves Cottage itself steps back by about 1.8m. Given these distances, the fact that the roof of the end house will slope up and away from the side wall at the distances mentioned, and also the fact that the outlook from the rear of Groves Cottage is already restricted to a significant extent by the boundary fence, this now represents a satisfactory relationship and should not result in an unacceptable loss of outlook or an overbearing impact. In reaching this conclusion it is also legitimate to compare what is now proposed with the situation that would have arisen had the house permitted in 2007 and 2010 been built. A sectional drawing has been submitted which shows this comparison. Although the earlier scheme would have had a gable wall facing towards Groves Cottage, it would have been much closer to the boundary (only about 4.5m from the rear elevation of Groves Cottage), and taller than the eaves of the proposed houses at that point. Although the current proposal is acceptable in its own right, it also represents a more satisfactory relationship than could have existed under the earlier scheme.
- 2.30 The location of the first floor windows on unit 2 will not result in any significant loss of privacy or overlooking to Groves Cottage. The “back to back” distance between first floor windows and those facing the site in Hope Court is about 24m, which is acceptable. Although the gardens of Florinda Cottages lie between, these are comparatively long gardens and the area potentially overlooked is some distance away from the rear of the houses. The relationship here is not dissimilar to that which would have resulted under the 2007/2010 permissions.
- 2.31 Taking all these factors into account, it is considered that the proposal meets the amenity objectives of NPPF para 127.

Highways, Access and Car Parking

- 2.32 Policy DM13 says that provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development should be informed by KCC guidance SPG4, or any successor; provision for residential development should be informed by the table set out in the Core Strategy. Although SPG4 is no longer formally used by KCC for assessing parking requirements because it is not fully compliant with current advice in the NPPF, there is no official replacement. In assessing the current proposal, it is also relevant to look at the existing situation to see whether there will be any significant change in over or under-provision, overall.
- 2.33 The scheme proposes two spaces each for three of the proposed three-bedroomed dwellings and three spaces for the fourth. The standard requirement is for two spaces for a three bedroomed house in a village location. This element of the scheme therefore fully meets the standard, although one of the houses has an “extra” space. The retained hotel will have six allocated spaces – one for each guest bedroom and one for staff. Although no detailed information has been given as to the number of staff,

this is likely to represent a marginal under-provision in terms of staff parking; the applicant has argued that some of the hotel staff live locally, but this is not a factor that can necessarily be relied upon.

- 2.34 The current situation is that there are 15 hotel-related bedrooms (three of which are provided on a self-catering basis), plus the bar and restaurant which are open to non-residents as well as resident guests. The SPG4 standard requires one space per bedroom plus one space per two members of staff, plus one space per 12m² of bar area and one space per 15m² in the restaurant. The application form states that there are currently 19 spaces on the whole site; this is a reasonable estimate, based on the dimensions of the rear car park and the fact that it is not formally laid out, and that available at the front of the site. If 15 spaces are “allocated” for the 15 bedrooms, this leaves four spaces for staff, plus the non-resident use of the bar and restaurant; in my opinion this is likely to represent a significant under-provision; to some extent this is borne out by the comments received as a result of public consultation.
- 2.35 Although there are a number of variables which mean that a direct comparison is not conclusive, this analysis would appear to indicate that the overall level of under-provision is likely to be less with the proposed scheme than it is currently. On the basis of there being no net detriment, there would be no justification for refusing planning permission on car parking grounds. Furthermore, NPPF paragraph 109 advises that development should only be 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; neither of these situations arises in this instance.
- 2.36 Several public representations express concern over traffic generation and the nature of the local roads, especially Cripps Lane. However, given the size of the current rear car park and the purposes it currently serves, it is highly likely that this generates more traffic (number of journeys) than would be generated by two family houses. A net reduction in the number of vehicle movements is likely and this would bring consequential benefits in terms of noise and disturbance, highway conflicts and pedestrian safety.

Trees and Ecology

- 2.37 Two Sycamore trees are to be removed. One is highlighted as being a poor specimen with tight forks and likely decay. The second is also a poor specimen with high-level forks, which increases the risk of future health problems. This second tree would also seriously over-shadow the gardens of units 1 and 2 if retained. The arboricultural report concludes that these have a limited life expectancy.
- 2.38 Two replacement trees are proposed on the front part of the site and, subject to details which can be secured through a planning condition, this will preserve the contribution that trees make to this part of the conservation area for the future.
- 2.39 The applicant has also said that one of the other trees on the Cripps Lane frontage will have its crown lifted; this is the tree that overhangs one of the parking spaces for unit 2. The Tree Officer has expressed concern that this

relationship is not ideal because of honeydew droppings; however, as mentioned above, the affected parking space is not required in order to fulfil the parking requirement for this house.

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

- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 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.

Other Issues

- 2.46 With regard to contamination, the EHO has requested a condition be imposed setting out what action needs to be taken should contamination be discovered during the development; this is sufficient to address this issue, given the level of risk identified.

- 2.47 Several residents have expressed concern over the impact of the building works, including access by contractors' vehicles, noise and disturbance. The principle of residential development on the rear part of the site has been accepted previously and the issues are not likely to be significantly different now. However, given the constrained nature of the site and its surroundings, a condition can be imposed requiring the submission of a construction management plan.
- 2.48 Southern Water has not objected to the application; it must be assumed that they are content that the sewerage system has adequate capacity.

3. Conclusion (including assessment as to sustainable development)

- 3.1 This is a relatively small scheme that is acceptable in principle within the village confines. There is a previous commitment to residential development on the rear car park. The scheme has been amended to address previous concerns over the impact on residential amenity and is now acceptable in this respect. The siting, design and layout of the development will preserve the character of the hotel as a listed building, preserve the settings of other listed buildings, and preserve and enhance the character and appearance of the conservation area. All the potentially affected heritage assets would be conserved and there would either be no harm, or a positive enhancement, to their significance, thus satisfactorily meeting the tests in NPPF paragraphs 192 and 193. It is acceptable in terms of highways impacts and the provision of car parking, and other issues can be addressed through planning conditions.
- 3.2 It is a sustainable development that contributes to the economic, social and environmental objectives set out in NPPF para 8. It accords with relevant development plan policies and where there are no directly relevant policies, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is therefore appropriate to grant planning permission in accordance with NPPF para 11.

(g) Recommendation

I GRANT PLANNING PERMISSION subject to conditions:

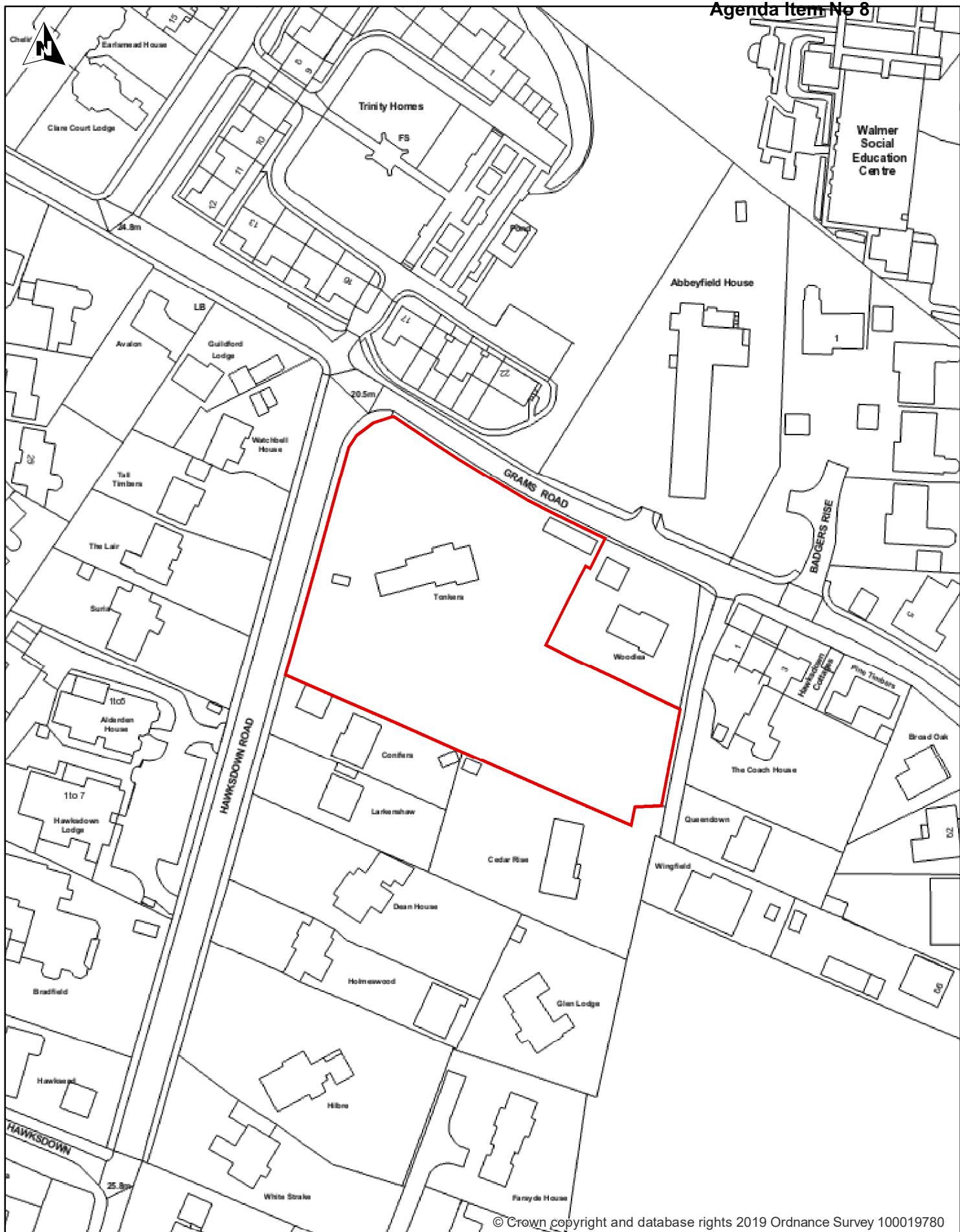
- 1) Standard time limit
- 2) List of approved plans
- 3) Material samples
- 4) Materials for means of enclosure and hard surfacing
- 5) Joinery details
- 6) Landscaping scheme – including new tree planting
- 7) Construction Management Plan
- 8) Surface water drainage details
- 9) Parking spaces – provision and retention
- 10) PD rights removed – extensions, alterations to roof, additional windows

- 11) Dealing with unanticipated contamination
- 12) Submit details of refuse bin storage
- 13) Rooflight to be flush with plane of roof
- 14) Tree protection – protective fences, details of foundations, need for hand-digging in sensitive areas
- 15) Restrict use of bar and restaurant to residents guests only
- 16) Bicycle parking

- 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 report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.
- III Informatives be added to the decision notice to reflect the comments from Southern Water and KCC highways.

Case Officer

Neil Hewett



DOV/19/00947

Tonkers
Hawksdown, Walmer
CT14 7PW

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/19/00947 – Erection of 7 detached dwellings, creation of new access road with associated parking (existing dwelling to be demolished) - Tonkers, Hawksdown Road, Walmer

Reason for report – number of contrary third-party comments (9)

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policy and Guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

DM1 – Settlement boundaries.

DM5 – Provision of affordable housing.

DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

National Planning Policy Framework (NPPF)(2019)

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

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

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect

- current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

For decision-taking this means:

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

124. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this...

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Guidance

Addendum to the Affordable Housing SPD (2011)

- d) **Relevant Planning History**

None.

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

DDC Trees – (Prior to amended scheme) recommended that layout be amended to reduce/remove conflict with trees in neighbouring gardens. (Following amended scheme) recommends condition for arboricultural method statement including requirement for details of foundations in relation to dwelling at plot 5.

KCC Highways – No objection, subject to conditions.

KCC Infrastructure – No objection, subject to following infrastructure requests:

- Primary education – Deal Parochial Primary School expansion – £19,944.
- Secondary education – Goodwin Academy/Sir Roger Manwood expansion – £24,690.
- Community learning – Deal Adult Education Centre – £153.84.
- Libraries – book stock at Deal library – £288.09.
- Social care – extra care accommodation in Dover District – £881.28.

All homes to be built as wheelchair accessible and adaptable dwellings.

Informative – fibre optic broadband to the premises – FTTP.

KCC Archaeology – No objection, subject to condition.

KCC SUDS – No comment received.

Southern Water – Application for connection to public sewer is required. SUDS maintenance scheme is required.

Affinity Water – No comment received.

Walmer Parish Council – [Following amendments] The committee positively supports the proposal.

Third Party comments – 9x objections, 1x support

Objections

- Dominance of some dwellings over neighbouring rear garden space.
- Overbearing of some dwelling layouts along length of neighbouring boundaries.
- Drainage issues in relation to location of soakaways.
- Concern about foul drainage and positioning of dwellings in relation to the topography of the site.
- Conflict with overhanging trees and potentially tree roots from neighbouring gardens.
- Concern that overshadowing would be caused.
- Suggests reduction in numbers to six, issue of density.
- Traffic.

Support

- Site has been allowed to fall into disrepair, proposed dwellings are in keeping with surrounding properties.

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

1.1. The Site

The site is located in Walmer on the eastern side of Hawksdown Road, at its junction with Grams Road. The site is approximately 0.55 hectares in area and the land falls from Hawksdown Road in an easterly direction.

- 1.2. The site comprises the residential dwelling Tonkers, dating from the 1950s/60s, an area of hard standing to its front (north) and a garden primarily laid to lawn, with a small orchard in the east of the site. The garden is generally bordered by trees of various species and is well enclosed.
- 1.3. Immediately neighbouring the site are the following dwellings:
 - Woodlea – cut out of the north east corner of what would have previously been part of the same plot. This house is located at a lower level than the application site surrounding it.
 - The Coach House – located east of an access drive at the eastern end of the site, set at a lower level where the land keeps falling towards the valley bottom.
 - Queendown – located immediately south of The Coach House.
 - Wingfield – located diagonal to the south east corner of the site, immediately south of Queendown.
 - Cedar Rise – located immediately south of the eastern half of the site.
 - Conifers – located immediately south of the western half of the site.
- 1.4. West of the site on the opposite side of Hawksdown Road, and set on higher land, are the following dwellings – Suria, The Laire, Tall Timber and Watchbell House.
- 1.5. North of the site, on the opposite side of Grams Road, are the following dwellings – 17, 18, 19, 20, 21 and 22 Trinity Homes, and the residential home Abbeyfield House.
- 1.6. Site dimensions, approximately, are:
 - Depth (from access) – 100 metres, 60 metres at Woodlea.
 - Width – 65 metres, 30 metres at Woodlea.

Proposed Development

- 1.7. The proposed development comprises the demolition of the existing property, Tonkers, and the erection of seven dwellings laid out around a central access road. The access road would involve the widening of the existing residential access, and it would run east from that point.
- 1.8. Existing trees are in the main proposed to be retained, and in turn these help to form the wider site boundary. Each dwelling would have a double garage, as well as space for parking outside. Gardens are broadly of an equal size across the development.
- 1.9. The design of dwellings incorporates traditional forms with pitched roofs and traditional materials. All dwellings incorporate two storeys, either with rooms in the roof, or with a complete first floor.

2. Main Issues

- 2.1. The main issues to consider are:

- Principle of development
- Design and visual amenity
- Residential amenity
- Highways and traffic impact
- Ecology and appropriate assessment
- Trees
- Planning obligations – affordable housing and infrastructure
- Other matters

3. Assessment

3.1. Principle of Development

The site is located within the wider Deal urban boundary. The development is acceptable, subject to material considerations.

3.2. Design and Visual Amenity

The elongated shape of the site has informed the proposed layout. There is a single access road with turning area that runs from the existing access point on Hawksdown Road south east through the centre of the site, with dwellings proposed either side of this.

