

# Public Document Pack



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5 August 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held as a Remote Meeting – Teams Live Event on Thursday 13 August 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](mailto:democraticservices@dover.gov.uk).

Yours sincerely

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

Chief Executive

## Planning Committee Membership:

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

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

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

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 2 July 2020 (to follow).

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**

(Pages 5-8)

5 **APPLICATION NO DOV/20/00187 - GARAGE BLOCK BETWEEN 42 AND 44 KIMBERLEY CLOSE, DOVER** (Pages 9-25)

**Erection of two buildings incorporating sixteen flats, associated car parking and landscaping (existing garages to be demolished)**

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

6 **APPLICATION NO DOV/19/01462 - LAND NORTH OF ORCHARD VIEW AND WEST OF SAUNDERS LANE, ASH** (Pages 26-71)

**Outline application for the erection of up to 76 dwellings (all matters reserved except for access)**

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

7 **APPLICATION NO DOV/19/00287 - FORMER PLAYGROUND, NORTH MILITARY ROAD, DOVER** (Pages 72-93)

**Erection of a building containing twenty apartments with fourteen car-parking spaces at ground floor and erection of a retaining wall following demolition of existing retaining wall**

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

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

8 **APPEALS AND INFORMAL HEARINGS**

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

9 **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**

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public's legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view, as well as hear, remote meetings where possible. You may remain present throughout them except during the consideration of exempt or confidential information.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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



## Remote Meetings

### Planning Committee

The Council Offices will be closed during a remote meeting and it is not possible for members of the public to physically “attend” a remote meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have changed the basis of the public’s legal right to attend meetings. This means the public now has the right to hear Councillors attending the remote committee meeting that would normally be open to the public to attend in person. It is the intention of Dover District Council to also offer the opportunity for members of the public to view remote meetings where possible.

#### Joining a Remote Meeting

To join a remote meeting, you will need to join via the link on the Council’s website. This can be accessed via the agenda page for each meeting. The Council is using Teams Live Events (a Microsoft Product) for its remote meetings and you will be taken to the meeting by clicking on the link.

The best way to view the remote meeting is through a laptop or desktop computer. However, you should also be able to view through a smartphone or tablet device. You will need internet access to do this.

#### Public Speaking

**In accordance with Paragraph 9 of the Council’s Protocol for Public Speaking at Planning Committee, the Chairman has altered the public speaking procedure to allow written statements (of no more than 500 words) to be submitted in lieu of speaking.**

The procedure for registering to speak itself remains unchanged. You must request to speak in writing by email to [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) or by means of the form that can be found on the Council’s website at <https://www.dover.gov.uk/Planning/Planning-Applications/Making-Applications/Speaking-at-Planning-Committee.aspx>

**In all cases, public speaking requests must be received by no later than 5pm on the second working day prior to the meeting.**

Registration will be on a first-come, first-served basis. **If you have been successful in registering to speak, you will be contacted by a member of the Democratic Services team. If successfully registered, you must submit your written statement (of no more than 500 words) by email to [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) by 10.00am on the day of the remote meeting.**

Registering to speak at a remote meeting confers the right to submit a written statement which will be read out to the remote meeting by an Officer (who is not a member of the Planning Department) on behalf of the speaker. Subject to normal public speaking procedures and the Chairman's discretion, there will be one speech in support of, and one speech against, an item for decision.

In submitting their statement, each speaker accepts that they remain fully responsible for its contents. If any defamatory, insulting, personal or confidential information, etc. is contained in any speech received from any speaker, and/or read to the remote meeting by an Officer, each speaker accepts full responsibility for all consequences thereof and agrees to indemnify the Officer and the Council accordingly.

### Feedback

If you have any feedback on the Council's remote meeting arrangements, please let us know at [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

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

### **The Reports**

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

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

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

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

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

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

### **Site Visits**

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

The following criteria will be used to determine usefulness:

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

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

### **Background Papers**

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

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

## **IMPORTANT**

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

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

### **The Development Plan**

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

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

## Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

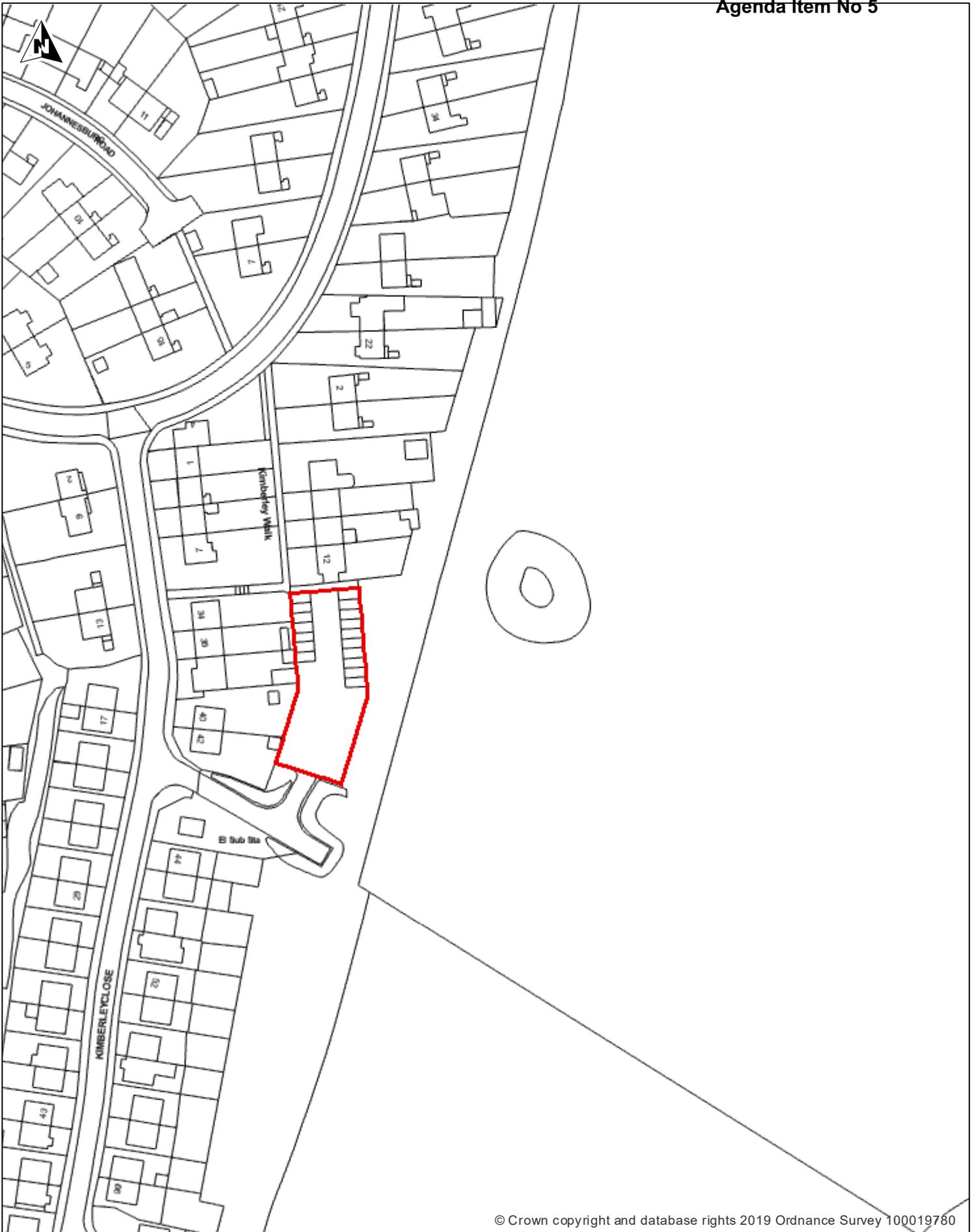
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

## PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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DOV/20/00187

Garage Blocks between 42/44 Kimberley Close

Dover  
CT16 2JW

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/20/00187 – Erection of two buildings incorporating sixteen flats, associated car parking and landscaping (existing garages to be demolished) - Garage block between 42 and 44 Kimberley Close, Dover**

**Reason for report:** The number of representations received objecting to the proposal.

b) **Summary of Recommendation**

Planning Permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- CP4 – Sets out strategic considerations for housing development, including the need to reflect the local housing market and provide an appropriate housing mix. Density should wherever possible exceed 40 dwellings per hectare.
- DM1 – Development will not be permitted outside 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 – The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of homes as affordable homes 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 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 Table 1.1 of the Core Strategy.