- 3.3. For a site of 0.55 hectares, a typical density calculation at 30 dwellings per hectare would result in the provision of 16 or 17 dwellings gross. However, this does not account for the site context or the prevailing density of dwellings in the area. Discussed further below, the proposed development is considered to make efficient use of the site while still maintaining an acceptable relationship with neighbouring dwellings (in spatial terms) and still being able to be accommodated comfortably within the street scene.
- 3.4. In terms of how the site will be perceived from the highway, boundary planting is proposed in large parts to be retained, or strengthened, which while acknowledging the development within the site, will allow for a large part of the existing character to be maintained.
- 3.5. In terms of how the development would feel from within, there is a large proportion of the site that has been given over to a combination of the access road and parking areas, which has the potential to create a generally loose internal layout, with front boundaries not overly defined. However, with the considered use of materials for hard and soft landscaping, as well as planting proposals being taken into account, this matter would not be so prominent once the development has matured.
- 3.6. The design of dwellings and use of materials, is well considered, with a generally attractive aesthetic proposed, offering a contemporary Kentish vernacular. Typically, the reference is to pitched roofs, catslides and chalet layouts, but with a clean finish.
- 3.7. The proportion of proposed garden space, particularly that shown as green space, is welcomed and adds to the design character of the proposal, which is considered to be of a good standard.

3.8. The design proposals are considered to be acceptable.

3.9. Residential Amenity

The applicant has worked with local residents to amend the scheme, in order to address residential amenity concerns.

3.10. Particular concerns were raised about the originally submitted proposal in relation to the interaction of the proposed dwelling at plot 4 and the rear (southern) boundary of the neighbour at Woodlea. Woodlea is set at a lower level than the immediate site surrounding it, such that in many places its first floor accords with ground level inside the site where immediately adjacent. The applicant has redesigned this part of the site so that the orientation of the buildings has been turned, facing the gable end to the dividing boundary and lessening any sense of overbearing. Upstairs windows facing immediately towards Woodlea have been designed out and where there is a bedroom roof light facing toward Woodlea, the cill height has been set at 1.7 metres above internal finished floor level.

3.11. In relation to the relocated dwelling at plot 4, consideration was given to the potential for overlooking towards Queendown and The Coach House to the east, however, separation distances here are considered adequate so that no undue harm to amenity would arise.

3.12. At plot 3, the windows facing toward Woodlea have a minimum cill height of 1.65 metres, which is below the normal 1.7 metres standard to avoid overlooking, however, these windows are above a void space adjacent to a galleried walkway, so it is considered in this case that the potential for loss of privacy resulting from these windows is limited. Due to the difference in land heights, any views towards Woodlea from these windows are likely only to be over its rooftop.

3.13. In all other locations, windows have been located either, so they do not face toward neighbours, or so that any windows that do face toward neighbours are at ground floor level.

3.14. In residential amenity terms, the development is considered to be acceptable.

3.15. Highways and Traffic Impact

The proposed site access would involve a widening of the existing site access. The Kent Highways officer has commented that this access would have adequate visibility and that the small number of trips generated by this proposal would be unlikely to have a severe impact on the highway network.

3.16. Adequate parking is also proposed.

3.17. The proposed development is considered acceptable in regard to the functioning of the highway.

3.18. Ecology and Appropriate Assessment

The site comprises a residential garden primarily laid to lawn. There is low potential for this proposal to have an adverse impact on ecology, however, following the principles of net biodiversity gain, a biodiversity enhancement scheme will be conditioned on any grant of permission.

- 3.19. The proposal is considered acceptable in terms of its ecology impacts on site.
- 3.20. The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment
- 3.21. All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.22. Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.23. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 3.24. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 3.25. Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the council will draw on existing resources to fully implement the agreed Strategy.
- 3.26. Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3.27. Trees

Concern was raised by the neighbour at Cedar Rise regarding the impact of the originally submitted proposal on the large cypress trees located in that property – both in terms of the conflict of overhanging branches and on their root protection areas.

- 3.28. The DDC tree officer visited the site and recommended amendments to the layout. The applicants amended the layout such that dwellings 4 and 5 were set away from the overhanging branches, and such that the root protection area of the eastern cypress tree was avoided. Where tree branches overhang the site, significantly so in some cases, the applicant is legally able to cut these back. Were permission granted, a condition is proposed to submit for approval details of any

proposed tree works in this regard to ensure the ongoing health of the tree.

- 3.29. The applicants have subsequently amended the scheme to move dwelling 5 away from the root area of the western cypress tree. Nevertheless, there is the potential of some remaining conflict, so the tree officer has recommended that this can also be addressed by condition, also having regard to foundation design at this point.

- 3.30. Tree considerations are therefore considered to be acceptably addressed.

3.31. Planning Obligations – Affordable Housing and Infrastructure

Due to the site area for the proposed development exceeding 0.5 hectares, albeit with the proposal not being equal to 10 dwellings net, a requirement for affordable housing is incurred under policy DM5 of the Core Strategy. There has been some discussion of whether the application of DM5 in this circumstance is the correct procedure, given the definition of major development as contained in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as compared to the guidance in the NPPF 2019 and the planning practice guidance, nevertheless, the applicant agrees to the requirement of the policy.

- 3.32. Policy DM5 provides, for developments between 5 and 14 dwellings, the option to meet the requirement of the policy through a financial contribution. The Addendum to the Affordable Housing SPD further defines how the financial contribution is calculated. The applicable calculation is 5% of the gross development value (GDV) i.e. total sales values. From a brief interrogation of asking prices in and around Hawksdown Road, dwellings of a comparable size can be seen on the market for around £625,000.

- 3.33. A further consideration that must be taken into account is the vacant building credit, which would deduct the floor space of the existing dwelling Tonkers, from the proposed floor space of all the new dwellings taken together and apply this as a fraction of the calculation undertaken through the Addendum to the Affordable Housing SPD. National planning practice guidance illustrates the process as follows:

The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.

- 3.34. Given that Tonkers has not been abandoned and was purchased for the purpose of redevelopment, it is considered that it would meet the definition of a vacant building. No information is currently available regarding respective floor spaces of the existing building, or the proposed buildings, however, this will be updated verbally during the committee meeting. Notwithstanding this, the recommendation requests that the matter is delegated to the Head of Planning, Regeneration and Development, to be determined, and agreed/negotiated, by way of an evidence based submission from the applicants.

3.35. Infrastructure Requirements

Kent County Council has requested the following contributions:

- Primary education – Deal Parochial Primary School expansion – £19,944.
- Secondary education – Dover Grammar School for Girls expansion – £24,690.

- Community learning – Deal Adult Education Centre – £153.84.
- Libraries – book stock at Deal library – £288.09.
- Social care – extra care accommodation in Dover District – £881.28.

3.36. The Dover District Council principal infrastructure officer has requested the following with regard to open space provision:

- Outdoor sports provision – £3254.27 – towards an enhanced maintenance regime at Deal and Betteshanger Rugby Club.
- Children's equipped play space – £4967.19 – towards the enhancement of the strategic play space at Marke Wood Rec. in Walmer.

3.37. The applicant has agreed to meet all infrastructure requests.

3.38. The Thanet Coast and Sandwich Bay mitigation strategy does not apply on schemes below 15 dwellings. Therefore, no payment is sought in this regard.

3.39. The total infrastructure costs, excluding affordable housing, equate to **£51,179**, which the applicant has agreed to pay. The affordable housing requirement, as noted, would be subject to further interrogation.

3.40. Subject to the payment of the identified planning obligations, the scheme is considered acceptable.

3.41. Other Matters

3.42. Drainage. Some concern has been raised about the proximity of soakaways to the proposed dwellings. Soakaways appear to have been shown at a distance of 5 metres from the dwellings, whereas the requirement for chalk soil is 10 metres. The KCC SUDS team did not reply to the consultation, however, it is considered prudent to attach a condition for such details to be submitted for formal approval.

3.43. Archaeology. The county archaeologist has recommended that a planning condition be used on any grant of permission to secure a programme of archaeological work in accordance with a written specification and timetable. Accordingly, the proposed development is considered to be acceptable in respect of any archaeological implications that it may have.

4. Conclusion (and sustainability)

4.1 The planning system undertakes three roles in regard to sustainable development – economic, social and environmental. While the scheme is considered acceptable in principle and all other material regards, consideration in light of these roles is nevertheless considered a prudent approach to decision making.

4.2 Economic. The proposed development would have some time limited benefits in terms of the construction contract. It would also potentially enable new residents in the area who may contribute to the local economy. The scheme is therefore considered to have economic benefits.

4.3 Social. The proposal potentially would bring new families to the area that could benefit and play a part in the local community and support local facilities. The scheme also represents a net gain of six dwellings to the area. Issues in regard to any impact on residential amenity are considered to have been addressed by the proposal. The development is therefore considered to have noticeable social benefits.

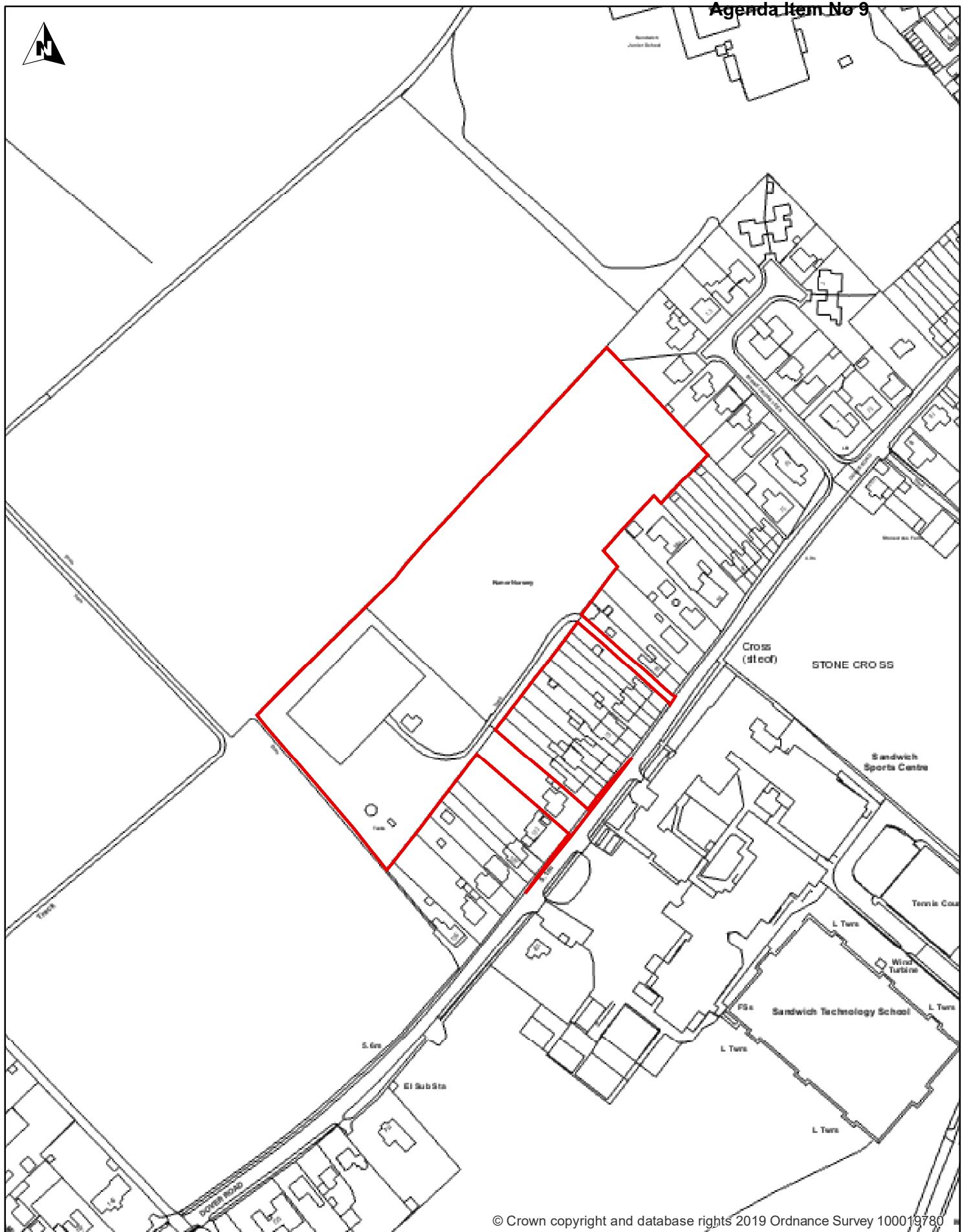
- 4.4 Environmental. The development of an existing residential site, with a good standard of design, as opposed to developing undeveloped land, is considered to represent a primary benefit of this proposal. The proposal makes efficient use of land and is within a recognised settlement. The proposal has been amended to take account of its immediate environment. The scheme is considered to have strong environmental benefits.
- 4.5 Overall, the proposal is considered to be beneficial and as such, the recommendation, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 11 of the NPPF, is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to a legal agreement, including resolution of an affordable housing financial payment; and conditions, including the following:
 - (1) Time limit
 - (2) Plans
 - (3) Materials
 - (4) Hard and soft landscaping, means of enclosure, gates
 - (5) Site sections
 - (6) Details of earthworks and regrading
 - (7) Arboricultural method statement, including details of foundations at plot 5
 - (8) Provision of visibility splays prior to use of site commencing
 - (9) Pedestrian visibility splays
 - (10) Widening of vehicle crossover prior to works commencing
 - (11) Access gradient
 - (12) Bound surface
 - (13) Parking, garaging and turning areas
 - (14) Bicycle parking
 - (15) Surface water drainage scheme
 - (16) No surface water onto highway
 - (17) Refuse and recycling bins
 - (18) PD restrictions – A (alterations and extensions), B (extensions to the roof), E (outbuildings), F (hard surfaces)
 - (19) Archaeology
 - (20) Biodiversity enhancement scheme
 - (21) Construction management plan
- II. That powers be delegated to the Head of Planning, Regeneration and Development to resolve the details of the affordable housing financial payment, and settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Darren Bridgett



DOV/18/00681

Former Kumor Nursery and 121 Dover Road
Sandwich
CT13 0DA

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



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

- a) **DOV/18/00681 – Erection of 56 dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) - Former Kumor Nursery and 121 Dover Road, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 500 (around 5%) is identified for the Sandwich.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified at less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

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

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site. Of particular note, is paragraph 78 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market

conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.

- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The Kent Design Guide (KDG)

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

National Design Guide

d) Relevant Planning History

DOV/17/00280 - Erection of 67no. dwellings, single and double garages, new vehicular access, associated parking and landscaping (demolition of 121 Dover Road) – Refused and Dismissed at Appeal

e) Consultee and Third-Party Responses

Crime Prevention Officer – The application has made effort to address 'designing out crime' in the submitted Design and Access Statement. Although some concerns remain from the previous application, it is requested that these be addressed by condition (boundary treatments, footpath design, defensible spaces, parking, door and window standards, landscaping and lighting).

Natural England – No objection, subject to a financial contribution being secured towards the SPA and Ramsar site mitigation strategy.

KCC Highways and Transportation – *Initial response received 24th October 2019*

No objection in principle, however the highway-related plans finally agreed for the previous application showing revised vehicle tracking (drawing number 1152/T07 B) and amendments to parking restrictions in Dover Road (drawing number 1152/T09 P3) have not been submitted as part of the current application. Such details are therefore required. Clarification should also be provided regarding whether the internal roads will be offered for adoption.

Subsequent response received 11th November 2019 (in response to third party comments)

The incident in April is not recorded in our latest crash data which goes up to the end of June 2019, which is unusual, so it may have actually occurred off the highway. We therefore don't have any details of what caused the incident but the Kent Online website appears to suggest it was a young person coming off their bike and there is no mention of any other vehicles being involved. There have been no other recorded incidents at the Dover Road/Deal Road junction or in the section of Dover Road leading to the site between the beginning of 2016 and end of June 2019, so there does not appear to be any pattern or number of crashes to suggest a particular problem in the vicinity.

Subsequent response received 13th January (due to the sensitivity regarding the highway network, this comment has been reproduced in full).

The proposals are likely to generate approximately 27 two-way vehicle trips in the network peak hours along Dover Road and through the Dover Road/Sandwich Road junction. Whilst Dover Road is not heavily trafficked there is clearly an increase in traffic during drop-off and pick-up periods for the nearby school. On-street parking takes place along Dover Road particularly in the eastern section which narrows the road to single-way working in places, although there are some passing places available through gaps in the parking and existing parking restrictions. In order to accommodate the additional trips from the development in the eastern section of Dover Road, the proposals include improvement of existing passing places and additional parking restrictions to assist with the flow of traffic particularly during the peak hours, as follows:

- i) Extension of the existing double yellow lines on the south side of Dover Road across the junction with Stone Cross Lees;
- ii) Provision of double yellow lines across the accesses to numbers 67 and 69 Dover Road but extended sufficiently to provide sufficient room for a vehicle to readily manoeuvre in/out of the passing place,
- iii) Extension of the existing double yellow lines outside numbers 45 and 47 Dover Road to provide greater room for a vehicle to readily manoeuvre in/out of the passing place.