Land Allocations Local Plan

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

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- 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 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- 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 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and allow for the efficient delivery of goods, and access by service and emergency vehicles.
- Paragraph 117 states that decisions should promote an efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 118 states that decisions should (amongst other things) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and create places that promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 158 says that development should be steered towards areas with the lowest risk of flooding, using the sequential test.

- Paragraph 163 says that, in determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- Paragraph 165: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- Paragraph 175 says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, planning permission should be refused. Development which is likely to have an adverse effect on a SSSI or other designated habitats site should not normally be permitted. The only exception is where the benefits of the development clearly outweigh its likely impact on the features for which the site is designated.
- Paragraph 177: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Paragraph 178: Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

#### The National Design Guide and Kent Design Guide (KDG)

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

#### Nationally Described Space Standards

- Provides guidance on floorspace and other size and layout criteria for the provision of housing.

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

None.

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

Dover Town Council – Support, provided issues raised by KCC Highways are addressed.

Environment Agency – Based on the submitted information we consider that planning permission could be granted for the proposed development if planning conditions are included. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application. The requested conditions relate to the need to carry out remediation for any unforeseen contamination, and no infiltration of surface water drainage into the ground unless explicitly authorised. Foul drainage must be connected to the main sewer.

KCC Flood and Water Management – The application is supported by a Foul and Surface Water Drainage Strategy report with outline of a number of surface water drainage proposals for the site, demonstrating the feasibility of the different drainage options. The applicant however has not concluded the drainage strategy of the site due to the absence of ground investigation to determine infiltration feasibility. Notwithstanding the above, we would recommend conditions requiring the submission and approval of a detailed sustainable surface water drainage scheme to demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and

including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. If infiltration is to be used, it should be demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. A verification report for the SUDS should be submitted before occupation takes place.

Southern Water – Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and requests an informative be attached to any consent.

At Planning Consultation stage, we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Flood Authority. At all stages we support the Hierarchy of H3 of Building Regulations with the preference for the use of soakaways. If connection to a surface water sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge, then it should be at a rate set by the Lead Flood Authority who should set such a rate of discharge by consultation with us. The responsibility is theirs, but they need our technical advice in determining the rate.

If there is an existing connection and impermeable area connected, then we would use this as a guide to determining the discharge rate. Otherwise we would aim to attenuate to green field run off rates as the SUDS manual.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No overflows from infiltration facilities will be allowed to communicate with public sewers. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Further detailed advice is offered on the design and content of SUDS.

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.

Conditions are requested with regard to the provision of foul and surface water drainage.

Affinity Water – The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Connaught Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s)

may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Advises that an Appropriate Assessment under the Habitats Regulations is required. Standing advice should be followed with regard to impact on protected species.

KCC Highways – Whilst I have no objection in principle to the proposals, I would comment further as follows:

1. The parking survey indicates that up to 4 spaces are available overnight in the existing site access road and Durban Close when the demand for residential parking is at its highest. Whilst additional parking is available in other streets, these are too far away from the site to be used in practice by residents currently using the parking within the existing site. It therefore appears difficult to suitably accommodate the demand for all 9 spaces currently used within the existing site. Bearing in mind the anticipated low demand for overnight parking within the site (only 8% or 2 spaces), consideration should be given to the other 7 spaces within the site being available overnight to existing residents.

2. I note the proposal for double yellow lines in the vicinity of the site access, however these will remove existing on-street parking spaces which appear to be in high demand overnight. I suggest the refuse collection is discussed further with the Waste Team at Dover District Council, to see if the collection can be made from Kimberley Close as is the case for the existing residential properties. This would remove the need for the double yellow lines in the access road. If this is not possible, I suggest single yellow lines are used instead to provide manoeuvring room for the refuse vehicle during the day and allowing parking to still take place overnight when demand is at its highest.

KCC Developer Contributions – Has requested the following contributions:

£262.72 towards additional equipment and resources for the additional learners at Dover Adult Education Centre;

£887.20 towards services and stock to be made available at Dover Library;

£2,350.08 towards specialist care accommodation within the Borough of Dover;

£92.72 towards improvements at Dover HWRC to increase capacity to mitigate impact.

A request for a contribution towards the Dover Youth Service has been withdrawn in the light of the characteristics of the intended occupants of this development.

In addition, has requested that all homes be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2). A condition is requested requiring the submission and approval of a scheme for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic connections.

Designing Out Crime Officer – No objection subject to the incorporation of a number of technical measures to meet Secured By Design standards.

DDC Environmental Health Officer – Requests a “watching brief” condition with respect to potential ground contamination, and a Construction Management Plan.

DDC Waste Services Manager – All individual properties will have a launch pack. Flats depending on the amount of properties in each block will vary approx. 180 litres of refuse per flat, 55 litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling

& outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

Public representations – 15 objections received raising the following issues:

- Parking is already a problem in Kimberley Close; the loss of 17 garages and 21 spaces, plus 16 new flats with minimal parking can only make things worse;
- Parking is under severe pressure especially in the evenings when people return from work; some park work vans which makes it worse;
- Access is restricted and parking takes place on paths;
- Difficulty of access for emergency vehicles;
- Insufficient parking for the new dwellings
- Overdevelopment – too much being squeezed into a small space;
- Drains are frequently blocked with debris due to lack of maintenance;
- Affordable temporary housing means there could be lots of different people coming into the area, putting the old and young at risk; this will also make the neighbourhood busy and unsafe;
- Overlooking and loss of privacy;
- Erosion of Green Belt and destruction of wildlife habitats, including nesting bats;
- Lack of open space for children;
- The parking spaces on this site are separate from the garages and have been used as overflow parking since the estate was built; alternative parking options are either not realistically available, impractical or dangerous; people have no option but to park here.

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

1.1 The application has been submitted by Dover District Council in its role as Housing Authority. It is therefore dealt with under Regulation 3 of the T&CP General Regulations 1992. The purpose of the proposed development is to provide “interim” housing accommodation, that is, housing intended to be occupied on a short-term basis by people who would otherwise be homeless or in other temporary accommodation such as bed and breakfast accommodation.

1.2 The site is a garage and parking area accessed via a spur road off Kimberley Close. It has a maximum length of about 50m, a width of 17m and a total area of 0.086ha. It is a basically rectangular site, but with a slight kink roughly half-way along. The access is at the southern end, with the road sloping up from Kimberley Close and running up through the centre of the site. At the northern end of the site are two blocks of flat-roofed concrete garages (17 garages in all); the remainder of the site is taken up by open parking spaces either side of the central access. The southern part of the site slopes up from south to north, but it flattens out at the northern end. To the west are the ends of the rear gardens of 34-42 Kimberley Close, the gardens sloping down towards the houses. To the north are houses in Kimberley Walk, with the side wall of a single-storey side extension to number 12 abutting the site boundary. To the east is wooded land, sloping steeply up, away from the site, with other undeveloped land beyond.

- 1.3 It is proposed to demolish the garages and erect two, two-storey buildings, each accommodating eight studio flats, four on the ground floor and four on the first floor. The buildings are virtually identical, except that building B (the southern building) would have a lean-to cycle store and laundry room attached to its northern side. Each flat will have a bedroom/living room/kitchen area and a separate shower/wc and an internal floor area of 19.8m<sup>2</sup>. They will be accessed via a central entrance lobby, with the upper flats accessed by an internal stairway. The buildings will be basically rectangular (with the entrances recessed under a small canopy) and have pitched and gabled roofs, with a ridge height of around 8m and eaves height of 5.5m, although this varies slightly due to changing ground levels. Building A is at the northern end of the site, close to the boundary with 12 Kimberley Walk, but at a slight angle to the boundary to reduce the scope for overlooking into the rear garden of that property. Building B is to the south, approximately behind the rear garden of 40 Kimberley Close, and on slightly lower ground, reflecting the existing topography. They will be constructed of yellow stock brick with brown brick feature panels and grey concrete roof tiles. There will be window openings on all elevations, with first floor windows on the west elevation of building B and the west and north elevations of building A fitted with obscured glass to protect the privacy of neighbouring houses outside the site.
- 1.4 A total of nine car parking spaces will be provided, three adjacent to the entrance to the site and six between buildings A and B. Two of the spaces will be for disabled parking. Existing access to a garage in the garden of 38 Kimberley Close will be retained. A pedestrian link will be provided through the site to link up with the path in front of Kimberley Walk and the stepped pathway leading down to Kimberley Close at the north-western corner of the site. A refuse and recycling storage compound is to be provided in the south-western corner of the site, adjacent to the site entrance. Areas of grassed and landscaped communal amenity space are shown around building A and to the east of building B. A wall-mounted CCTV camera will be on building A.
- 1.5 The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement, Arboricultural Impact Assessment, Preliminary Ecological Appraisal and more detailed Bat survey, Geoenvironmental desk study, Ground Investigation report, Flood Risk Assessment, Drainage Strategy and Construction Management Plan.

## **2. Main Issues**

### **2.1 The main issues are:**

- The principle of developing this site for housing;
- The nature and purpose of the proposed housing;
- Impact on the character of the area and on residential amenity;
- Parking and highways considerations;
- Contamination and drainage;
- Habitats and ecology;
- Developer contributions.

### **Assessment**

#### **Principle**

- 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 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. The site lies within the defined urban confines of Dover, which is identified under policy CP1 as being the major focus for development in the district, suitable for the largest scale developments.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised, in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy, with the purpose of delivering 505 dwellings per annum. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this general location. Consequently, it is considered that DM1 reflects the NPPF (which supports locating development in urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The site falls within the settlement confines and so development here is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.6 Having regard to the compliance with Policy DM1 and DM11, new residential development within this area is acceptable in principle. The site currently has built structures (the garage blocks) and much of the rest of the site is hard-surfaced, such that it may be regarded as Previously Developed Land for the purposes of applying NPPF policy, including paragraphs 117 and 118. Paragraph 118 gives substantial weight to the use of brownfield land to provide housing and promotes the development of under-utilised land to help meet identified needs. The development would have a density of 186 dwellings per hectare, easily meeting the expectations of CP4. The determining issues for this application therefore rest on consideration of the impact of the proposed development in its specific context and the impact on surroundings, including its impact on the character of the area and existing residential amenities, the impact of the loss of the existing garages and parking spaces, technical and environmental issues, and a consideration of its general compatibility with the requirements of the NPPF.

#### The Nature and Purpose of the Proposed Housing

- 2.7 Policy CP4 sets out broad criteria for the provision of housing. The supporting text highlights the importance of meeting the needs of the full range of housing requirements. This is broadly consistent with the objectives set out in NPPF paragraphs 59 and 61 which talk about meeting the needs of groups with specific housing requirements, including providing housing with a range of size, type and tenure. The Planning Statement submitted with this application points out that

DDC has a duty to provide people who are homeless or threatened with homelessness with advice and appropriate assistance.

- 2.8 The Strategic Housing Market Assessment in 2017 identified that there were 285 households either homeless or in need of temporary accommodation. Information submitted with the current application explains that the number of households in temporary accommodation is slowly and steadily rising. This is partly due to a lack of move-on accommodation both in the private and social housing sector. As at mid-December (2019) there were 158 households in all forms of temporary housing. This includes 18 in bed and breakfast, 90 in nightly paid accommodation, 8 in a hostel, 3 in private sector leased accommodation, and 39 in the Council's own stock. Of the 158, there are 56 single people and 5 couples, representing 39% of the total number. In support of the application, the Housing Development Manager says:

*"There is a need and demand for affordable housing of all types across the District. However, there is a particular, identified shortage of housing for single people. Dover District Council is committed to reducing the use of temporary accommodation for all residents of the District. This development of 16 flats will contribute towards this commitment and address the housing needs of single people by providing good quality, affordable, interim accommodation until residents can move on into permanent housing. The properties will be owned and managed by Dover District Council."*

- 2.9 This establishes the need for accommodation of the type proposed here, which is specifically aimed at single people; this proposed development is not intended to accommodate families with children. The development would provide purpose-built, high quality accommodation that is affordable to the intended occupants. It also provides the opportunity to provide targeted accommodation that is under the direct control of the Housing Authority and has the potential to be more cost-effective than some of the alternatives currently employed, including bed and breakfast accommodation.
- 2.10 Each flat has a GFIA of 19.8m<sup>2</sup>, which is below the nationally described standard for a one-bedroom, one-person flat with shower room (37m<sup>2</sup>). The Council has not formally adopted the national standard, so the weight to be afforded to this is limited; nevertheless it is appropriate to regard it as a "good" standard to aim at. In this instance, it is acknowledged that the flats are intended as temporary accommodation whilst alternative more permanent housing solutions are found for the intended occupants. In discussions with the Housing Manager, it has been suggested that the maximum length of individual tenancies is likely to be around nine months to a year; in many instances it could be significantly shorter than this. The size of the units is somewhat less than would normally be aspired to for permanent use and occupation. It is noted that a communal laundry room is to be provided, meaning that residents would not have to find space for laundry facilities within individual units. Nevertheless, the units provide a reasonable standard of accommodation and significantly better than many of the alternatives currently available to this client group, particularly given that they would be purpose-built and in a communal environment specifically designed to meet the identified need. In recognition of all these factors, it is considered appropriate to grant planning permission subject to a condition that occupation of any of the units by individual tenants should not exceed 12 months. This is partly to safeguard the interests of individual tenants, but would also help to ensure that the accommodation continues to fulfil the identified need by freeing the units up for new tenants from time to time.

- 2.11 All the accommodation meets the definition of affordable housing; policy DM5 is therefore met.