These improvements will create better inter-visible passing places at regular intervals to accommodate the additional traffic from the development, as well as providing improved visibility for drivers using the accesses to numbers 67 and 69. Whilst the proposals will remove 3 usable on-street parking places, this small number can be accommodated elsewhere on-street in the vicinity. It is also likely that over time some children from the proposed development will attend the nearby school and travel on foot, replacing pupils who will have come from further afield and travelled by car and therefore providing a reduction in vehicle trips associated with the school.

Whilst the footways at the eastern end of Dover Road are narrow, they are usable and have been in use for many years. Vehicle speeds in this section are low and there are no recorded personal injury crashes in the five years to the end of June 2019 in this section of the road.

The impact of the additional traffic at the junction of Dover Road with Deal Road was previously assessed and is acceptable, with the junction still operating within capacity. The junction has acceptable visibility and there have been no recorded personal injury crashes at the junction in the five years to the end of June 2019.

The western section of Dover Road leading to the site entrance has sufficient passing places already available and wider footways.

The site access arrangements include building out the kerb line in Dover Road to achieve suitable visibility and the provision of a pedestrian crossing point across Dover Road to provide suitable access to/from the nearby school. The access arrangements require double yellow lines to maintain appropriate visibility at the proposed crossing point and site access. This removes up to 7 usable on-street parking spaces and these are replaced in a proposed lay-by in the initial section of the site access road. The proposed parking restrictions will also provide improved visibility for drivers using the accesses to numbers 111-119 and 123-127 Dover Road.

A Traffic Regulation Order (TRO) would be required for all 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.

The proposed internal site roads are to remain private. The proposed site access arrangements can accommodate a suitable size of refuse, emergency and delivery vehicles. The development requires a total of 84 car parking spaces in accordance with Policy DM13 and 123 spaces are provided (plus 32 garages and the 7 replacement spaces in the site access road). The proposed internal layout and parking arrangements are therefore unlikely to have an unacceptable impact on the existing highway.

Construction traffic and timing of HGV movements (to avoid school drop-off/pick-up periods), associated temporary traffic management measures, 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 considered on balance unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans including unrestricted access to the 7 replacement parking spaces in the site access road lay-by, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the site access and highway alterations as shown on drawing number 11532 T-03 Rev. P5 or amended as agreed with the Local Planning Authority prior to the use of the site commencing.

- No occupations until all reasonable endeavours have been undertaken to implement Traffic Regulation Orders (TRO's) prohibiting street parking in Dover Road as shown on drawings numbers 11532 T-03 Rev. P5 and T-09 Rev. P3 or amended as agreed with the Local Planning Authority.
- Provision and maintenance of the visibility splays shown on drawing number 11532 T-03 Rev. P5 with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Demolition and Construction Management Plan to include the following:
 - (a) Routing of construction and delivery vehicles to/from the A256;
 - (b) Proposed site access point;
 - (c) Timing of HGV movements to/from site (it should be noted that such movements will not be permitted during school drop-off and pick-up times);
 - (d) Parking and turning facilities for delivery and site personnel vehicles;
 - (e) Wheel washing facilities,
 - (f) Temporary traffic management (this will need to be agreed with our Streetworks Team and may need to include temporary parking restrictions, signage, etc.).

Informatics are also recommended.

KCC PROW – No objections. It would be beneficial to create a link to the bridleway.

KCC Economic Development – Awaited

KCC Lead Local Flood Authority – The proposed drainage strategy within the Drainage Strategy Report (2016) is acceptable. The use of permeable paving and attenuation tanks is suitable and would provide sufficient storage capacity. We welcome the proposal to limit the discharge rate to 5 litres per second that matches greenfield run off rates. We advise additional ground investigations are undertaken on site to confirm infiltration rates for the permeable paving. Additional analysis to be undertaken to understand the flooding implication for a greater climate change allowance of 40%. The detailed design stages should model drainage using FeH rainfall data. Should permission be granted conditions are recommended to secure the submission and approval of a detailed sustainable surface water drainage scheme, a verification report and an operation and maintenance manual for the proposed sustainable drainage scheme.

River Stour Internal Drainage Board – Whilst the proposed restricted surface water runoff rate of 5l/s is likely to be appropriate (provided that sufficient on-site storage is provided to accommodate the 1 in 100 year rainfall event, plus an allowance for the predicted effects of Climate Change) it is unclear exactly how the site currently drains. Details of the existing situation, detailing drainage routes should be provided. The use of open SUDS is preferred. Surface water drainage should be made the subject of a planning condition.

DDC Senior Natural Environment Officer – *Initial response received 14th October 2019*

The site is predicted to support a medium population of slow worms and common lizards. It appears that no reptile habitat will remain following development, therefore the applicant is proposing a translocation of these species to a receptor site north-east of Eastry at TR 3133 5560. This receptor site is approximately 0.4 ha and currently supports a low population of common lizard & grass snake. It comprises semi improved grassland and woodland edge habitats. The donor development site is 2.3 hectares, so this represents a considerable reduction in habitat area. The consultant makes recommendations for some habitat improvements at the receptor site, in order to try to

increase its carrying capacity. They include creation of log piles & hibernacula & a relaxation of the mowing regime, to create varied sward heights, by rotational mowing on a 3 year cycle.

Natural England standing advice on reptiles states that translocations should really be a last resort and adhere to certain conditions. The receptor site should be at least the same size as the habitat that will be lost, and larger if the habitat to be lost is of high quality. It should also not currently support the same species as the donor site. I am not convinced that the habitat improvements being offered are sufficient given the large difference in size between the two sites. No information is provided about who owns the receptor site or whether it will be in the control of the developer.

Although no bat roosts were found, bats are likely to be using the site for foraging/commuting. A bat sensitive lighting strategy following Bat Conservation Trust guidelines has therefore been recommended. This should form a condition of planning permission.

Biodiversity enhancements should be conditioned but in order to demonstrate a biodiversity net gain in line with the policy requirements of the NPPF, additional enhancements are also recommended.

The developer will have to pay contributions to the SPA mitigation strategy. There appear to be no other predicted indirect or direct impacts upon the European sites within the zone of influence.

Subsequent response received 7th February 2019

There have been several iterations of the report, following discussions about the timeframe for completing a baseline survey of the receptor sites and carrying out any necessary habitat enhancements to increase the carrying capacity of the sites. I have explained to the consultant at Fellgrove that both take time and are not going to be complete by the end of this spring (as was originally proposed in the first report). They have therefore revised the schedule to extend the process over the next two seasons, with translocation now proposed in summer 2021. I was told that this is acceptable to their client because they are more concerned with gaining planning permission than the start date of the development. We therefore agreed that the mitigation strategy could form either a condition of planning consent or a legal agreement. It may be more appropriate to use a S106 because the landowners of these sites will need funds to manage the habitat for reptiles and monitoring of the population should be carried out for at least 5 years.

DDC Environmental Health – A Phase 1 Desk Study, Site Reconnaissance and Phase II Site Investigation Report was submitted with the application, which makes a number of recommendations. It is recommended that conditions should therefore be attached to any grant of planning permission, to ensure outstanding works are carried out, and that the site is brought a suitable for use condition.

DDC Head of Strategic Housing – There is a need for affordable housing of all types across the district - particularly affordable rented properties. The revised application makes provision for affordable housing in line with the Council's requirements for 30% of properties to be affordable. The proposed mix of affordable rented properties will address an identified need. Our preference is that any Shared Ownership housing will assist first time buyers into affordable home ownership. Recent experience elsewhere in the district has demonstrated that 2 bedroom homes are the more popular choice for shared ownership purchasers. The Registered Provider acquiring the shared ownership properties should ensure that the 3 bedroom house proposed for sale on a

shared ownership basis will be affordable in line with Homes England guidance and that should a purchaser who meet the Homes England eligibility criteria not be forthcoming, there is a contingency in place to convert this property to affordable rent if necessary, in order to retain the required % of affordable housing on the site.

DDC Tree Officer – The application site is largely bounded by a mixture of early and semi mature hedgerows that as a whole can, in time, effectively screen the site from the proposed development provided they are sufficiently protected. The hawthorn hedgerow located on the western boundary is already serving this purpose. This highlights the importance of ensuring it is protected throughout construction along with those less established hedgerows along the other site boundaries. The hedgerows located on the northern and western boundaries are deemed to have an estimated remaining contribution of greater than twenty years; the proposed planting within those gardens facing onto the northern boundary will help augment the hedgerow and offer higher level screening in time. No information regarding their protection has been provided and so an Arboricultural Impact Assessment should be secured by condition.

Environment Agency – No objection, subject to a condition being attached to any grant of planning permission related to addressing any contamination found during development which was not previously identified. Comments are also made regarding how any waste from the site should be dealt with and recommended means of draining surface and foul water from the site.

Southern Water – Southern Water can provide foul sewage disposal to the site. It is requested that, should planning permission be granted, conditions should be attached to secure detailed schemes for foul and surface water drainage. Southern Water can provide a water supply to the site.

KCC Archaeology – Sandwich is an important Medieval Town and Dover Road represents the former primary route from Sandwich to Eastry and Dover. It has been suggested that the route of Dover Road is of considerable antiquity, dating back to the early sixth century if not earlier, and interestingly the route appears originally to have been focussed not on the medieval town of Sandwich, but on a crossing point on the River Stour near Sandown (the postulated location of Sandwich's early medieval precursor). There is evidence of Romano-British and Medieval activity in the vicinity of the site. Contrary to the recommendation in the applicant's Planning Statement, it is suggested that a programme of archaeological works should be secured by condition.

Sandwich Town Council – Strongly recommend refusal, for the following reasons:

- Impact on highway safety
- Lack of visibility near the school (and parking and access along Dover Road)
- Capacity of physical infrastructure (public drainage and water systems)
- Density of the development
- Insufficient car parking provision

Public Representations –

91 letters of objection have been received, raising the following concerns:

- The development is contrary to the development plan, which is up-to-date
- Inadequate access to the site
- Poor visibility at junctions
- The pavements in the area are too narrow/harm to pedestrian safety
- School children walk, cycle and scoot in the road

- There are frequently near misses in the road
- The number of vehicle movements generated by the development has been underestimated
- Increased congestion
- Inadequate car parking provision and loss of parking for existing residents
- Harm to highway safety
- Inadequate public transport
- Harm to health and safety
- Insufficient provision of affordable housing
- Impact on ecology
- The ecological report does not consider 121 Dover Road, which is to be demolished
- Insufficient open space provided on the site
- Increased noise and dust
- Impact on house prices
- Loss of views
- Inadequate infrastructure (water supply, drainage, schools, GP's)
- Increased risk of localised flooding
- The development would be detrimental to the tourist industry of Sandwich
- There is a need for nurseries and allotments
- Harm to the character and appearance of the area
- Contributions could be provided towards the sports centre
- A joined up larger development in the area would be preferable to piecemeal applications

In addition, one letter of support has been received, raising the following points:

- There is no valid reason to reject this application.
- The highway is relatively safe compared to other roads in the district.

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1. The Site and the Proposal

- 1.1 The application site is located outside of the settlement confines and, for the purposes of planning, within the Countryside. To the north and west, the surrounding area is predominantly in agricultural use. To the south and east, the site is bounded by residential development, namely Dover and Stone Cross Lees. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre. The land is relatively flat. To the north of the site, beyond a parcel of agricultural land is a site which has been allocated for housing in the Land Allocations Local Plan, under policy LA16. Permission was granted for the erection of 120 dwellings on the land which is subject to LA16 in 2019.
- 1.2 The site itself extends to approximately 2.4ha. It was previously used as a plant nursery, although it is evident that this use ceased some time ago. The site still contains some of the glass houses which were used in conjunction with that business, although much of the site is vacant of buildings. The site has an existing narrow vehicular access. The application site also includes No.121 Dover Road and its garden, which is a residential property.
- 1.3 The current application seeks permission to erect 56 dwellings within the application site, together with a pedestrian access (utilising the existing access to the site) and a new vehicular access to the site (utilising the land which would be provided by the demolition of No.121 Dover Road). An area of open space would be provided along the north-western boundary of the site. The dwellings

would be predominantly two storeys in height, although three pairs of bungalows are also proposed.

- 1.4 It is important to note that this application follows a previous application, which was refused and subsequently dismissed at appeal. The previous application was for 67 dwellings and was recommended for refusal for one reason by officers and was subsequently refused by planning committee in accordance with the recommendation. The reason for refusal read:

“The site is located outside of any urban or rural settlement confines on non-Previously developed land. The development would fail to provide a mix of housing to meet the identified needs of the district and would cause harm to the character of the area affecting, in particular, those views from the south, west and north. The development would fail to fulfil social or environmental roles, failing to improve the environmental quality of the area or provide public benefits which outweigh the harm caused. Consequently, the development would be contrary to Dover District Core Strategy Policies CP1, CP4 and DM1 and National Planning Policy Framework paragraphs 17 and 64.

The application appealed to the Planning Inspectorate against the council's decision to refuse planning permission. The appeal was dealt with under the Public Inquiry procedure and was subsequently dismissed. In dismissing the appeal, the Inspector concluded that:

- a 'flat' planning balance should be applied;
- the proposal would have an adverse effect on the character and appearance of the area;
- the proposal would fail to provide an appropriate mix of dwellings;
- the proposal would provide 30% affordable housing and monies towards healthcare, primary and secondary education, libraries, social care and mitigation of impacts on the Special Area of Conservation;
- in the context of his decision, highway safety and parking matters weigh neither in favour nor against the proposal; and
- and, overall, the material considerations do not indicate that the development plan should be set aside nor do they demonstrate that the benefits overcome the harm identified.

2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network
- Ecology
- Infrastructure and Contributions

Assessment

Principle

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions

should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.

- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of, albeit directly adjacent to, the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services, albeit the majority of day to day facilities and services are available in Sandwich. The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside. The development would not meet any of the exceptions listed. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (as will be set out in detail later in this report), the loss of countryside alone is sufficient for a proposal to be contrary to DM15.
- 2.6 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy. It is considered that these policies are also the most important policies for determining the application.
- 2.7 Whilst the development is contrary to policies DM1, DM11 and DM15 and 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 delivered less than 75% of the Housing Delivery Test requirement over the previous three years, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.8 Having regard for the most recent Annual Monitoring Report, the Council are currently able to demonstrate a five-year supply. The council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.9 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per

annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.

- 2.10 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which has good access to facilities and services, including bus stops and Sandwich train station. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is out-of-date and should attract only limited weight.
- 2.11 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development, as set out above. Whilst, there is some tension between this policy and the NPPF, in this instance the site does provide a contribution to the character of the countryside and, consequently, it is concluded that the policy is not out-of-date, albeit it is considered to attract only moderate weight for the purposes of assessing this application.
- 2.12 It is considered that policies DM1 and DM11 are out-of-date, whilst DM15 is in tension with the NPPF. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable. Having considered the development plan in the round, it is considered that the 'tilted balance' is engaged. As such, the application should be assessed in the context of granting development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.13 An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Housing Mix

- 2.14 The proposal would provide fifty-six dwellings comprising eight one-bed, twenty two-bed, twenty-two three-bed and six four bed dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market,

particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing. The Inspectors appeal decision, in line with the reason for refusal, criticised the previous housing mix (in particular the lack of one-bedroom dwellings) which failed to reflect the mix required by Policy CP4, adjusted by market information (including the Strategic Housing Market Assessment).

- 2.15 Policy CP4 recommends the following housing mix: one-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017 (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

	Owner Occupied	Shared Ownership	Affordable/Social Rent
One-bed	4.3%	24.4%	28.2%
Two-bed	19.7%	34.1%	13.1%
Three-bed	43.7%	27.8%	25.5%
Four-bed	32.3%	13.7%	33.2%

The housing mix proposed by the current application has been amended, as follows:

Number of Bedrooms	Owner Occ.	Shared Own.	A/S Rent	Totals
One	4 (10%)	0 (0%)	4 (33%)	8 (14%)
Two	8 (21%)	4 (80%)	8 (67%)	20 (36%)
Three	21 (54%)	1 (20%)	0 (0%)	22 (39%)
Four	6 (15%)	0 (0%)	0 (0%)	6 (11%)
Totals (56)	39 (70%)	5 (9%)	12 (21%)	

As can be seen from the above table, the Owner Occupied mix broadly reflects the identified need, albeit there is a modest under provision of four-bedroom units and slightly higher provision of one, two and three bedroom units. In terms of affordable housing, the mix does not respond as well to the need across the district, albeit the preference for Affordable and Social Rent reflects the need of the majority of people seeking housing assistance from the Council.