Impact on the Character of the Area and Residential Amenity

- 2.12 NPPF paragraph 117 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 122 supports development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places. Para 127 says that developments should add to the overall quality of the area, be visually attractive and sympathetic to local character.
- 2.13 Kimberley Close and Kimberley Walk are part of an entirely residential locality and, together with the immediate surroundings, are characterised almost exclusively by two-storey housing, mainly semi-detached or in short terraces. Pitched roofs and gable ends predominate. The proposed buildings would reflect the general form of the immediate surroundings and fit in well within this context, with the recessed element between the gables helping to give articulation to the façade and mitigate the bulk of the buildings. They are on higher ground than the houses in Kimberley Close to the west, but building A will be on a similar ground level to those in Kimberley Walk. Relatively marginal differences in style, height and roof pitch will not jar or look out of place, given that this development will clearly be of a different era than the rest of the neighbourhood. High quality, traditional, external materials are to be used which will also help the buildings to blend in with their surroundings. In all, an appropriate balance has been struck between the efficient use of the site and the need to reflect the character of the area. Indeed, the current use of the site and some of the activities that currently take place could be said to be a detracting element in visual terms, and this will be removed. Although at 186dph the density might appear high, it should be remembered that these are relatively compact, one-person units, and the density will not be immediately apparent from the built form.
- 2.14 In terms of residential amenity, the main issues to consider are the impact on the amenity of existing residents through any loss of privacy, overlooking, loss of daylight and sunlight, loss of outlook, or additional noise and disturbance. NPPF paragraph 127 advocates the achievement of a high standard of amenity for existing and future users.
- 2.15 Building A is at an angle and between about 1m and 4m from the flank boundary with 12 Kimberley Walk. That property has no flank windows and a garage sits between the house and the boundary. The rear corner of the new building will be roughly level with the rear wall of no. 12. The first floor windows on the rear part of the building facing the boundary will have obscured glass; although this does not apply to those on the forward part of this elevation, these windows would only overlook the front garden of the neighbour, which is open to public views already. The west elevation of building A is about 20m away from the rear of the houses fronting Kimberley Close; first floor windows on this elevation would also be obscure glazed. The same applies to the first floor windows on the west elevation of building B, which is between 22m and 24m from the rear of the Kimberley Close houses. The applicant has confirmed that the boundary treatment at the end of the Kimberley Close gardens will be made good where the garages are removed; details of this can be required by condition. Taking all these factors into account, there should be no unacceptable loss of amenity to surrounding residents;

although the new buildings sit on higher land than the houses to the west, the distances involved and the relative heights of the buildings will be sufficient to ensure that there is no overbearing impact.

### Highways and Parking

- 2.16 Nine parking space are to be provided to serve the 16 units. Policy DM13 says that parking provision 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. The accompanying table, to be used as a starting point for the assessment of provision, indicates that the maximum provision for one-bed flats is one space per unit. Paragraph 1.45 of the Core Strategy notes that generally, the Council will always seek to provide the minimum amount of vehicle parking provision that is consistent with design objectives and would not impair the functioning of a proposed development or of the highway network; the footnotes to the table also highlight instances where a reduced provision may be considered acceptable. The Transport Statement submitted with the application includes an assessment of car ownership amongst the potential client group; only five out of the 61 singles/couples households identified as being in need of this type of accommodation (December 2019) have use of a car, which is around 8%. On that basis, the scheme would only generate a need for two parking spaces; however the proposed level is around one space per two units, which appears to be appropriate in all the circumstances.
- 2.17 Of more significance in this instance is the impact of the loss of the existing parking facilities provided by this site, and used by existing residents of the surrounding roads. Members will note that this is the issue that has given rise to the greatest level of concern through public consultation. The Transport Statement reports on a survey undertaken of the level of parking on the site, and the availability of on-street parking elsewhere in the locality. This found that nine vehicles currently use the parking spaces within the site; the garages themselves were assumed not to be used for this purpose. It also found that there was adequate spare capacity to accommodate this amount of parking in nearby streets, should it be displaced by the proposed development. However, it was noted that some of that spare capacity was up to 250m away from the site.
- 2.18 KCC Highways raises no objection to the proposed development in principle, but comment that it would appear to be difficult to adequately accommodate the displaced parking, given how far away some of the alternative opportunities are, and has suggested that some of the (apparent) overcapacity within the development itself could be used to accommodate the displaced parking. Without further analysis, it would be difficult to know who is actually currently using the site for parking; however, I note that some respondents refer to the fact that they already walk some distance (up to 300m) in order to use these spaces, suggesting that not all the “need” is necessarily arising from residents in the immediately adjoining roads. KCC’s comments also need to be interpreted with this in mind.
- 2.19 In response to these issues, the Housing Development Manager has commented:
- “The Council lets the garages on tenancies which permit the use of the garages for parking cars. Garage tenants are not permitted to use the hardstanding areas outside the garages themselves for parking. The tenants of the garages have been contacted and arrangements have been made for them to transfer to garages elsewhere, and all the garage tenants are in agreement with this. Some residents do use the hardstanding area outside the garages for parking vehicles, but this is without agreement from the Council. The objections on the grounds of parking*

*have been received from people who do not have garage tenancies. The garages themselves are not fully let, there are vacancies and no waiting list for them."*

- 2.20 It would therefore appear that the on-site parking is taking place without the explicit consent of the Council, as landowner. Examination of the planning history has not revealed any planning conditions that require the garages or parking spaces to be provided to serve the wider residential development or retained in perpetuity. I also understand that the applicant is not keen to make a formal commitment to making any spare spaces within the proposed development available for more general use, partly because the level of any "spare" capacity is likely to fluctuate from time to time. That is essentially a management issue for the Council as the Housing Authority.
- 2.21 Another factor to be taken into account is how refuse freighters will access the site. KCC has suggested that refuse collection could take place with the vehicle waiting in the carriageway; DDC Waste Services dislikes such arrangements because of the number of bins to be emptied and the potential for blocking the road and causing annoyance to residents. Although the site access can accommodate the freighter, this requires junction protection in the form of yellow lines to make it work. It was originally suggested that double yellow lines be provided, resulting in the loss of two on-street parking spaces at all times. However, this has now been amended to single yellow lines, meaning that parking could not take place during the day (when refuse collections are likely to take place) but this road space would be available for parking overnight (when demand for parking is greatest). This is a pragmatic solution which would, to some degree, help to redress the balance in terms of displaced parking.

#### Contamination and Drainage

- 2.22 Since the application was originally submitted, a Ground Investigation Report, Drainage Strategy and Flood Risk Assessment have all been provided. Some of the consultation responses from technical consultees were made prior to this additional information being available. The applicant has also confirmed that foul drainage will be connected to the main sewer.
- 2.23 There is considered to be a low risk of contamination within the site arising from existing and former uses and as there will be no formal play areas or areas cultivated for food, EHO is content with a condition to deal with unforeseen contamination, should it become apparent. The site is within Flood Risk Zone 1, and the risk of flooding from all sources is identified as very low or negligible. The implementation of the proposed Drainage Strategy would ensure that the development does not pose a risk of flooding elsewhere. As noted by KCC Flood and Water Management, the Drainage Strategy identifies opportunities for the use of SUDS, but has not concluded the extent to which this might be feasible, in the absence of infiltration data. Whilst the use of SUDS is the recommended approach (in line with both local and national policy), all the relevant consultees are content that an acceptable technical solution to the disposal of surface water is achievable, subject to appropriate conditions that recognise the existence of a range of options. It is therefore appropriate to deal with these details through planning conditions.

#### Ecology and Habitats

- 2.24 The Preliminary Ecological appraisal identified that the site had a low ecological value but the garages to be demolished were identified as having the potential to be bat roosting sites. A detailed bat survey has subsequently been carried out. No roosting bats were recorded in the building and a relatively low level of bat

activity was recorded around the site as a whole. It is concluded that roosting bats are unlikely to be directly impacted by the proposals and no further assessment or specific mitigation measures are required. Mitigation to avoid disturbance through external lighting will be undertaken, and it is also recommended that other mitigation be provided in the form of bird boxes and reptile hibernacula.

- 2.25 Natural England comments on the SPA Mitigation Strategy, but points out that an Appropriate Assessment should be carried out; this is set out below.

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

- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 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 with 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.
- 2.31 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.

Developer Contributions

- 2.32 Using the prescribed scale, the contribution required towards the SPA Mitigation Strategy is £306.41. In addition to that, KCC has requested contributions towards adult education, libraries, social care and waste and recycling facilities. These all

appear reasonable, apart from that requested for the enhancement of capacity at household waste and recycling sites. Further work is currently being carried out to put together a strategy for enhancement of these sites County-wide and, until that has been satisfactorily concluded, there is no certainty over the level of justification for the requested contribution.