- 2.16 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, overall, aligns closely to the mix advocated by Policy CP4. Whilst the mix diverges modestly from the more up-to-date housing mix recommended by the SHMA, it is not considered that this divergence is significant. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, it is considered that the housing mix proposed is not unreasonable, broadly responding to local need, whilst also responding to the characteristics of the site (for example by proposing house types which reflect those in the vicinity of the site). As such, it is considered that the housing mix is acceptable.

Character and Appearance

- 2.17 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.18 The development in the area is largely linear and street fronting, with a ribbon of development along Dover Road and, further to the south west, along Johns Green. To the west of Dover Road, Stone Cross Lees provides a variation to the character, being arranged as a cul-de-sac, although the development continues to front onto the street. Properties are typically set back from the road behind front gardens, although some more historic properties are closer to, and in some cases abut, the road. The scale and design of buildings varies along the length of the road, although in many cases dwellings appear as distinct groups or clusters of similarly designed dwellings. The non-residential uses are also important in establishing the character of the area. To the south of Dover Road is Sandwich Technology School and Sandwich Leisure Centre, which depart quite markedly from the character of the rest of the road, being formed of large two and three storey buildings which are linked together. Another important element to the character of the area are the undeveloped agricultural fields, which provide a visual reminder that the site is located on the fringe of the town and provide an attractive semi-rural character where breaks in build development occur.
- 2.19 The site itself is largely screened from views from Dover Road, being set behind the continuous development to the northern side of the road. Further to the south west, the south western boundary of the site is visible across an agricultural field which occupies the land between No135 Dover Road and No.165 Dover Road. The north western boundary of the site is seen from a Public Right of Way (ES8) which runs from St Bart's Road to the A256 and is located around 190m from the site. The site is also visible in longer views from Woodnesborough Road and another Public Right of Way (ES10). It should be noted that planning permission has been granted for 120 dwellings on a parcel of land adjacent to Woodnesborough Road and to the north of the application site. Once built out, this committed development would alter the context of the site. Within the site itself is a low-rise greenhouse-like structure which formed part of the previous plant nursery use. The roof of this is only just visible above or through the hedges. Most of the site comprises overgrown grass, scrub and brambles interspersed with some immature self-seeded trees. At present, from vantage points in the vicinity, the site provides a soft transition between the open fields and the settlement confines. As such, any development of the site would need to retain and enhance the boundary planting and ensure that the layout of the development minimises the prominence of buildings in these views.
- 2.20 The previous application was refused and subsequently dismissed at appeal by reason of its adverse effect on the wider character and appearance of the area. In particular, the Inspector stated that "it is not the character and appearance within the site that is of issue here between the main parties, but rather the visual impacts as seen primarily from ES08 due to the way in which the proposal would be located in close proximity to the boundaries of the site – at odds with existing dwellings along Dover Road – and the erosion of the intrinsic character and beauty of the countryside".
- 2.21 The application has been supported by a Landscape Statement, which has assessed the predicted visual impacts of the development at year 1 (i.e. upon completion of the development) and at year 10 (i.e. once the proposed

landscaping has become established, albeit the landscaping would continue to grow thereafter). This Statement, which was carried out in accordance with the standard methodology (GLVIA3) assesses 18 viewpoints in total. Regard has been had for the conclusions of this Statement.

- 2.22 The current application proposes the erection of 56 dwellings (a reduction of 11 units compared to the refused and dismissed application which had proposed 67 dwellings). The site measures around 2.4 hectares. The resultant density, around 23 dwellings per hectare, is of comparable density to the majority of the development on Dover Road, although this density varies considerably along its length and is almost 45 dwellings per hectare further to the north east (closer to the town). Whilst it would be undesirable to replicate such a high density on this rural fringe site and unreasonably low densities should be avoided in the interests of maximising the use of land, it is considered that the proposed density is acceptable. In reaching this conclusion, particular regard has been had for the specific constraints of the site and the need to ensure that a vegetative buffer is provided to the north western boundary to mitigate the visual impacts of the development. Taking into consideration the previous refusal and dismissal, it is considered that the application strikes an appropriate balance between allowing for the efficient use of land, whilst also allowing for the density to reduce towards the peripheries of the site and for the provision of a retained and enhanced landscape buffer.
- 2.23 The layout of the development comprises a series of short private drives accessed via a central access road which runs along the length of the site. This pattern of development departs somewhat from the more regimented development along Dover Road, although it is not considered that a looser pattern of development would appear out of place in this rural fringe location. From within the site, it is considered that the development would form a cohesive character of its own.
- 2.24 The scheme includes eight house types, seven of which are two storeys in height and one type is single storey. The house types share a common design language, with common features such as window design, canopies over doors, canted bay windows and window cills and headers. The development proposes the use of a limited palette of materials, producing a unity to the development, there would also be a degree of variety, with a mixture of multi-stock red brickwork and decorated and plain hanging tiles, under either slate or plain red tiled roofs. It is considered that the design of the buildings, whilst creating a development of its own character, would reference elements of building design in the locality and provide a degree of visual interest.
- 2.25 The site itself, which would generally be concealed in views from Dover Road, although views of the site would be possible along the access road (which would itself be plainly visible). Views of the access road, whilst changing the view from Dover Road, would not appear out of character with the edge of village, residential, character of the area. Some views of plots 7 to 16 would be possible from the south west, albeit these buildings would be largely screened by a buffer of vegetation such that only the upper parts of the building and some glimpse views through vegetation would be possible. This is consistent with the Inspector's assessment of the previous scheme, when it was concluded that "whilst it is likely that the roofscape of proposed dwellings would be visible from Dover Road, in the main this would be mitigated by the limited visibility these viewpoints afford from the public realm through existing built form or landscaping". It is considered that, subject to a landscape buffer is to be retained and enhanced to the south western boundary, these views would be sufficiently

filtered and screened to retain a soft rural edge character and would not cause any unacceptable harm to the character of the area, when viewed from Dover Road.

- 2.26 The Inspector's decision to dismiss the appeal for the previous application focused on the developments impact on views from ES08 and ES10 to the north of the site. The Inspector concluded that the previous scheme would have noticeably altered views ES08 in particular, "eroding the gentle visual transition from the urban to rural form". The siting of 9 dwellings close to the north western boundary was specifically criticised.
- 2.27 The current application has reduced the number of dwellings by 11, such that the proposed dwellings can be located further away from the north western boundary. The majority of the proposed dwellings would now be separated from the north western boundary by around 16-18m, although two dwellings would be separated by around 12m. This compares to separation distances within the scheme which was dismissed at appeal of just a few metres. The separation distance created by the current layout has allowed for the provision of a communal landscape buffer, which would be planted with trees and would provide a surfaced walking route. The height of the building has also been reduced following the dismissed appeal. The majority of the plots would be two storeys in height but plots 30 to 35 would be single storey. The existing boundary vegetation would be retained and enhanced to provide improved screening.
- 2.28 The existing vegetation on site, whilst providing a screening effect, is relatively low and sparse, such that the development would be plainly visible in views from the north once completed (and before the proposed landscaping has become established). The applicants Landscape Statement includes computer generated images of the proposed development in years 1 and 10. Similar images were provided (and have been reproduced in the current Landscape Statement) to support the previous appeal and were credited by the Inspector. Likewise, it is considered that the CGI's are reasonably reliable. At year 1, they CGI's show that the development would be plainly visible, albeit the trees planted within the landscape buffer would filter views (the proposed trees would be sizeable when initially planted, predominantly being semi-mature trees with a trunk girth of 30-35cm). Given the size of the trees to be planted, by year 10, the development would be largely screened, albeit glimpses of the buildings behind the landscape buffer would be possible, particularly at roof level. A detailed landscape plan has been submitted demonstrating the number, location and size of trees and other vegetation proposed. The submitted Landscape Statement concludes that, in views from the PROW to the north, the development would cause a major (adverse) visual impact in year 1, but this would have reduced by year 10 to a moderate visual effect whilst the nature of the effect would be neutral. This means that, whilst somebody using the PROW would notice a moderate change, this change would not be positive or negative by neutral. Having regard for the existing and proposed landscaping, it is considered that the conclusions of the Landscape Statement are reasonable and, accordingly, the development would cause harm to the character and appearance of the area in views from the north in the short to medium term, but would have a neutral impact in the medium to long term.
- 2.29 The landscaping plan submitted with the application shows that the access road and footpath would be bounded by a swathe of grass, bulb planting, standard trees and native hedging. Within the site, the main road would be bounded with a mixture of native hedging and shrub and ground cover planting, whilst a

significant number of standard trees along this route would provide structure. Adjacent to the main access road into the site and the central access within the development would be a 'green'. This 'green', which would largely be planted with grass with standard and heavy standard trees, spring bulbs and shrubs to its peripheries, would be the main focal point as you travel along the access road. The existing dense boundary vegetation to the south western and north western boundaries will be retained and complemented by semi mature trees. Overall, it is considered that the landscaping proposals are of a high quality and will help to reduce the visual impact of the development from outside the site, as set out above. Within the site, the landscaping will soften the appearance of the development. Should permission be granted, it is considered that it would be reasonable to secure, by condition, the completion of the landscaping scheme and full details of how boundary trees and hedges will be protected during construction, retained and enhanced.

- 2.30 In most instances, where boundary treatments would be prominent within the site, 2m high brick walls are proposed, with less attractive closed boarded fences being confined to less prominent locations. No hard boundary treatments (walls or fences) are proposed to the north western peripheries of the site, where the introduction of such features would produce a visually harsh character, whilst the boundary fences to the south western periphery would be set in from the boundary. Should permission be granted, it is considered that it would be reasonable to remove permitted development rights for the erection of boundary treatments to properties which abut the south western and north western boundaries, to avoid such a visual impact.
- 2.31 Due to the reduced number of dwellings, their revised siting, the reduction in scale of some of the dwellings and the landscaping proposed, it is considered that the impact of the development on the character and appearance of the area would be limited to a short to medium term impact whilst the landscape buffer becomes established, with a neutral impact thereafter. Accordingly it is considered that the development would not cause significant harm to the character and appearance and, due to the limited visual envelope which would be effected by the short to medium term impacts and the retention and enhancement of landscape features, would not harm the character of the landscape. The short to medium term adverse impact should, however, be weighed in the overall planning balance.

Heritage

- 2.32 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to Stone Cross House, which lies opposite Stone Cross Lees and is Grade II Listed. In addition Katescott and No.62 Dover, located further to the north east are also Grade II Listed. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.33 The development would not be visible from the nearby listed buildings. Furthermore, it is considered that, with subsequent development having been

built up to and around these listed buildings, their settings are relatively constrained. As such, having regard for the requirements of the Act, the development would cause no harm to these listed buildings or their settings.

- 2.34 The application has been accompanied by a desk based archaeological assessment. The report has been assessed by KCC Archaeology who have commented upon Sandwich's importance as a Medieval Town and Dover Road's importance as the former primary route from Sandwich to Eastry and Dover, which may be of considerable antiquity (C6th or earlier). There is evidence of Romano-British and Medieval activity in the vicinity of the site. The Planning Statement, referencing the Archaeological Desk Based Assessment, considers that the archaeological potential of the site could be addressed by attaching a condition to any grant of permission requiring that a watching brief be undertaken. The county archaeologist disagrees, concluding that a programme of archaeological works should be secured by condition. Given the evidence provided, both within the applicants desk based assessment and provided by the country archaeologist, it is considered that there is a reasonable potential for features of archaeological significance on the site and, as such, it is recommended that a condition be attached to any grant of permission requiring that a programme of archaeological work take place.

Impact on Residential Amenity

- 2.35 The existing dwellings on Dover Road are set a significant distance away from the site, due to their long rear gardens. As such, the vast majority of dwellings would be located in excess of 40m from the nearest of the proposed dwellings. As such, those dwellings would not suffer an unacceptable loss of light, sense of enclosure or overlooking. An exception to this is No.91A Dover Road, which is in a 'backland' location behind No.91. The closest of the proposed dwellings to No.91A is plot 40. Plot 40 would be to the north west of 91A, around 18m away. Whilst this relationship is relatively tight, due to its orientation and separation distance, it is not considered that any loss of light or sense of enclosure would be caused. The front elevation of plot 40, which faces towards 91A contains two bedroom windows at first floor level. As these are the sole windows serving bedrooms, they could not readily be obscure glazed or be made to be non-opening. However, whilst a degree of overlooking would occur from these windows (particularly from bedroom 2), it is considered that this impact is limited and, on balance, would not warrant the refusal of the application. Plots 41-43 (inclusive) are located around 23m to the north of No.91A. Given this separation distance, it is not considered that unacceptable overlooking, loss of light or sense of enclosure would be caused.
- 2.36 Properties on Stone Cross Lees would be located at least 26m from the proposed dwellings, albeit single storey pitched roof garages are proposed closer to the boundary with the properties on Stone Cross Lees. Due to the separation distance, it is not considered that unacceptable loss of light, sense of enclosure or overlooking would be caused.
- 2.37 The access road to the development would be located between No.'s 119 and 123 Dover Road, following the demolition of No.121. As a consequence, the development would cause vehicles to pass along the sides of these properties and their gardens. Whilst this would create some additional noise and disturbance, it is noted that the road would be separated from the neighbouring dwellings by at least 8m (albeit the road would be located closer to gardens), whilst hedging would be provided to either side of the road. By virtue of the separation distances and vegetation proposed, it is not, therefore considered

that the development would cause an unacceptable degree of noise and disturbance. The impact from the proposed pedestrian access would be minimal.

- 2.38 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, the demolition involved, its proximity to neighbouring residential properties and the likely sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled (including a demolition method statement). Works are also proposed to Dover Road; however, these works are limited to minor alterations to footpaths road markings. As such, these works would not cause any significant impacts on residents.
- 2.39 The proposed dwellings themselves would all be of a reasonable size, providing their occupants with natural light and ventilation. Each would be provided with a private garden. The proposed dwellings would be set around 21m from each other where they are orientated back-to-back and at least, approximately, 11m where the houses are orientated at 90 degrees. Whilst, in some instances, the rear gardens of dwellings would be overlooked to a modest degree, it is not considered that this overlooking would be such that it would warrant the refusal of the application.
- 2.40 Third parties have objected to the application on the grounds that the development would result in the loss of property value and the loss of views. Neither of these matters are material planning considerations and, as such, cannot be attributed weight in the planning balance.

Impact on Local Highway Network

- 2.41 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.42 The site was considered for allocation in the Land Allocations Local Plan. Whilst land further to the north (land West of St Barts Road, adjacent to Woodnesborough Road) was allocated, allocation of the application site was discounted due to concerns regarding access and the increased use of Dover Road. Indeed, the preamble to the allocation at Land adjacent to Sandwich Technology School states that "Dover Road is not suitable to serve any further large scale development due to the number of accidents at the junction of Dover Road and Deal Road". In assessing whether to allocate the application site, it was commented that:

"Dover Road is unsuitable for handling traffic generated from the whole development area or from a smaller area such as the nurseries site. The southern end of the road has been blocked off and, at the north eastern end, it is fairly narrow with a poor junction onto Deal Road, which has known problems. Reopening the access to Dover Road from the A256 roundabout would not be possible".