- 2.33 Policy DM27 requires residential developments of five units or more to provide an appropriate amount of open space or, where this cannot reasonably be provided on site, to make a contribution to appropriate facilities elsewhere. The required types of open space fall into a number of categories.
- 2.34 Although the current proposal does include some accessible green space, this is below the standard that would normally be required. Nevertheless, the background evidence for the emerging Local Plan indicates that there is not a shortfall for this type of open space within the locality, therefore no further contribution is deemed necessary. Similarly, as the scheme is aimed at single-occupancy adults, it is not appropriate to seek contributions towards the provision of children's equipped play space.
- 2.35 With regard to outdoor sports pitches, applying the adopted DM27 requirement of 1.17ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.0187ha. On-site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. Improving the quality of pitches is a simple way of increasing capacity at a site; as such, priority should be to improve the quality of pitches at secure sites that are currently overplayed. If all overplayed pitches were improved by one qualitative increment (poor to standard or standard to good) this would be sufficient to eliminate overplay. The three adult football pitches at Danes Recreation Ground are currently identified as overplayed and improving pitch quality here has been identified as a priority within the emerging Local Plan evidence. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.0187ha natural grass playing pitch need generated by the proposed development equates to 2.67% of a natural turf senior pitch which equates to a proportionate offsite contribution of £2,674.29.
- 2.36 It is also appropriate to seek a monitoring fee for administering developer contributions of £236 per trigger event.
- 2.37 The total amount of developer contributions therefore comes to £6,716.70. Ordinarily, such sums would be collected as part of a Section 106 Agreement. However, since the Council is applicant in this case, it cannot have a formal Legal Agreement with itself. In line with the approach adopted in other similar situations, the most pragmatic way forward would be by way of internal transfers under the various budget headings. Such an approach is considered to be acceptable given that both the Council and KCC should be regarded as responsible authorities who will spend the funds for their allocated purpose. Should members agree that the development is acceptable, any permission would not be issued until confirmation of the internal transfers having taken place.

#### Other Issues

- 2.38 The quantum and physical layout of the refuse and recycling facilities has been updated since the application was originally submitted and now meets the criteria set out by the Waste Services Manager.

### 3. Conclusion

- 3.1 This is an application for the redevelopment of Previously Developed Land within the urban confines to meet an identified housing need. It complies with policies CP1, CP4, DM1, DM5 and DM11. These are considered to be the most important development plan policies with regard to consideration of this application, and they are broadly compatible with the NPPF and up to date, so far as this development proposal is concerned. The scheme also meets the requirements of NPPF paragraphs 117, 118, 122 and 127. The built form will integrate well with the surrounding locality and there will be no unacceptable impact on the amenity of existing residents. Although it will displace some existing parking used by local residents, there is no ongoing requirement for this to be retained and opportunities exist for the displaced parking to be accommodated elsewhere nearby. With regard to NPPF paragraphs 108 and 109, any impacts on highway safety can be mitigated to an acceptable degree and the residual cumulative impacts on the highway network would not be severe. All other technical and environmental requirements can be met.
- 3.2 NPPF paragraph 11 requires that proposals that are in accordance with an up-to-date development plan should be approved. Even if the development plan is silent on some important issues (or the policies are not entirely up to date), paragraph 11(d) says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is all said in the context of supporting sustainable development, which has three objectives – economic, environmental and social. This proposal would bring benefits in respect of all three of those objectives, and there are no adverse impacts that would significantly and demonstrably outweigh those benefits.

### g) Recommendation

- I Subject to confirmation of the receipt of all development contributions as set out in the report above, **GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:
- 1) Standard commencement condition
  - 2) List of approved plans
  - 3) Submission of details of external materials
  - 4) Submission of landscaping scheme, including boundary treatment on garden boundaries with Kimberley close where garages are to be removed
  - 5) Provision of car parking
  - 6) Provision of cycle parking
  - 7) Provision of refuse facilities
  - 8) Yellow lines/junction protection
  - 9) Obscured glazing
  - 10) Occupancy limitation
  - 11) Unforeseen contamination
  - 12) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
  - 13) Verification of installation and effectiveness of drainage scheme
  - 14) Limitation on infiltration of water to the ground, other than as explicitly approved
  - 15) Provision of bird and bat boxes

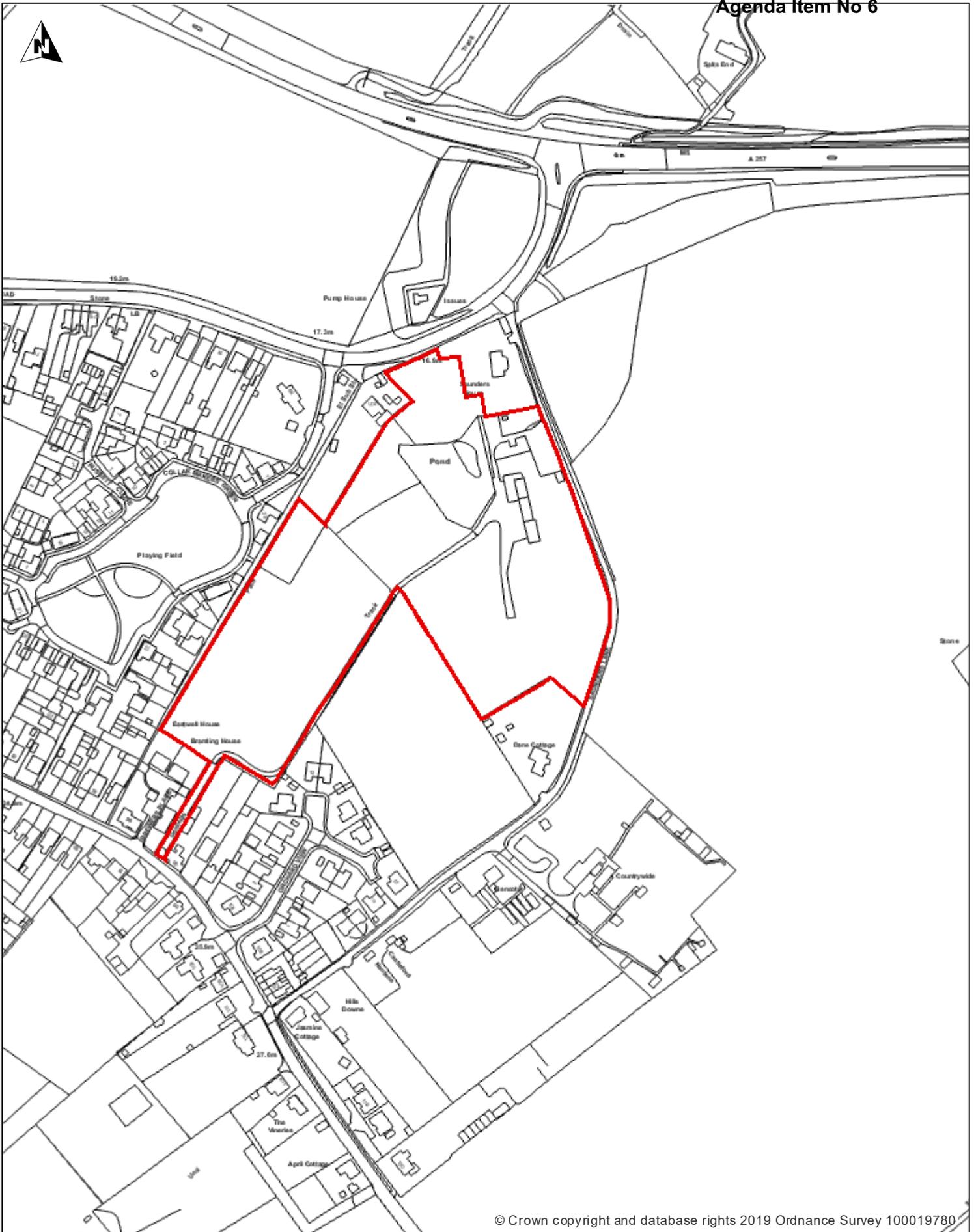
- 16) External lighting to be designed having regard to bats
  - 17) Construction Management Plan
  - 18) Provision of infrastructure to facilitate broadband
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

#### Informatives

- 1) Need for consent to connect to sewer (SW)
- 2) Other sewers running through site (SW)
- 3) Advice on biodiversity measures to be incorporated into the landscaping scheme.
- 4) Incorporation of technical design measures regarding Secured by Design

#### Case Officer

Neil Hewett



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DOV/19/01462

Land North Of Orchard View And West Of Saunders Lane  
Ash

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/19/01462 – Outline application for the erection of up to 76 dwellings (all matters reserved except for access – Land north of Orchard View and west of Saunders Lane, Ash**

Reason for report – Number of contrary views and called in by Cllr Bartlett

- b) **Summary of Recommendation**

Outline planning permission to be approved.

- c) **Planning Policy 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”.

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

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

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

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

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

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

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

Paragraph 127 – Planning decisions should ensure that developments:

Will function well and add to the overall quality of the area, for the lifetime of the development;

Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

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

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

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

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

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

water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 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)

Draft Ash Neighbourhood Plan (Consultation Document) 2019

Kent Design Guide (2005)

d) **Relevant Planning History**

No relevant recent planning history.

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

DDC Infrastructure:

Policy CP 6 of the DDC Local Development Framework Core Strategy 2010 (the Core Strategy) 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 for indicative purposes only. On this basis an indicative 203.96 new residents will be generated by the proposed development on the following basis.

### **Accessible Green Space**

Applying the adopted DM27 requirement of 2.22 ha per 1,000 population against the anticipated number of new residents generates an overall accessible green space requirement of 0.453 ha. The indicative site layout shows Accessible Green Space is to be provided on site.

An area of on-site accessible green space should be secured as part of the site layout at the reserved matters stage. The amount required will be dependent on the final agreed mix of housing applying the 2.22 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than 0.453 ha. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

### **Outdoor Sports Facilities**

Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.24 ha. On site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant.

An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.24 ha natural grass playing pitch need generated by the proposed development equates to 32.16% of a natural turf senior pitch which equates to a proportionate offsite contribution of £32,160.69.

Improving the changing facilities at Ash Recreation Ground has previously been identified as a priority and continues to be so within work being undertaken as part of the update to Dover's Playing Pitch strategy. Two applications within Ash have secured funding for ancillary facilities at Ash Recreation ground, namely £28,000 from DOV/16/01049 land at Chequer Lane and £10,900 from DOV/16/01247 Land at White Post Farm though there remains a funding gap to fulfil this project.

A proportionate contribution, which would be £32,160.69 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, should therefore be sought towards improvement of the changing facilities at the existing sports pavilion at Ash Recreation Ground.

### **Children's Equipped Play Space**

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of new residents generates an overall children's equipped play space requirement of 0.012 ha. This site falls outside of the accessibility requirements of DM27. On-site provision would usually be sought in the first instance though this

has not been proposed by the applicant. To help overcome this policy objection, an off-site contribution could be sought.

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 0.0158 ha, the average capital cost being £ 42,520. The 0.0012 Ha children's equipped play space requirement generated by the proposed development equates to 77.45% of equipped play provision which equates to a proportionate offsite contribution of £32,932.96 based upon the submitted housing mix.

Ash Parish Council are undertaking a phased update to the Ash Recreation Ground Play Area and have required further funding for the second phase of this project. The cost of the first phase. The offsite contribution should therefore be secured to enhance the equipped play provision at Ash Recreation Ground

### **Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy**

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 an indicative £4,476.68 is therefore necessary for this site to be considered policy compliant.

### **Monitoring Fee**

The introduction of revised 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, which are now specifically exempted from the requirements of CIL Regulation 122. A monitoring fee of £236 per trigger event should be sought.

### **DDC Ecology**

The report suggests a number of mitigation measures and enhancements to the biodiversity of the site. The former include:

- A bat sensitive lighting scheme. (this should follow the guidelines produced by the Bat Conservation Trust & the Institute of Lighting professionals
- Vegetation clearance outside of the bird nesting season
- Habitat manipulation followed by installation of reptile fencing to discourage and then prevent use of the construction site by reptile species
- Replacement of trees lost to development on a one to one basis.
- Garden fencing to include 15 cm diameter gaps at the bases to allow movement of hedgehogs
- Creation of a swale of a larger size than the currently dry pond.

Enhancements include:

- Installation of bird and bat boxes
- Hedgerow planting using native species

- Lawn areas to include a wild flower mix, such as EM1 from Emorsgate seeds.
- Soft landscaping using native fruit producing varieties of shrubs.

All of the above should be set out in a biodiversity enhancement plan which should form a condition of any planning consent

My previous comments requested a biodiversity enhancement plan, based on the suggestions made in the PEA. I have also looked at the Design and Access statement, particularly the section on climate change mitigation. I would suggest that the applicant gives strong consideration to water efficiency measures such as rain water harvesting as well as the construction of highly energy efficient buildings.

### DDC Housing

There is a need for affordable housing of all types and tenures across the District, and particularly in rural areas. The application proposes 23 affordable homes, and 53 homes for market sale. This is within the required % of affordable housing, and if the final numbers change the overall % of affordable housing should also change to ensure it does not fall below 30%. Of the 30%, 70% should be for affordable rent and 30% for shared ownership. In this instance this would be 16 and 7.

In relation to the affordable rented properties, we have a need and demand for properties of all sizes, but particularly require 1 and 2 bedroom flats, so would request that some units of these sizes are included in the final designs. In relation to shared ownership properties, this tenure is most ideally suited to first time buyers and the greatest demand within the District is for 2 bedroom houses, particularly in the rural areas. We would, therefore, prefer to see 2 bedroom houses used for Shared Ownership, and whilst one or two 3 bedroom houses may be included, we advise against the extensive use of larger properties, on ground of affordability and meeting the eligibility criteria.

### DDC Environmental Health

**Air Quality/Noise:** The development is unlikely to have a significant impact on local air quality a stand-alone air quality assessment is not required for this development. However, for the construction phase, due the close proximity of existing residential properties, a suitable condition for a construction management plan is recommended.

**Electric Vehicle Recharging Facilities:** I note there is no mention of electric vehicle re-charging facilities in private dwellings and car parks in the application. The UK Government has confirmed that it will end the sale of all new conventional petrol and diesel cars and vans by 2040 as part of the plan to tackle air pollution and by 2050 there will be zero emissions by vehicles in the UK. To that end,

*Paragraph 105 of the National Planning Policy Framework (NPPF) states: "If setting local parking standards for residential and non-residential development, policies should take into account.....e) **The need to ensure an adequate provision of spaces for charging plugin and other ultra-low emission vehicles.**"*

Furthermore in 2018, the government published the [Road to Zero](#) strategy whereby the government set out its intention for all new homes to be EV ready. To that end the government is now consulting on EV Charging in Residential and Non-residential Buildings July 2019. I would therefore recommend that a suitable condition is included in any decision notice that secures electric vehicle recharging infrastructure.

**Contaminated Land:** I note the conclusions of Phase I desk study (Floodrisk UK Nov 2019) and confirm a stage 2 intrusive survey is required. I therefore recommend relevant conditions.

I note additional documents submitted in respect of this application. As far as I can ascertain, there are no additional document for EH to assess, however I note statement in letter AAH Planning (4th May 2020):

Further to the response of the Environmental Health Officer and in line with best practice, we can confirm we are content with a condition requiring installation of electric vehicle charging points for each property. Details for the provision of any charging points should be required by planning condition.

DDC Waste Services: I have studied the planning application and can see that under section 14 for Waste Storage and Collection the developer has not given consideration to incorporate any areas to store and aid the collection of waste not for separate storage and collection of recyclable waste. I have looked at the site location plan and can see some potential issues.