- 2.43 The previous application for the site for 67 dwellings which was refused and dismissed at appeal concluded that the development would not cause an unacceptable impact on the highway network which would warrant the refusal of the application. The Inspector considered that “within the context of this decision” highway safety and parking matters “weigh neither in favour nor against the proposal”.
- 2.44 The current application proposes fewer dwellings than the previous application which was not found to be unacceptable in highway terms. The access to the site remains broadly the same as the access proposed by the previous application, having one main vehicular and pedestrian access onto Dover Road, together with a second access which would provide pedestrian and cycle access to Dover Road. Dover Road is blocked to its south western end and, as such, all vehicles travelling onto the wider road network must travel north east to the junction with Deal Road. Dover Road is, for most of its length, wide enough to accommodate two vehicles; however, this width reduces closer to the junction with Deal Road and, in parts, is only of sufficient width for one vehicle to pass, particular where cars are parked. Concerns have been raised by third parties that the development would exacerbate traffic on Dover Road, which is already considered to suffer from congestion, particularly at peak times due to the location of a secondary access to the rear of Sandwich Technology School opposite the proposed vehicular access. It therefore considered that the potential impacts of the development on local road network must be carefully considered.
- 2.45 Within the site tracking plans have been submitted which demonstrate that larger vehicles such as refuse freighters, removals lorries and fire appliances can access the site, manoeuvre around the internal roads and turn to allow them to leave the site in a forward gear around the site and parking. Tracking plans have also been submitted which show that access road leading to Dover Road and the main internal roads are of sufficient width to allow vehicles to safely pass each other and would allow drives, parking courts and parking spaces to be accessed conveniently.
- 2.46 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a ‘suburban edge/village/rural location, where 1 and 2 bedroom houses will be expected to provide 1.5 spaces per unit and 3 and 4 bed dwellings will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Garages are not considered to provide car parking spaces. The parking requirement for the 56 dwellings proposed (8 x 1 bed, 20 x 2 bed, 22 x 3 bed, and 6 x 4 bed) equates to 98 spaces for occupiers and around 11 visitor spaces.
- 2.47 The vast majority of dwellings would be provided with two car parking spaces, although some of the smaller one- and two-bedroom dwellings would be provided with one allocated space and have access to a shared space. In total 166 spaces would be provided (134 excluding garages) comprising: 96 spaces which would be allocated to dwellings; 8 spaces which would be unallocated/shared; 30 visitor spaces; and 32 spaces in garages. Excluding the spaces in garages, 104 spaces would be provided to dwellings together with a further 30 visitor spaces. It should be noted that 7 of the visitor spaces, which would be provided along the main access road, are intended to compensate for the on-street parking which would be lost due to the provision of parking

restrictions on Dover Road. Even accounting for this reproposal of parking, the development would provide slightly in excess of the required parking for residents and roughly double the number of visitor spaces which is required by Table 1.1. Whilst, numerically, the development overprovides car parking, having regard for the number of tandem spaces within the development (which are less convenient to use) it is considered that the level of car parking is reasonable. Consequently, it is considered that the parking provision is acceptable. Thirty dwellings would be provided with electric vehicle charging points, encouraging and enabling the use of more sustainable vehicles.

- 2.48 The proposed access onto Dover Road would be of sufficient width (carriageway of 5.5m wide and a 1.8m wide footway) to allow two vehicles to pass each other and allow for access by larger vehicles. At its junction with Dover Road, there will be a minor build out of the footway along Dover Road, with double yellow lines either side of the access. The build out and lining will ensure that adequate visibility can be secured in either direction. As stated above, the car parking which would be lost along Dover Road would be compensated for along the main access road. Either side of the access, dropped curbs and tactile paving are proposed to assist pedestrians. The access road has been subjected to a Stage 1 Road Safety Audit, which raised no concerns. The development would provide a second pedestrian access towards the north east of the site. This, combined with the layout of the development would provide for a permeable site which prioritises more sustainable forms of transport. The development also proposes the provision of cycle parking.
- 2.49 Dover Road is not generally heavily trafficked; however, it becomes well used during school peaks, as witnessed by officers, when there is significant pedestrian traffic, with groups of school children walking and cycling to the rear access to Sandwich Technology School, together with use by several school buses. To its west (around the proposed entrance to the site), Dover Road is relatively wide, but narrows further to the east where parked cars create pinch points. These pinch points are only wide enough to allow one vehicle to pass, with gaps in parking being used by vehicles to pull in and give way. The footpath at this pinch point also narrows. This narrowing of the footpath has been raised by a large proportion of third parties. Whilst footpaths to the west of the road, and around the accesses to the site are reasonably wide, footpaths to the east (in the direction of the town centre and its facilities, services and public transport links) decrease in width, particularly to the southern side of the road. In places the footway is less than 1m wide, allowing only single file pedestrian traffic, inhibiting the use of wheelchairs and prams and often causing groups of school children walk partly in the road. KCC have commented that, despite their width, the footpaths are usable. During the site visit for the appeal against the previous refusal, the Inspector was specifically asked to walk along these footpaths but did not cite the width of footpaths in his decision. Whilst KCC's position is accepted, with the footpaths being of sufficient width to function most of the time, your officer has also witnessed that footpaths functioning poorly during peak times. The usability of footpaths, resulting in some pedestrians walking on the vehicular carriageway, must be considered when assessing the likely impacts of the development, albeit against the backdrop that the previous application (which was for a greater number of dwellings) was not refused on highway grounds).
- 2.50 The trip generation from the proposed development has been modelled using a standard methodology, used nationally, concluding that it is likely to generate approximately 27 two-way vehicle trips in the network peak hours along Dover

Road and through the Dover Road/Sandwich Road junction. It was previously estimated that the 2017 application, for 67 dwellings (i.e. 11 more) would produce 35 two-way vehicle movements in peak hours. The estimated trip generation is considered to be robust and reliable.

- 2.51 There have been no reported personal injury crashes on Dover Road in the five years up to the end of June 2019, whilst vehicle speeds along the road are relatively low, likely due to the narrowing of the road. KCC have been specifically asked to comment on an incident which took place in April 2019 when a young person came off their bike. The incident was not recorded in the crash data, such that KCC have questioned whether the crash occurred off the highway or whether any other vehicles were involved. However, as there are no other recorded incidents on Dover Road or its junction with Deal Road, KCC have concluded that there is no pattern of crashes to suggest a particular problem in the vicinity.
- 2.52 The application proposes that additional yellow lines are provided along Dover Road to ease the manoeuvring of vehicles into and out of the passing places. The provision of improved facilities for vehicles to pull in and allow oncoming vehicles to pass will assist traffic flow during peak times. These changes would allow better intervisibility between passing places, as well as improving the visibility from the accesses of No.'s 67 and 69. Whilst these changes would result in the loss of around three on-street car parking places, KCC have advised that there is sufficient capacity to accommodate the cars which would be displaced; however, it must be recognised that this would cause a degree of inconvenience to road users.
- 2.53 The development would also increase the use of the junction of Dover Road and Deal Road. The applicant's modelling of the impacts of the development on this junction shows that the junction will continue to operate well within its capacity, with no significant increase in queue lengths. During site visits within peak hours (and during times when the gates at the level crossing to the train station would have been closed), it was noted that vehicles were able to leave the junction without having to wait for significant periods and no queuing was observed, correlating with the findings of the submitted report. Furthermore, visibility from this junction is reasonable in both directions. Again, there are no reported personal injury crashes at this junction over the five years to the end of 2019.
- 2.54 It is considered that, whilst the development would increase the number of vehicle movements along the road, the development would provide for the increased length of passing places and increased visibility for vehicles travelling along the road. Furthermore, it is not considered that waiting times at the Dover Road Deal Road junction would be significantly affected. Overall, it is considered that whilst there would be an increase in vehicle movements on Dover Road, these would be balanced against the benefits of increasing the usability of passing places. Whilst some on-street parking would be lost, the application would provide spaces within the site which would, in part, compensate for this, albeit some loss of convenience to existing residents may occur. It must be noted that the test for refusing permission on highways grounds is whether the development would result in a severe cumulative impact. KCC's advice is adopted and it is concluded that the development would not cause any unacceptable impact on the highway network which would warrant refusal.

- 2.55 To conclude, it is acknowledged that substantial concern has been raised from third parties regarding the impacts of the development on the local highway network, including the safety of children walking to school. Consequently, it is agreed that, whilst the number and frequency of vehicle movements on Dover Road is relatively low, the road would be particularly sensitive to changes which would harm highway safety. Whilst the development will increase the use of the road, it is concluded that such an increase would not be considerable, whilst the development would provide for alterations to the highway which would improve vehicular visibility and improve the efficient movement of traffic. Whilst the development would increase the number of vehicles using Dover Road, it is not considered that this would result in unacceptable delays to vehicles and would not cause harm to highway safety or the free flow of traffic. It is acknowledged that loss of parking spaces towards the north east of the road would cause greater inconvenience to road users, albeit this is considered to attract very limited weight. However, it is not considered that this inconvenience would be sufficient to cause a 'severe cumulative impact' on the network. The previous reason for refusal relating to the 2017 application and the Inspectors reasons for dismissing the appeal against that refusal are material in the consideration of the current application. Neither cited highways concerns as justification for permission not being granted, whilst the current application proposes 11 fewer dwellings compared to the previous scheme. As such, it is considered that the development is acceptable in highway terms.
- 2.56 KCC have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network.

Ecology

- 2.57 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.58 It is considered that the methodology and findings of the ecological report are acceptable. The report identifies that there is a Badger sett, which appears to be in use, close to the site, whilst the site is considered to provide foraging opportunities for Badgers. Whilst no setts were identified by the survey within the site, the possibility cannot be excluded. The site does not include any trees or hedges which would provide suitable habitat for bats, being too young (semi-mature) and lacking features such as cracks, crevices, holes and loose bark. All of the buildings on the site were assessed, of which, No.121 was the only to have a potential for bat roosting. The report recommends that a single bat emergence survey be carried out. The site does have potential for bat foraging and commuting. The site is not suitable for hazel dormice. The scrub and hedgerows may provide habitat for breeding birds, although the applicant's ecologist did not observe any nests. The site has a high potential to support reptiles, with tussocky semi-improved grassland, scrub and hedgerow habitats likely to attract reptiles. Due to the lack of standing waterbodies, the site does not offer suitable habitat for great crested newts. The site is likely to support a diverse range of invertebrates.
- 2.59 Having regard for the potential habitats and species on site, the applicant's ecologist recommended that a bat emergence survey and a reptile survey be undertaken.

- 2.60 A bat emergence survey was undertaken in July 2019, which showed that the garden area of No.121 is being used by a small number of bats, although the building does not support a bat roost. It is therefore recommended that any external lighting be sensitively designed and ecological enhancements include the provision of bat boxes.
- 2.61 Given the high potential for reptiles, a survey was undertaken to establish whether populations of reptiles are present on the site and the size of populations. This work identified a medium population of common lizards and a low population of slow worm. Initially, the applicant had proposed to address the reptile population by trapping and translocating reptiles to a receptor site near Eastry. However, concerns were raised by the council's ecologist regarding the suitability of the receptor site. Consequently, further work was undertaken by the applicant's ecologist to identify a suitable alternative site. This identified two potential sites, both outside of Sandwich, which were assessed to be both of sufficient size and sufficiently close to the application site. Further survey work will be required by the applicant's ecologist to determine the existing population of reptiles on these sites (and therefore whether the site, or the sites, have sufficient carrying capacity to accommodate the translocated reptiles) and the owners of the two sites have consented to surveys taking place and habitat enhancements being undertaken. Two further sites have also been identified, in Ash, albeit further information would be required for these two sites. The applicant's ecologist has also set out a projected timetable for surveys to be undertaken, habitat enhancement to take place and translocation to take place. The council's ecologist has advised that the timetable for translocation is reasonable and, subject to translocation being secured by legal agreement (to include funding for the management of habitat for reptiles and monitoring of the population for at least five years), raises no objection.
- 2.62 In addition to the need to protect existing ecology, it is considered that ecological enhancements should also be sought, in accordance with the NPPF. A lighting strategy should be agreed to avoid impacts on bats and on the tree belt to the east. A landscaping plan should be devised to include a range of native species (particularly plants used for foraging by bats) and existing hedgerows should be retained wherever possible. Any scrub clearance should be undertaken carefully and in the presence of a qualified ecologist to avoid any impact to badger. Whilst not recommended by the ecologist, it is considered that it would be proportionate given the close proximity of a badger sett to the site, to require by condition details of groundworks (and other works which may cause noise and vibration) close to the off-site badger sett. Removal of the greenhouse structures and vegetation should be undertaken outside of the breeding bird (nesting) season, unless the timing of the works are accepted by a qualified ecologist, following a check of the site. Finally, any loss of habitat should be compensated for by the installation of bird and bat boxes.
- 2.63 Consequently, subject to the proposed mitigation, safeguards and enhancements being secured by condition and Section 106 Agreement, it is not considered that the development would cause any harm to habitats or species.

Habitat Regulations Appropriate Assessment

- 2.64 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the

assessment and this information has been reviewed by the Council's Principal Ecologist and Natural England.

- 2.65 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.
- 2.66 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.
- 2.67 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.
- 2.68 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.
- 2.69 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.70 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.
- 2.71 Notwithstanding the conclusion that the development would be no adverse effect on the designated habitats, it should be noted that the Inspector carried out an Appropriate Assessment when assessing the previous scheme, reaching the same conclusion, stating "while the development in combination with other development in the area would be capable of having a significant effect on the designated habitats, that effect would be capable of being acceptably mitigated".

Contamination, Drainage and Utilities

- 2.72 The site lies outside of any ground water protection zone, but it does lie close to surface drainage features which are susceptible to contamination, as is the proposed residential use. The previous use of the site, as a plant nursery, may

have resulted in chemicals (such as pesticides or oils and petrol from vehicles or machinery) leeching into the ground, whilst there are also areas of made ground, the composition of which must be evaluated. The application has been supported by a 'Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report' to establish likely risks of contamination on the site. The Phase I report identified that the site has the potential to have significant levels of contamination; however, when the soils were laboratory tested, the vast majority of the site was found to be uncontaminated. One area was found to have slightly elevated levels of lead and benzopyrene. Although the levels recorded were not considered to pose a risk to controlled waters they would pose a low/moderate risk to human health. Consequently, the report recommends remediation take place. The report also recommends that further investigation takes place within areas which are currently inaccessible.

- 2.73 The Council Environmental Health team have advised that any grant of permission should be accompanied by a suite of conditions, requiring further assessment and remediation takes place, in order to ensure that the site is decontaminated such that it poses no unacceptable risk to human health or the environment. In addition, the Environment Agency have recommended that a condition, relating to previously unidentified contamination, be attached to any grant of permission.
- 2.74 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea. However, small areas towards the south of the site have been identified by the Environment Agency as being at risk from surface water flooding (1 in 1000 year) and, as such, it is necessary to consider whether the development would be susceptible to or cause an increased risk of localised surface water flooding.
- 2.75 The application has been supported by a Drainage Strategy Report, which confirms that, at present, a small area (around a drainage ditch which runs along the south western boundary of the site) may be at risk of surface water flooding in extreme weather, although the report also confirms that investigations have confirmed that groundwater was not recorded at a depth of 3m, whilst the natural topography of the site would direct any surface water flows into the existing drainage ditch and away from the site (and other properties in the locality).
- 2.76 The development would significantly increase the amount of impermeable area on the site and, as such, without appropriate surface water drainage, would be likely to cause surface water flooding. The Drainage Strategy Report confirms that this risk would be mitigated through the provision of permeable pavements for all access roads. Runoff from roofs and other impermeable areas will be conveyed to underground storage systems, which will comprise a mixture of oversized pipes, crates and open features. Subsequent discharge to the existing drainage ditch would be restricted to levels which would not impact upon the drainage ditch, or its ecology.
- 2.77 KCC, the Lead Local Flood Authority, have advised that they are generally content with the principles of surface water drainage, as proposed and confirm that the use of permeable paving and attenuation tanks would provide sufficient storage capacity. Limiting discharge rates to 5l/s is also welcomed by KCC, as this rate will match greenfield run-off rates. The River Stour Internal Drainage Board have advised that the proposed restricted surface water runoff rate of 5l/s is likely to be appropriate (provided that sufficient on-site storage is provided to accommodate the 1 in 100 year rainfall event, plus an allowance for the predicted effects of Climate Change), but have commented that current

drainage on site is unclear. Whilst further information will be required, the IDB conclude that surface water drainage should be made the subject of a planning condition.

- 2.78 Subject to a condition being attached to any grant of permission requiring full details of surface water drainage, together with details of the maintenance of such drainage, it is not considered that the development would not increase the risk of surface water flooding or pollution.
- 2.79 The application proposes to connect the development into the foul sewers which runs along Dover Road. Southern water have confirmed that their investigations have shown that this network has adequate capacity to meet the needs of the development. It is considered that, subject to a condition being attached to any grant of permission requiring full details of foul water disposal being submitted, the site would be properly serviced, without increasing the risk of flooding on the site or elsewhere.
- 2.80 Southern Water has also confirmed that they are able to provide a fresh water supply to the site.

Contributions

- 2.81 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required, albeit the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.82 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the potential locations for 17 affordable dwellings (30%). These dwellings would be provided in two groups, with 12 properties for Affordable Rent to the south western corner of the site and 5 properties for Shared Ownership towards to south east of the site. The Affordable Rent dwellings would provide four one-bed dwellings and eight two-bed dwellings, whilst the Shared Ownership properties would provide four two-bed dwellings and one three-bed dwelling. The council's Housing Development Manager has advised that the proposed mix of affordable rented properties will address an identified need, with a particular demand for two-bedroom properties. It is also advised that there may be some complications in providing a three-bedroom Shared Ownership dwelling, so there should be some flexibility to change this property to Affordable Rent. Subject to the details of the affordable housing provision being secured by S106 Agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.
- 2.83 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. In this instance, the Principal Infrastructure and Delivery Officer has not requested any Open Space provision. It is noted that the proposed development would include an area of open space, described as a 'green' centrally within the development, together with a green areas and paths to the north of the site. Whilst these would not provide any play equipment or other apparatus, they would provide opportunities for informal play. Within a relatively short distance of the site are

Poulders Gardens, The Bulwarks and The Butts public open spaces. On balance, it is not considered that a contribution towards off-site open space provision could be supported in this instance.

- 2.84 KCC have advised that they do intend to request that contributions are provided to meet the needs generated by the development but, at the time of writing, have not submitted their consultation response. Once received, their request will be considered to ensure that the projects identified, and monies requested meet the relevant tests for securing such contributions and the findings will be reported to members verbally at the Planning Committee meeting. The applicant has confirmed that they would be willing to meet any reasonable requests, which will need to be secured by legal agreement, should permission be granted.
- 2.85 It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably 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.

Other Material Considerations

- 2.86 The principle of the development is contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.87 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. As set out in the ‘Principle’ section of this report, “the policies which are most important for determining the application are out-of-date” (when considered together) and, as such, paragraph 11 of the NPPF states that permission should be granted unless the policies in the NPPF (relating to habitats sites, SSSI’s Green Belt, Local Green Space, AONB’s, National Parks, Heritage Coast, irreplaceable habitats designated heritage assets or flood risk and coastal change) indicate that permission be refused or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.88 The policies identified above (habitats sites, SSSI’s etc.) do not indicate that permission should be refused.
- 2.89 The second basis for refusing an application in accordance with paragraph 11 is that the adverse impacts of the development significantly and demonstrably outweigh the benefits. This report has assessed the impacts of the development and has not identified any harm or harms which would indicate that permission should be refused.
- 2.90 The NPPF confirms the government’s objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. In more rural areas, the NPPF encourages housing to be located where it will enhance or maintain the vitality of rural communities, for example where the housing will help to support local services. Development should also be located where it would reduce the need to travel and encourage more sustainable forms of transport.

- 2.91 The site is approximately a 1.3km walk from the centre of Sandwich. Sandwich is defined as a Rural Service Centre, which are intended to provide the main focus for development in the rural area and are suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. The site is also around a 1km walk from Sandwich train station, which provides links to mainline stations including London and international stations, whilst the nearest bus stops are around 500m away, which provide regular services to Canterbury, Deal, Dover, Ramsgate and the surrounding villages. Furthermore, the site is adjacent to Sandwich Technology School and around 750m from Sandwich Junior School. Finally, the site is well linked to the aforementioned facilities and services by footpaths (albeit some of these footpaths are narrow). As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.92 The site is not considered to be previously developed land, being largely vacant of buildings and, where buildings do or did exist; these buildings were used for agricultural purposes. The land which is occupied by No. 121 Dover Road is, however, considered to be previously developed.
- 2.93 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.94 In terms of the social role, the proposal would contribute towards the supply of housing supply and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would also meet the mix which has been identified as being required by the district, whilst 30% of the total number of housing units would be affordable units - a benefit which is given significant weight. The benefit of additional housing must be considered in the context of the councils demonstrable 5.30 years of housing land supply. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Dover Road; however, it is concluded that the impact of these additional movements would not warrant refusal. The development would cause some impact on neighbouring properties, albeit these impacts are limited.
- 2.95 In terms of the environmental role, the proposal would not cause limited impacts to the character of the area. Shortly after the development has taken place, the dwellings would be plainly visible from the public rights of way to the north; however, once the landscaping has become established, the dwellings would be largely concealed and views would be filtered. It has been established that the site provides habitat for protected species, which will be translocated off-site, should permission be granted. The development would also include other ecological mitigation and enhancements, which will be secured by condition and S106 obligations. The development would also facilitate the remediation of low levels of contamination on the site.

- 2.96 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme, such that the benefits of the scheme outweigh the disbenefits. Consequently, the NPPF requires that permission be granted.
- 2.97 Another material consideration of significant weight is the previous appeal decision. The appeal was dismissed on the basis that the appeal scheme would cause unacceptable harm to the character and appearance of the area (in particular in views from the north) and would provide an unacceptable housing mix. The Inspector had identified a number of plots in the appeal scheme which would be prominent in views from the north and would diminish the soft transition between the built-up area and the agricultural land. The current application has reduced the number of dwellings from 67 to 56 allowing the dwellings to be set away from the north western boundary of the site behind a wide landscaped buffer. Where the existing boundary landscaping is at its least dense, six bungalows are proposed to further reduce the visual impact of the development. The housing mix has also been altered to better relate to the identified need. As such, it is considered that the two reasons for the dismissal of the appeal have been overcome. Whilst commented upon by the Inspector, the highway impacts of the appeal scheme were not cited as a reason for the dismissal of the appeal.

3. Conclusion

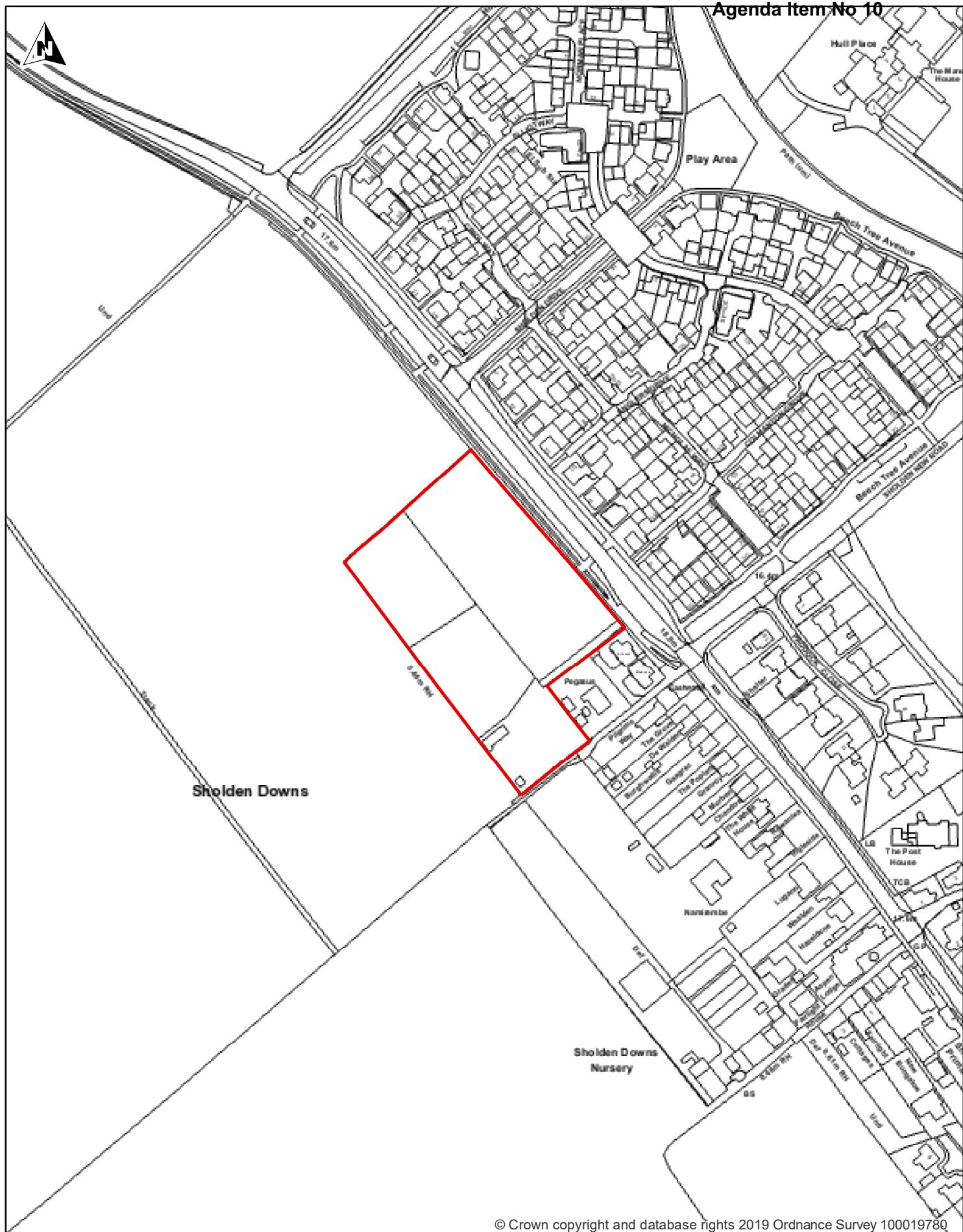
- 3.1 The principle of the development, being located outside of the settlement confines of Sandwich, is contrary to the development plan. However, the most important policies in the development plan are considered to be out-of-date and, as such, the NPPF requires that permission be granted unless the development would cause harm which significantly and demonstrably outweighs the benefits of the development.
- 3.2 The previous application for the site (which had proposed 11 more dwellings on the site) was refused by reason of its impact on the character and appearance of the area and the failure to provide a housing mix which would meet local need. That application was considered to be acceptable in all other material respects. This decision was upheld at appeal. The application has now been amended and, in the opinion of officers, has overcome the previous concerns.
- 3.3 The development would provide 56 dwellings in a sustainable location, close to the facilities and services of Sandwich. 30% of the dwelling would be affordable dwellings. These benefits weigh significantly in favour of the development. Whilst it is appreciated that Dover Road is narrow in places and is well used, particularly during school peaks, the additional vehicle movements development would not justify the refusal of the application. The applicant has proposed a suitable scheme for the translocation of reptiles, whilst mitigation and enhancement are proposed in respect of other species. The development is acceptable in all other material respects.
- 3.4 Having regard for the presumption in favour of sustainable development and taking into account the conclusions of the Inspector in respect of the previous application, the development would provide several substantive benefits which indicate that the development plan should be set aside in this instance. It is therefore recommended that this application be granted planning permission.

g)

Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure any necessary planning contributions, provision of affordable housing, and contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy, and subject to conditions to include:
 - (1) Time limit, (2) approved plans, (3) details of measures to prevent surface water run-off onto the highway, (4) provision and retention of car parking and turning space, (5) details of bicycle storage, (6) details of electric vehicle charging points, (7) provision of access road and highway works, (8) full details of carriageways, footways, visibility splays, drainage, street lighting and other works associated highway works within the site, (9) demolition and construction management plan, (10) foul drainage details, (11) surface water drainage, (12) programme of archaeological works, (13) details of all external lighting, (14) protection of existing trees and hedges to be retained, (15) implementation of an approved landscaping scheme, (16) samples of materials, (17) contaminated land site investigation and risk assessment, including remediation and verification as necessary, (18) not previously identified contamination, (19) removal of permitted development rights for means of enclosure to north western and south western boundaries, (20) ecological enhancements.
- II Powers 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 – Luke Blaskett



DOV/19/00216

Land NW of Pegasus
London Road
Sholden

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/19/00216 - Outline application for the erection of up to 42 dwellings with associated parking and means of access (all matters reserved except for access) – Land north-west of Pegasus, London Road, Sholden

Reason for report - Number of contrary views (16)

- 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 - 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

None relevant to the application site.

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 **107.54** 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 107.54 generates an overall accessible green space requirement of 0.2387 ha / 2387 metres squared. The nearest green space of 0.4ha is Bettleshanger Park. The nearest access point is a 500m walk from the site and so outside of the accessibility criteria for Accessible Green Space within policy DM27

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 requirement of DM27. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of 107.54 generates an overall children's equipped play space requirement of 0.0065 ha. /64.53sqm. The nearest local play space is Travers Road, a walking distance of 1.1km. The nearest strategic play space is Bettleshanger Park, a walking distance of 1.3km.

There is no existing play area within the applicable accessibility standard. On-site provision should therefore be sought in the first instance with long-term maintenance and management secured within the legal agreement. If on-site provision is not

provided, an appropriate off-site contribution would be 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 average size of equipped play provision within the district being 0.01 ha, the average capital cost being for 2019- and 15-years maintenance being £42,520

The 0.0065 ha /64.53sqm. children's equipped play space requirement generated by the proposed development equates to 64.53% of equipped play provision which equates to a proportionate offsite contribution of £ 27,436.63 based upon a policy compliant housing mix.

The nearest equipped play space is Travers Road Park, a non-strategic site which is currently identified as in need of development. If an off-site contribution is to be sought, this should be put towards necessary the enhancement at Travers Road.

The anticipated number of new residents generates an Allotments/Community Gardens requirement of 0.0088. The nearest allotment, Diana Gardens allotments, is within the 15 minute walking time requirement. An appropriate off-site contribution is therefore not necessary for this site to be considered policy compliant.

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 £2,322.43 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: From an ecological stand point this is a very robust report and I support its recommendations. It is now three years out of date, though, so its pushing the boundaries of what I would consider to be an up to date assessment. The site will also have to be looked at with respect to landscape issues.

DDC Environmental Health - do not object to this development, however I note the Transport Statement quotes from a number of different sections within the NPPF in relation to sustainable transport etc. Paragraph 181 includes reference to sustainable measures and deals with air pollution. Whilst this development may fall short of what is considered major, EH would recommend a suitable condition requiring the installation of infrastructure for Electric Vehicle recharging facilities for this development.

DDC Waste Team: The turnings in from the central road leading to 1,2,3 and 4 plus 6,8,9,10 and 11 (and possibly 5 as well) may not be big /wide enough for the 26 ton freighter to get in to reach the properties. If a car is parked near the junction it won't get past. The supervisor has also asked for it to be made clear that if block paving is used for road surfaces the collection freighter which weighs 26 tons empty could eventually cause damage to the surface and as long as they tell you this in advance they are not to be held liable for any future potential claims for repair. Please be

advised that it is DDC policy that developers pay for all bins for all properties on new developments and they need to liaise with the waste section to order the bins required.

KCC Highways and Transportation – I refer to the additional information submitted for the above and note that there is no safety audit or capacity requirement for a right turn lane bearing in mind the limited number of proposed dwellings. Therefore, whilst I would prefer to see the proposed access position moved as far to the north as possible so that right turning vehicles could be provided with a form of right turn lane within the existing hatching markings, this cannot be insisted upon.

The development is likely to generate around 20 two-way vehicle movements in the network peak hours, which is substantially less than the anticipated daily variation in traffic flows on the A258 London Road. These movements will be split north and south of the site access and then split further on other routes such that the number of additional movements through any junction will not be material. The proposals are therefore unlikely to have a severe impact that would warrant a recommendation for refusal.

Suitable visibility is provided at the proposed access point and the site is readily accessible on foot, cycle and by bus. The applicant has confirmed that no vehicular access will be available from the shared private drive serving Pegasus to the south of the site, and this can be controlled by condition. The site layout and parking arrangements are reserved for future consideration and will be assessed as part of a reserved matters application. Construction activities can be managed and controlled through a Construction Management Plan which can be secured by condition. I therefore have no objections to the proposals in respect of highway matters subject to a significant number of highway conditions being secured.

KCC Archaeology: The proposed development site is in an area of archaeological potential associated with areas of extensive crop and soil marks in fields to the south-west and known Romano-British activity on the opposite side of London Road. The crop and soil marks to the south west demonstrate the presence of extensive buried archaeological remains and landscapes. These include evidence for several ring-ditches that probably represent the ploughed-flattened remains of Prehistoric burial mounds. Within these fields numerous chance metal-detecting finds have also been recorded, these include a collection of early medieval (Anglo-Saxon) brooches. Such brooches are commonly found in burial contexts and it is now well-recognised that Anglo-Saxon burials were frequently focussed on earlier Prehistoric barrow sites.