DDC operates an alternating fortnightly refuse and recycling collection. Each property must be able to accommodate at least a standard bin set. The developer needs to be made aware that it is Dover Council policy to charge for wheelie bin sets and that all bin sets must be purchased by the developer before the future residents move in. An individual bin set currently costs £77.47 but this is subject to change.

I have concerns that the 26 ton collection freighter may not be able to gain enough 'Swing' to access the site from Sandwich Road as the entrance shown may not be wide enough. DDC operates a boundary collection system. Future residents will be required to present their bins at the property boundary so that the collection freighter can pass by to empty the bins.

Looking at the drawing there are concerns that the freighter will not be able to access all parts of the development due to narrow corners. These do need to be wide enough and clear of parked cars as this will stop collections being made. These concerns are particularly relevant to the 'private drive' sections.

### KCC Highways

I refer to the Addendum Transport Information submitted for the above and would comment as follows:

1. The full count data for the Sandwich Road automatic counts and the manual count at the Sandwich Road/A257 junction should be submitted.
2. Based on the speed data submitted the forward visibility currently shown for a driver approaching a vehicle waiting to turn right into the access is less than the absolute minimum of 77 metres required. This visibility is also measured incorrectly from the centre line of the road rather than 1.5 metres from the offside edge of carriageway where a driver would typically be positioned, which appears may reduce the visibility further. However, I note that the plan shows an assumed highway boundary and the applicant has not sought clarification of the considered highway boundary from our Highway Definition Team. I also note the plan is not based on a topographical survey. The above matters should therefore be resolved and an accurate plan showing the visibility provided.
3. As previously requested visibility splays are also required in both directions from the site access to the tangent points of the nearside curves in Sandwich Road.

4. All the required visibility splays should be over land within the control of the applicant and/or the highway authority.

5. The assessment of the Sandwich Road/A257 junction does not appear to include any HGV movements. It also appears that count data is used without conversion to PCU's. These matters should be clarified and the assessment reviewed accordingly.

6. I note the comments regarding the secondary emergency access, however I note that the Fire Service have not been consulted as previously advised.

7. The alternative location for the proposed pedestrian crossing point in Sandwich Road is not acceptable as it appears visibility would be restricted by parked cars. As previously suggested the crossing should be located where PROW EE466/1 meets Sandwich Road just to the east of Cherry Garden Lane. A safety audit and designer's response to any issues raised will be required for the crossing point.

Maintain a holding objection until the above matters have been satisfactorily resolved.

I refer to the additional information submitted for the above on 6th May and confirm the proposed site access arrangements are now acceptable.

The proposed pedestrian crossing point shown in Sandwich Road opposite PROW EE466/1 is acceptable in principle, however it needs to include a footway connection to the end of the existing paved footway on the northern side. The proposed highway alterations including the crossing point and site access also require a safety audit and designer's response.

I refer to the Stage 1 Road Safety Audit Response Report submitted for the above on 12th June and concur most issues can be dealt with through the detailed design process and/or cutting back of vegetation. However, I would comment further on three particular items as follows:

However, as greater forward visibility than that shown is not available over land within the control of the applicant and/or the highway authority, the applicant should explore mitigation measures. I suggest the provision of road widening/a right turn lane to allow east bound vehicles to pass a vehicle waiting to turn right into the site, together with advanced warning signage and road markings on the eastbound approach to the junction.

The existing footway outside 44 The Street is part of the public highway and the highway boundary continues eastwards from the back of the footway into the adjacent land, where the highway verge then widens and encompasses the end of Public Bridleway EE466. A suitable connection from the proposed crossing point to the existing footway outside 44 Sandwich Road can therefore be provided within the public highway.

The existing footway on the south side of Sandwich Road provides the pedestrian route towards the village, however this footway ceases to the west of Gardners Close and there is no facility to cross to the existing footway on the northern side. This has generated the need for the crossing point just to the east of Cherry Garden Lane as discussed and this will provide a continuous, segregated pedestrian route between the application site and the village. Therefore, whilst the existing crossing point at the Cherry Garden Lane junction is not ideal, the development is unlikely to generate a material increase in use of the same and improvements to it cannot reasonably be required of the applicant.

I refer to the amended plans and safety audit submitted for the above on 24th June and 6th July, and confirm the proposals are now acceptable in highway terms.

The proposals are likely to generate approximately 48 two-way vehicle movements during the network peak hours, with the vast majority of these (approximately 43) being to/from the A256. Whilst a small number of trips to/from the primary school may be generated through the village, these will not be significant and may in any case be offset by a reduction in potential trips associated with pupils living further afield, as school places are instead taken up by residents on the proposed development. The impact of the additional trips at the Sandwich Road/A257 Ash Bypass junction has been assessed and the impact is acceptable. Consideration has also been given to the additional trips likely to be generated through this junction from the permitted White Post Farm site (37 dwellings) and the application further along Sandwich Road (37 units), and the impact at the junction is still acceptable. The access arrangements in Sandwich Road have been assessed and amended to resolve issues raised in the safety audits. The revised proposals include a right turn lane at the site access and by default, a right turn lane at the existing adjacent Collar Makers Green access. The spacing of the proposed site access and Collar Makers Green access are acceptable and in accordance with current guidance. Acceptable visibility is available at the site access in accordance with measured speeds and current guidance, and visibility splays across highway verges can be maintained by the highway authority as is standard practice. The applicant also proposes to reduce the existing 60 mph speed limit to 40 mph between the A257 Ash Bypass and the existing 30 mph limit further to the west in Sandwich Road, and the measured speeds indicate that this is feasible. The level difference at the site access is noted, however the applicant has demonstrated that a suitable access can be achieved in highway terms and the detailed design of the same can be dealt with both through a reserved matters application and the road adoption agreement process. The Fire Service have confirmed that the single access from Sandwich Road is acceptable, and therefore the proposed connection from the site to New Street can be for pedestrians and cyclists only.

The existing footway on the south side of Sandwich Road provides the pedestrian route towards the village, however this footway ceases to the west of Gardners Close and there is no facility to cross to the existing footway on the northern side. The proposals therefore include an informal crossing point with dropped kerbs, tactile paving and suitable visibility where PROW EE466/1 meets Sandwich Road within the existing 30 mph limit, together with a new section of footway linking the crossing point to the existing footway on the north side of Sandwich Road. These improvements can be achieved within the highway boundary and will provide a continuous, segregated pedestrian route between the application site and the village. These proposals have also been subject to a safety audit and amendments made as necessary. The detailed design can again be dealt with both through a reserved matters application and the highway agreement process. Whilst the existing crossing point across the Cherry Garden Lane junction is not ideal, the development is unlikely to generate a material increase in use of the same and improvements to it cannot reasonably be required of the applicant, particularly bearing in mind the mitigation measures (new crossing) proposed. The routing of HGV's associated with construction and other related matters can be dealt with through a Construction Management Plan, including a requirement that such vehicles should only route to/from the north of the site via the A257. As only access is for consideration at this time, the detailed site layout, parking provision, etc. can be assessed in a future reserved matters application.

Taking all of the above into account, the proposals are unlikely to have a severe impact on the highway network and, with the proposed mitigation measures, safe access is

provided in accordance with the NPPF. I would therefore not recommend refusal in respect of highway matters subject to highway conditions being secured.

I would also ask that electric vehicle charging points are provided as follows: Dwellings with On-Plot Parking: 1 Active Charging Point per dwelling minimum output rating 7kW. Dwellings with unallocated communal parking: 10% Active Charging Spaces and 100% Passive Charging Spaces.

#### KCC East Kent PROW

Public footpath EE108A runs to the eastern edge of the proposed development. The existence of the Public Right of Way (PROW) is a material consideration. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of a PROW.