In addition to the Prehistoric and Anglo-Saxon funerary evidence, the crop and soil marks also show evidence for track-ways, enclosures and other features. One such enclosure, which possibly represents an area of Prehistoric settlement, lies around 25m from the proposed development area. Additionally, there is evidence for Romano-British activity on the north-east side of London Road. Here a trackway, pits and cremation were encountered, which are probably associated with a known Roman villa located at Hull Place. It has been postulated that the line of London Road approximately follows the line of an ancient routeway leading north from Deal along the high-ground alongside the Lydden Valley.

I welcome the submission of the archaeological desk-based assessment (DBA). The DBA provides a good account of the site's archaeological potential. This potential is summarised, by period, within paragraph 6.4 of the DBA. The assessment notes the potential for the site to contain archaeological remains of Bronze Age and Anglo-Saxon date of regional or national importance and a high likelihood of archaeological remains from other periods. If nationally important remains are present, as the DBA suggests could be the case, then careful consideration needs to be given to these.

I would suggest that the question of whether nationally important archaeology is present, or not, should be determined before the detailed design of the proposed development is fixed so that there is the opportunity for the development to be designed/arranged to avoid the most significant/sensitive archaeology. I note that the application is outline in its nature and (other than access) the precise layout and design of the development is not being determined. Nevertheless, an illustrative site layout plan has been provided and, whilst indicative, does give an indication of how the quantum of development might be accommodated at the site. This illustrative site layout seems to show that it is unlikely that there will be much flexibility should it be found necessary to preserve important archaeological remains in situ.

I would therefore advise that it would be preferable for the issue of whether or not nationally important archaeology is present should be addressed now, before the application is determined, by means of field evaluation. Such an approach is supported by the NPPF which notes that "*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*" (paragraph 189). Alternatively, if the applicant can demonstrate that sufficient flexibility can be provided to allow significant/sensitive archaeology to be avoided, then I would suggest that the application could be determined subject to the inclusion of a condition requiring archaeological evaluation works, followed by measures for the safeguarding and/or investigation of archaeological remains as appropriate. One way of introducing demonstrating such flexibility would be to revise the application description to allow up to 42 dwellings, with the precise number of units being subject to the results of archaeological evaluation works.

KCC Flooding and Waste Management – In principle we are satisfied with the drainage design where surface water is proposed to be infiltrated to ground. Desk-based BGS information indicates that Bedrock geology is freely draining and highly compatible for infiltration SuDS. The drainage design is currently based on assumed infiltration rates from soakage testing at the adjacent site. As part of the detailed design, we would recommend that site-specific infiltration testing is undertaken at the location of the proposed infiltration devices. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any infiltration measure will have an appropriate half drain time.

For infiltration measures with depths up to 5m, the separation distance from the edge of the chamber shall be a minimum of 5m. For infiltration measures with depths of greater than 5m, the separation distance from the edge of the chamber shall be a minimum of 10m. We are aware that there is limited space on site for soakaways, however the drainage design could be amended to include trench soakaways.

At detailed design, final full network calculations and model details should be submitted to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year +20% and 100 year +40% storm intensities.

Should you be minded to grant permission for this development, we would recommend conditions relating 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, total £139,608.00 towards Phase 1 of Deal Parochial CE Primary School expansion

- Secondary Education -£4115.00 per dwelling, total £172,830.00 towards Phase 1 expansion at the Sir Roger Manwood School
- Libraries - £48.02 per dwelling, total £2016.66 towards a digital den technology hub for 5-11 yr olds 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.

KCC Public Rights of Way Office – Public Right of Way EE389 runs adjacent to the development site. The location of this path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration. I have no objection to the development of 42 houses but as part of the site is directly adjacent to footpath EE389 running along the private track I have concerns regarding how this will affect the footpath during the construction phase of the development. No traffic should access the site via this route the track surface is natural and unmade and would not sustain HGV or constant use. Although the access to and from the site from Sandwich Road does not affect any rights of way however, it does affect a national cycle route. When planning this access, the applicant must consider priority for cycles and pedestrians crossing and safety must be primary.

Southern Water - No objection as they can provide foul sewage disposal to service the proposed development. Our initial investigations indicate that Southern Water 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.

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

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."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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 - No comments or objections.

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.

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:

- Development Layout – rear gardens need to be secure with appropriate treatments.
- Perimeter treatments to protect existing property.
- Permeability must be designed and sited to avoid conflict, ASB and nuisance. To include vehicle mitigation without detrimentally affecting appropriately placed pedestrian and cycle routes. We can discuss further with relevant partners if required.
- Natural surveillance opportunities to be maximised.
- Divisional treatments to be min 1.8m high with same height gates to rear garden areas.
- Parking courts rarely achieve sufficient surveillance opportunity.
- Mail delivery for flats to be either of a “through the wall” design or into an air lock lobby with no trade button.
- Doorsets to achieve PAS 24: 2016 or certified equivalent
- All windows on the ground floor or above a flat roof or other potentially vulnerable area, to meet both PAS 24:2016 or certified equivalent and any ground floor bedroom windows to have defensive treatment to protect them.

We welcome a meeting or discussion with the applicant/agent about site specific designing out crime. 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.

Sholden Parish Council - Objects to the application and cannot support for the following reasons:

Sholden Parish Council (SPC) objects to the above outline application. The proposed development breaches Core Strategy and local policies. In addition to this, the number of dwellings is suspect, the traffic statement presented by the applicant omits key recent relevant planning decisions which rebut their traffic findings and the description of the location is not accurate. The proposed access is dangerous and bisects a key and historic piece of Kent infrastructure (The Miners Way).

Dover District Council's (DDC) Five-year housing land supply: Most of the evidence presented by the applicant to support out-of-date polices stems from 2018. At the Cabinet meeting of DDC on 04 March 2019, DDC reported: "An assessment of the Council's housing land supply demonstrates that at this point in time it is considered that the Council has a five year housing land supply of 5.56 years for the purpose of paragraph 11 of the revised NPPF (2018)".

This is supported, or indeed supports, the findings of the MHCLG first housing delivery test. This shows, amongst other things, that DDC has over delivered (131%) on the number of houses required in the past three years. This confirmed housing land supply assessment now brings policies DM1 and DM 15 of the Adopted Core Strategy (2010) into play. And so, it follows that this application must fail quite simply because the land is outside the urban boundaries and rural settlement confines (DM1). There are no other development plan policies justifying development. The location is not functionally required and the proposed development is not ancillary to an existing development. Just to clarify this "ancillary" point: the proposed development is not providing necessary support to the primary activities of another development. The claim that this proposed development somehow "rounds off" the development around Elliots (sic) Way is not, by any stretch of the imagination, providing support to the primary activities etc. of Elliots way.

Referring to DM15, it goes without saying that the proposed development will result in the loss of countryside (particularly part of the Sholden Downs) and that the character and appearance of the countryside will be affected. Therefore, the application should be refused. LPA's can make exceptions to this policy when there are agricultural needs, sustainable rural economy/community needs or where the development cannot be accommodated elsewhere. None of these exceptions apply here.

Number of dwellings: Throughout the Planning Statement the applicant refers to an outline application comprising up to 42 dwellings. However, paragraph 6.18 of the PS clearly moves the development from "up to 42 dwellings" to "the principal benefit of this scheme is the *delivery of 42 new dwellings*". The stress is mine. Notwithstanding that, the applicant seems to have ignored the fact that DDC had requested that the development be downsized to 30 dwellings. Sholden Parish Council has not seen any evidence to indicate that the DDC, subsequent to 30 March 2016, have potentially considered up to 42 dwellings. Although this is an outline application, even an outline application must fail when the accuracy of the number of dwellings is over 33% inaccurate. However, Sholden Parish Council stresses here that it objects to any potential development on this greenfield site (which has been beneficial for pony/horse stabling over many years).

Location: The Planning Statement says that the proposed development abuts the "Sholden Fields" development and finds that this is a good reason for further development in the area. The proposed development does not abut the Sholden Fields development. It is not next to it nor does it have a common boundary with it. Any visitor to the proposed site can easily see that between the boundaries of the proposed development and Sholden Fields there are (i) a public footpath, (ii) a permissive bridleway (together these make up the historic Miners Way), (iii) the A258 trunk road and (iv) another footpath. A not insignificant collection of barriers dividing the two areas. The applicant has been somewhat disingenuous in suggesting otherwise.

Transport Statement: The Transport Statement submitted by the applicant in support of the application omits to mention two key planning decisions affecting the proposed development. These two planning decisions affect traffic movements either side of the applicant's planning application site, namely:

(i) The DDC Planning Committee on 31 August refused planning permission for development on land at Churchfield Farm in Sholden (DOV/17/01345). That refused development is about a kilometre away from this proposed site. The grounds for refusal were:

"The proposed development, by virtue of the number of vehicle movements generated by the development, the design of the proposed 'shared surface' on The Street and the geometry of the junction between The Street and London Road, would lead to an unacceptable impact on highway safety and, cumulatively with other existing and committed development, cause a severe impact on the local road network, contrary to paragraph 109 of the National Planning Policy Framework".

The key link between the above application and this proposed Pegasus development (19/00216) is the phrase: "cause severe impact on the local road network". Whilst the developments are different in size, Sholden Parish Council has a recent traffic analysis stating clearly that London Road towards Manor Road is already overloaded – please see Appendix A. Any further developments in Sholden will only serve to exacerbate that problem and breach NPPF policies.

(ii) In application DOV/19/00084 (Old Lorry Farm Shop Sandwich Road Sholden CT14 0AS) the application had a holding objection on it (from KCC Highways) because of a lack of information around vehicle movements. Sholden Parish Council would argue that such a holding objection is because of concerns about the potential impacts on local roads. As above, Sholden Parish Council believes, supported by the independent traffic analysis at Appendix A, that any further developments in Sholden will only serve to cause severe impacts on the local road network. As above, contrary to paragraph 109 of the National Planning Policy Framework.

In addition to the traffic issues above, the applicant does not address the dangers of bisecting a public footpath (the old Miners' Cycle Track) and a permissive bridleway. The proposed new access to the development will, because of the increase in traffic and traffic turning into and coming out of the proposed development (especially during construction), heighten the danger to walkers, cyclists and riders. This bisection of the public footpath and the permissive bridleway breaches the NPPF Paragraph 110 which states, *inter alia*, that developments should be located and designed to "give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas". As proposed, the access to the proposed does exactly the opposite of NPPF Paragraph 110.

The Manual for Streets, summarised in Manual for Streets 2 (MfS2) (September 2010) encourages walking. The proposed access will discourage walkers – especially those with younger children and the more vulnerable members of society. Furthermore, MfS2 advises that cycling can bring about benefits in terms of vehicular emissions, traffic collisions and public health. To summarise, MfS2 Paragraph 6.1.3 states that cyclists prefer direct barrier-free routes that avoid the need to dismount. Routes that take cyclists away from their desire lines and require them to concede priority to side road traffic are less likely to be used. And paragraph 6.1.3 continues that cycle tracks that bring cyclists into conflict with side road traffic can be more hazardous than routes that stay on the main carriageway. It clearly follows that the proposed access to the site will increase hazards to cyclists: especially those en route to and from Bettleshanger Country Park.

In addition to the above, Sholden Parish Council has been advised that it is not acceptable to cut through a historic cycle track. The track should run continuously as it has done since it was built (for the miners to cycle to their shifts) and as it does today for the ease, safety and enjoyment of cyclists, walkers and riders alike.

There are very few continuous stretches of dedicated cycle track in Kent. Public opinion would not want this key part of Sholden infrastructure disrupted in any shape or form.

Public Rights of Way (PROW) & Access Services: Sholden Parish Council agrees with PROW in that, because of the damage that will be done to footpath EE389, no traffic should access the proposed site via footpath EE389. This in effect stops the development. In addition, SPC agrees that the safety of cyclists and walkers is paramount. And on safety grounds alone the planning application must be refused.

KCC Highways and Transportation: Although KCC (Highways) has “no objection in principle”, he has not seen SPC’s independent traffic analysis at Annex A which states at paragraph 1. that: “..it is not acceptable to continue to load traffic onto a roundabout/junction that is already operating above an acceptable capacity...”. Traffic from the proposed site (whether light or heavy) cannot do anything but load onto the aforementioned roundabout/junction. And thus it follows that the application should be not only refused on the material considerations above but also, now, this latest traffic survey evidence.

Conclusion: Taking all of the above into account, the DDC has no option but to refuse planning permission. It should also be said that the Planning Statement had many inaccuracies which are confusing – especially as Sholden does not have a railway station.

Further Comments

SPC re-affirms its objection to this planning application. Woods Hardwick Planning seem to be, once again, relying on an Appeal (APP/X2220/W/17/3183959) to show that Dover District Council does not have a five year supply of housing land (5YSHL). But once again, as we have stressed in our letter of 28 March (and now recognised by Woods Hardwick Planning in their e-mail of 16 April - paragraph 6), that appeal pre-dates the March 2019 AMR. At the risk of repetition, the March 2019 AMR is quite clear and unambiguous - DDC can clearly demonstrate a robust 5YSHL. The DDC figures are supported by central government. And contrary to the applicant's claim, DM1 should now be afforded a great deal of weight, so much so that the planning application should be refused on DM1 alone.

The application does conflict with policies DM15 and DM16 (Protection of the landscape and Character of the countryside). SPC has provided adequate evidence to support that statement. The applicant has not challenged our assertion and therefore SPC would advocate refusing the application not only on the breach of DM1 but also that it breaches DM 15 and 16.

SPC would like also to reflect on the latest Ecological Assessment. SPC agree that the ecological report “is now three years out of date, though, so its pushing the boundaries of what would be considered to be an up to date assessment. As discussed the site will also have to be looked at with respect to landscape issues”. In effect SPC put that the Ecological Assessment is now unacceptable and that there are landscape issues and thus DM16 is engaged.

Finally, it seems to SPC that implicit throughout the NPPF is the fact that any potential developer (or their agents) would have a modicum of knowledge of the proposed site and surrounding areas. We have already highlighted that Sholden *does not* have a railway station and that the proposed site does not abut Sholden Fields. But now we notice that applicant/agent says the site “is located adjacent to but outside of the Settlement Boundary for Sandwich”. SPC would argue that the site is outside the Settlement Boundary for Deal (including Sholden). Such lack of geographical

knowledge by the applicant of the proposed site should be assessed against the NPPF when taken as a whole. And that the NPPF as a whole is a material consideration.

SPC maintains its objection to this proposed development. We have written three separate occasions. SPC continues to stand by the contents of those letters.

- This area is not in the Local Plan
- Dover also has 5.56 Years of Land Supply.
- We support Deal Town Council in that the continuous Cycle Track and the Miners Ways (both historical) must not be bisected by the access to this site. Any access defeats the encouragement for safe walking and safe cycling.
- There is no safe turning/waiting area for accessing the site from Sandwich.
- KCC H/Ways state there will be 20 two way movements at peak times. There are 238 properties opposite, with an adjacent access onto the A258. This means there will be an additional 120 movements at peak times. This in turn means that H/Way safety and waiting times increasing immensely. Waiting times are now at peak times 10mins.

Deal Town Council: Deal Town Council were very interested to see this application as they are currently working on a "Cycle Friendly Deal" project (covering Deal, Walmer, Sholden and Mongeham), this has been part funded by the Coastal Community Fund.

The access to this development cuts through the Miners' Cycle Track that runs alongside the A258 from the junction with the Pilgrims Way Sholden (EE389) continuously to the roundabout at Bettehanger Park and then continues to Bridge Hill. With the new bus stop at Sholden, the track now effectively starts at the Toucan Crossing. This crossing connects the Miners Cycle Track with a traffic free cycle route through to Middle Deal.

The Miners' Cycle Track was built by Italian Prisoners of War to enable the miners to get to and from their shifts safely, and this historic piece of infrastructure has suffered enough vandalism over the years, this physical piece of our heritage should be preserved.

In addition, there are very few continuous stretches of surfaced, dedicated cycle track in Kent, making this a valuable piece of infrastructure. Unless the developer can find a way to preserve the cycle track in its current form, then Deal Town Council objects to this development.

Third Party Representations - A total of 13 representations have been received objecting to the proposal. The following is a summary of the objections received:

- Impact on traffic along Sandwich/London Road
- Increased risk of accidents
- School places already limited
- Noise and disturbance during construction
- Too many houses being built in Deal
- Deal doesn't have infrastructure and houses are not affordable
- Increased congestion and danger to school children in the area
- Further countryside/greenfield sites being developed
- Loss of wildlife, habitats for birds and mammals
- No regard for local needs
- Site not allocated for development and outside the settlement boundaries
- The A258 is already busy
- Why more development when short of GP's, dentists, hospital, employment and retail
- Impact on bridleway/footpath/cycle way

- More houses are not needed
- No ability to turn into the site without queues
- No visitor parking
- Already issues with the power supply and drainage in the area
- Reports contain inaccuracies
- A relief road is required
- Increased congestion and air pollution
- Road junctions are already dangerous
- No increase in local services to address increased demand
- Further reduction of greenspace/area is part of Sholden Downs
- Potential loss of privacy for nearby properties
- Crosses a heritage cycleway/footpath (The Miners Way) causing a hazard to pedestrians/cyclists
- Further impact on climate change and flooding
- The population of Sholden has already over doubled
- Only main road linking to Sandwich, already congested.

Landscape Consultants 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 southern and eastern site boundaries and although development would extend across an open field, the landscape impact of this is minimised to some degree by existing development on the edge of Sholden and the containment of hedgerows.

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 Proposal

The Site

- 1.1 The site is located on the western side of London Road, Sholden and forms an area of 1.51 hectares. It is situated outside the settlement boundary of Deal but adjoins it on the southern and eastern boundaries. It is roughly rectangular in shape and extends along the London Road frontage. On the other side of London Road is a relatively recent housing development with dwellings extending along the London Road frontage. To the south east and outside the application site is Pegasus, a chalet style bungalow. To the front of this property, two detached two storey dwellings have recently been constructed. To the north and west of the site are open agricultural fields laid to crops.
- 1.2 The site is situated to the south of a number of national and international designations – Thanet Coast and Sandwich Bay RAMSAR and SPA on the coast and Sandwich Bay to Hawkinge Marshes to the north/west. These also form part

of the SSSI. Bettleshanger Park and Cottington Lakes are to the north of the site. There is also a Public Right of Way along the southern boundary EE389 that links up to a number of other PROW and a Bridleway to the north ED37.

- 1.3 The site itself is largely grassed and fairly flat and has been used for grazing. Tree hedges from the rear/western and northern boundaries with some landscaping to the front /eastern and southern boundaries. To the rear of Pegasus there are a number of low key outbuildings and hardstanding areas. It is with Flood Zone 1 and Groundwater Source Protection Zone 3.

The Proposal

- 1.4 This application is in outline form and includes details of the means of access with appearance, layout, landscaping and scale reserved for future consideration in a reserved matters application. However indicative plans have been submitted that show a proposed indicative layout. The proposal is for the erection of up to 42 dwellings to include 3, 4 and 5 bed dwellings. The indicative plans provide an indication of the expected layout of the proposed development. The indicative site layout includes the layout of the roads which comprises a main access road with smaller access roads sections forming cul-de-sac's. Off-street car parking is available for all the dwellings in the form of drives and dedicated car parking spaces. Some existing and new tree and hedge planting and associated landscaping is proposed throughout the development and along the boundaries.
- 1.5 It should be noted that the indicative layout of up to 42 dwellings has not been considered in any detail and would need significant amendment before it could be agreed.
- 1.6 The following documents have been submitted in support of the application a number of which have been submitted during the course of the application:
- Design & Access Statement
 - Planning Statement
 - Transport Statement
 - Road Safety Audit
 - Phase 1 Ecological Survey & Updated survey
 - Flood Risk Assessment
 - Landscape and Visual Impact Appraisal (submitted at a later date and further revised)
 - Archaeological Desk based Assessment

2. Main Issues

- 2.1 The main issues to consider are:
- Principle of Development
 - Impact on the Landscape and Visual Amenity
 - Affordable Housing and Dwelling Mix
 - Impact on Residential Amenity
 - Highways Issues
 - Archaeology
 - Ecology
 - Appropriate Assessment
 - Drainage and Flooding
 - Planning Contributions

- Other Material Considerations

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 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which has good access to facilities and services, including bus stops and Sandwich train station. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is out-of-date and should attract only limited weight.
- 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 but has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is 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. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.9 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which has good access to facilities and services, including bus stops and Sholden train station. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is out-of-date and should attract only limited weight.
- 2.10 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.
- 2.11 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 in the NPPF as whole.
- 2.12 The applicants have also identified their position in terms of the development being sustainable and the five year supply position, albeit some-what out of date. As such, the applicant considers the Council does not have a five year supply. As referred to above, the Council does have a 5 year supply of housing, nevertheless, 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 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, boosting the local economy and delivering additional housing in 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 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. The proposal would also include the required provision of 30% affordable housing, as identified in policy CP5, and would enable the provision of a larger proportion of affordable housing being available that adds further weight in favour of the proposed development. Turning to the environmental role, the proposed development can mitigate the visual impact on the landscape, subject to conditions that also provide ecological and biodiversity enhancements, as required by the NPPF.
- 2.16 These 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, on balance, considered to be an acceptable form of development on this site.

Impact on the Landscape and Visual Amenity

- 2.17 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.
- 2.18 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) was submitted at a later date and also revised in support of the application which identifies that the impact on the character of the landscape will be low or negligible as all of the existing landscape features are to be retained and enhanced in the context of the site and the existing group of trees. The report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in

their extent. The site is considered to have a long-term capacity to accommodate the proposed development.

- 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 there would be no significant landscape and visual issues that would arise in granting consent of this planning permission, subject to the mitigation measures and additional landscaping 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, any adverse effects are predicted to be relatively localised and the most noticeable changes would be on the views of some nearby residents and road users travelling in short duration along the A258. In general, the site is relatively contained and the introduction of built development would be characteristic to its locality. Furthermore, the site contributes little to the wider character of the landscape and in considering all of these factors, it advised that on balance, the proposed development broadly complies with polices DM 15 and 16."*
- 2.23 In respect of the proposed mitigation measures the proposal incorporates the retention of existing boundary landscaping and additional landscaping to all the boundaries of the site. 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 the site. The proposed landscaping, at this stage, 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, 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 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 any unacceptable 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 paragraph 170 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 13 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 section 106 legal agreement, that 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 but the proposed indicative layout will need to be revised to be in line with the relevant policies and guidance. 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 35 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 Sholden/Deal.

Residential Amenity

- 2.29 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed siting of the access road into the site has been submitted in full and will largely inform the final location and layout of the dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would need to align, to a certain extent, with the layout shown on the indicative plan. This plan does demonstrate

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.

- 2.30 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, albeit the indicative layout is considered to need further detailed consideration and will need some amendments. Nevertheless, it is considered that the living conditions of occupants of the dwellings could be acceptable.
- 2.31 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.
- 2.32 Notwithstanding the above, parts of the proposed site are likely to need acoustic ventilation for windows due to potentially exceeding the recommended indoor noise levels with windows open adjacent to the A258 which has the potential to cause noise and disturbance to future occupiers. Therefore proposed dwellings in these areas would need acoustic ventilation to living room and bedroom windows as a necessary mitigation measure. Consequently, this can be addressed through a condition and would need to be considered in more detail at any reserved matters application.

Highway Impacts

- 2.33 The relevant Core Strategy policies are DM11, DM12 and to a lesser degree policies 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.
- 2.34 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.
- 2.35 The application site is situated on the north and western settlement boundary with Sholden/Deal. Details of the proposed access have not been reserved and full details of the proposed vehicular access to the site have been provided. The

proposed development is likely to generate approximately 20 two-way vehicle movements in the morning and evening peak hours. A vehicular access junction has been proposed, located fairly centrally along the site frontage with London Road. The proposed junction would be 4.8m wide, widening to a bell-mouth junction of 6m, with a 1.8m wide footpath on either side. No off-site highway works are proposed. The nearest train station is Sholden which is sited 2.6km from the application site. The site also has links to public transport as buses pass the site and these are within easy walking distance (45m). The site therefore has good connections to a number of facilities. Although the proposed layout is indicative, footpaths are proposed on the site that provide easy links to the wider area, with London Road providing links to the town. The proposals therefore provide connections to the existing townscape and adjoining built form that encourages walking.

- 2.36 KCC Highways have raised no objection and have confirmed that the proposed junction and the increased traffic is acceptable on the highway network and does not raise capacity or highway safety concerns. It has been identified that due to the low levels of traffic that would be using the site, a dedicated right turn lane is not required for this development. The proposed works and the erection of up to 42 dwellings do not therefore result in any highway safety or capacity concerns and accord with paragraph 109 of the NPPF.
- 2.37 Significant concerns have also been raised by Sholden Parish Council and third parties that the development would significantly and detrimentally increase and impact on traffic and the highway network 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 and queuing traffic on London Road which would result in further capacity and highway safety issues with knock on effect with the Manor Road roundabout.
- 2.38 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.
- 2.39 Members should note that a previous application at land at Churchfield Farm, The Street, Sholden Ref: DOV/17/01345 was overturned and refused by Members on highway grounds that included concerns regarding the capacity of the local highway network. The decision was the subject of an appeal and a local hearing. The application was subsequently allowed by the Planning Inspectorate.
- 2.40 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 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. 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.
- 2.41 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.

Archaeology

- 2.42 The application is also supported by a Desk-based Archaeological Appraisal as the application site is in a known area of archaeological interest with a significant number of finds within the local area. The assessment notes the potential for the site to contain archaeological remains of Bronze Age and Anglo-Saxon date of regional or national importance and a high likelihood of archaeological remains from other periods. If nationally important remains are present, as the DBA suggests could be the case, then careful consideration needs to be given to these.
- 2.43 KCC Archaeological Unit has provided their statutory views on the archaeological potential of the site and concurs with the conclusions of the Archaeological Appraisal stating that:

"I would suggest that the question of whether nationally important archaeology is present, or not, should be determined before the detailed design of the proposed development is fixed so that there is the opportunity for the development to be designed/arranged to avoid the most significant/sensitive archaeology. I note that the application is outline in its nature and (other than access) the precise layout and design of the development is not being determined. Nevertheless, an illustrative site layout plan has been provided and, whilst indicative, does give an indication of how the quantum of development might be accommodated at the site....

I would therefore advise that it would be preferable for the issue of whether or not nationally important archaeology is present should be addressed, before the application is determined, by means of field evaluation. Such an approach is supported by the NPPF.....(paragraph 189). Alternatively, if the applicant can demonstrate that sufficient flexibility can be provided to allow significant/sensitive archaeology to be avoided, then I would suggest that the application could be determined subject to the inclusion of a condition requiring archaeological evaluation works, followed by measures for the safeguarding and/or investigation of archaeological remains as appropriate. One way of introducing demonstrating such flexibility would be to revise the application description to allow up to 42 dwellings, with the precise number of units being subject to the results of archaeological evaluation works."

- 2.44 The applicants were requested to undertake an archaeological evaluation of the site prior to determination but instead provided additional documentation to justify the alternative approach of amending the submitted scheme to provide up to 42 dwellings. The description of the application has been amended accordingly. It has also been identified above that the indicative scheme would need some amendment to make it acceptable and the proposed indicative layout for these reasons would not be included in the list of approved plans. As such, and on this occasion, it would be reasonable to attach a condition requiring a programme of archaeological work to be undertaken in advance of any development on this site and in advance of the submission of any reserved matters application. As this is only an outline planning application at this stage and layout is not being considered, a condition to secure an archaeological evaluation would be appropriate and would accord with paragraph 189 and the NPPF as a whole. On this basis potential archaeology can be addressed and the development is acceptable in this regard.

Ecology

- 2.45 In furtherance to the impacts on the off-site Ramsar/SPA discussed below, 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 Appraisal which considered both the flora and fauna of the site.
- 2.46 In summary the submitted report confirms the site consists of a grassed field bounded with small margins of scrub and trees. The semi-improved grassland has the potential to support reptile species due to their varied vegetation, the site therefore has habitats which could provide a potential for protected species. There was no evidence of protected species using the site. 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 controlled by condition.
- 2.47 The initial Phase 1 appraisal did however identify the need for a reptile species survey to be undertaken on the site due to the semi-improved grassland and scrub to the field boundaries. This additional survey was therefore requested before determination, nevertheless, the applicants have submitted an updated Phase 1 appraisal that no longer identifies such a requirement.
- 2.48 The 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.
- 2.49 The proposed layout allows additional planting to provide landscaped areas where new trees can be planted. New planting would need to 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 and the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF, especially paragraphs 170 and 175.
- 2.50 In respect of existing trees 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. The impact on those to be retained and the necessary protection measures including root protection zones can be controlled by conditions.

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

- 2.51 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.
- 2.52 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.

- 2.53 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.
- 2.54 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.
- 2.55 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. A contribution of £2,322.43 is therefore sought to this effect.

Drainage and Flooding

- 2.56 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.
- 2.57 A Drainage report and FRA have been submitted in support of the application which confirm that infiltration drainage is suitable on this site. It is proposed to deal with all surface water and run-off by 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. With an underground tank for each soakaway to allow storage capacity for storm water.
- 2.58 This method of surface water disposal is considered acceptable for this site with KCC Flood and Water Management, the Lead Local Flood Authority, raising 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.
- 2.59 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 and complies with the NPPF.

Planning Contributions

- 2.60 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.
- 2.61 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.
- 2.62 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 0.2387ha of accessible green space. The developer is not proposing to provide the provision of public open space and therefore there is a requirement for a contribution towards the provision of open space, in terms of a children's play space and an outdoor sports facilities contribution.
- 2.63 In respect of a children's play space there is a requirement for the provision of 0.0065ha. No play space is being provided on site and the closest local play space is Travers Road, a distance of 1.3km from the site. It has been calculated that a proportionate contribution of £27,436.63 is therefore necessary towards the upgrading of these play facilities. In terms of the outdoor sports facilities and an outdoor sports requirement for this proposal it would generate a need for 0.1258ha. It is not practical for this to be provided on site and there is a need to improve the pitch quality at Deal and Bettleshanger Rugby Club. It has therefore been calculated that a proportionate contribution of £17,975.22 is necessary towards this outdoor sports provision to be secured through a s106 agreement. With the payment of these contributions, the proposal would accord with Policy DM27 of the Core Strategy.
- 2.64 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.
- 2.65 The proposal would give rise to additional school pupils and the need can only be met through the Phase 2 expansion of Deal CE 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 Sir Roger Manwood School where there is an additional demand for 8 pupils.
- 2.66 In addition, contributions of £2016.66 towards a 'Digital Den' technology cart at Deal Library for 5-11 year olds. These contributions all 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.

- 2.67 NHS CCG have not identified a need for a contribution on the development.
- 2.68 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 Parochial CE Primary School of £139,608 in total
 - Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £172,830 in total
 - Library - contribution towards a ‘Digital Den’ at Deal library of £2016.66
 - A total of £2,322.43 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
 - An off-site local equipped play space contribution towards Travers Park of £27,436.63
 - An off-site public open space contribution for outdoor sports facilities at Deal and Bettleshanger Rugby Club of £17,975.22
 - Monitoring per trigger event of £236 per event
 - Payment of all associated legal costs.
- 2.69 The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

- 2.70 The likelihood of contaminants on site is limited/low 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 however 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 a condition would appropriately address any potential contamination of the site.
- 2.71 An Air Quality Screening Report has not been submitted with the application. To comply with the Kent and Medway Air Quality Guidance Documents and in line with best practice it is expected the installation of electric vehicle charging points should be required for this application, to 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.
- 2.72 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.
- 2.73 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 acceptable in principle and is in accordance with policies DM11, DM25 and DM16 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 In addition, there are no development plan policies or policies in the Framework that suggest development should be refused. When weighing up the benefits 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 this site within the district, including the provision of 30% affordable housing.
- 3.3 The proposed development of 42 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 and open space contributions.
- 3.4 Initial concerns 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. 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 limit
 - 3) Approved plans
 - 4) Existing the proposed site levels and building heights
 - 5) Ecological mitigation, enhancement and recommendations implemented and maintained
 - 6) Construction Management Plan
 - 7) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage and EVC charging points)
 - 8) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme)
 - 9) Landscaping Details and maintenance of green spaces
 - 10) Protection of Trees and Hedges
 - 11) Hard landscaping works and boundary details/enclosures
 - 12) Reporting of unexpected land contamination
 - 13) No works on site until final SuDS details are submitted

- 14) Design details of surface Water drainage strategy
 - 15) Implementation and verification of SuDS scheme
 - 16) Environmental Construction Management Plan
 - 17) Internal acoustic requirements for dwellings
 - 18) Programme of archaeological works/excavation
 - 19) Details to be submitted at reserved matters for compliance with Secured by Design principles
- 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