I refer to points 5.42, 5.43 and 5.44 of the Planning Supporting Statement which mentions PROW EE108A. The proposal is to link the PROW to the development. I would welcome the opportunity to discuss improvements to the dreadful condition of the current PROW. When Collar Makers Green was built it constricted the footpath between its house's boundary fences and walls and the bank of the above proposed development site. In the context of the PROW this is bad design and had a significant detrimental effect on the footpath. The land to the proposed site is higher than the footpath and this has created a narrow corridor without street lighting. In addition to this point; trees fall from the bank of the site regularly and obstruct the footpath. This application would only exasperate the enclosed nature of the footpath and would not meet Kent Design guidance.

In line with Kent Design guidance, walking and cycling provision should not be confined behind rear gardens and should be overlooked by adjoining property to help facilitate a safer environment for path users. The proposed close board fencing along the boundary of footpath EE461 would create an unpleasant environment that could potentially facilitate anti-social behaviour. Through best practice design we will seek to ensure all pedestrian areas will be well lit and constructed of materials that are aesthetically pleasing, easy to move upon and give particular consideration to the aged and disabled. Could the applicant provide more detail of the plans for the gardens that back onto the PROW shown on the Indicative Site Layout plan. If the intention is to install closeboard fencing, then I would have to object to the application as it stands because the path would be an unbearably closed passage. I would encourage the developer to consider discussing with The PROW and Access Service how we can improve this PROW. To enhance public enjoyment and for residents of both Collarmakers Green and the new development.

#### KCC Archaeology

The proposed development site occupies an area of slightly elevated ground and part of the head of a small valley, with springs, that feed into the Goshall Stream and thence into the River Stour. The lower parts of the Goshall Valley are represented by reclaimed land that was once part of the Wantsum Channel, an open sea-channel that separated the Isle of Thanet from "mainland" Kent. The Goshall Stream joins with the River Stour just south of the nationally important Roman site of Richborough, which originally sat on an island at the eastern end of the Wantsum. The proposed development is therefore situated in a location that topographically may have been favourable for past occupation and activity, benefitting from a nearby water source and with ready access to a range of natural resources, habitats and transport routes. There is good evidence for archaeological activity along the edges of the Wantsum and adjoining higher ground in the Ash area from the Prehistoric period onwards,

particularly in the Romano-British period. A network of possible and probable Roman roads extend from Richborough, with routes heading towards Canterbury, Dover and Sandwich Haven. Romano-British settlement is known to the west at the former Puma Power Plant site in Ash and to the east near Each End. The site of a possible, although archaeologically unproven, Roman villa is located less than 150m to the north-east of the site.

The application is accompanied by Heritage Assessment and a geophysical survey report. The geophysical survey report did not positively identify any archaeological remains within the application site, however, as acknowledged in the report, there can be varying factors which affect the success, or otherwise, of such survey. A negative survey response does not necessarily mean that there is an absence of archaeological remains, only that the survey was not successful in identifying such features. In addition, I would note that there are some categories of archaeological remains, potentially including remains of high significance, that do not readily lend themselves to identification through geophysical survey. I would therefore suggest, contrary to the applicant's Heritage Assessment, that the potential for archaeological remains, including remains of greater than local significance, cannot yet be ruled out. Furthermore, I would note that the geophysical survey could only access part of the application site, with the site being described as measuring some 3.4 hectares in the Design & Access Statement, of which approximately 1.2 hectares (35%) was subject to geophysical survey.

I therefore suggest that the proposed development has the potential to impact remains of archaeological interest. I recommend that provision be made in any forthcoming planning consent for a programme of archaeological work. This can be covered by a planning condition.

#### KCC LLFA

Kent County Council as Lead Local Flood Authority have the following comments:

Having reviewed the information we are generally satisfied with the principles proposed for dealing with surface water, primarily via infiltration and should this prove to be unfeasible then via a connection to the existing watercourse to the North of the site at a rate not greater than existing.

At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017). The proposed design is based upon an FSR value of 20.7mm and so we will require this to be amended but feel that sufficient space exists on site to accommodate any additional attenuation that may be required.

The design is also based on an assumed infiltration rate of 0.00014m/s, we would emphasize that additional ground investigation will be required to support the use of infiltration. 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 features will have an appropriate half drain time. Should you as LPA be minded to grant permission we would recommend that appropriate conditions are applied.

#### KCC Economic Development

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional

impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.

### **Request Summary**

#### **Secondary Education**

Per dwelling £4,115.00/Per flat £1029.00

Total: £312,740.00

Contribution towards the expansion of the Sir Roger Manwood Secondary School

#### **Community Learning**

Per dwelling £16.42

Total: £1,247.92

Contribution towards portable equipment for additional classes for the new learners in Sandwich

#### **Youth Service**

Per dwelling £65.50

Total: £4,978.00

Contribution towards additional resources for the Youth service within the District, including the Linwood Youth Hub at Deal

#### **Library Bookstock**

Per dwelling £55.45

Total: £4,214.20

Towards additional services and stock for the local Library in Ash

#### **Social Care**

Per dwelling £146.88

Total: £11,162.88

Towards Specialist care accommodation within the Dover District

All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

#### **Waste**

Per dwelling £237.54

Total: £18,053.04

Towards new works at WTS and HWRC to increase capacity

Broadband:

Condition recommended

**Justification for Infrastructure Provision/Development Contributions Requested**

Secondary School Provision: A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the the Sir Roger Manwood Secondary School. The new secondary school accommodation will be provided through the expansions of the Sir Roger Manwood Secondary School and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning: There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, along with cost of mitigation. To accommodate the increased demand on KCC Adult Education service, the County Council requests £16.42 per dwelling towards the cost of providing portable equipment for additional classes for the new learners in Sandwich.

Libraries: KCC are the statutory library authority. The Local Government Act 1972 requires KCC to take proper care of its libraries and archives. Borrower numbers are in excess of capacity, and bookstock in Dover District at 1,009 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively. To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these Dwellings.

The County Council therefore requests £55.45 per household to address the direct impact of this development, and the additional services and stock will be made available locally at Ash Library, as and when the monies are received.

Youth Service: To accommodate the increased demand on KCC services the County Council requests £65.50 per dwelling towards additional resources for the Youth service locally, including the Lynwood Youth Hub.

Social Care: The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments. To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of £146.88 per household towards specialist care accommodation locally in the Borough.

Waste: Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

A contribution of £237.54 per household is required towards improvements at both WTS and HWRC's within Dover District to increase capacity due to housing growth and mitigate the impact from this development.

Broadband: Fibre to the premise/gigabit capable. The NPPF (para 112) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

#### Kent Fire and Rescue

I can confirm that it is my opinion that the offsite access requirements (from Sandwich Road) have been met. I note that the Planning Supporting Statement states that the site layout is indicative only. It is my opinion that the indicative site layout will not satisfy access requirements in the current design.

#### Kent Police

The DAS (Design and Access Statement) refers to Designing Out Crime. We strongly recommend that the application attains Secured By Design (SBD) to demonstrate that the potential for crime has been addressed and suggest the applicant /agent see Homes 2019 on the Secured SBD website: [www.securedbydesign.com](http://www.securedbydesign.com). To meet basic level requirements, doorsets and windows must to be certified by an approved independent third-party certification body e.g. (UKAS) in the name of the final manufacturer/fabricator. This requirement exceeds the requirements of Building Reg ADQ.

Although this is only an outline application, there are some concerns that should be addressed as some statements within the DAS points are not yet in line with designing out crime procedures. If this application is to be approved we strongly request a Condition be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Permeability to be controlled to avoid Anti-Social use across development or its boundaries. Any emergency access must be designed to ensure it avoids misuse and hampering of policing. If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles (3.7m) and have lockable barriers.

2. Opening the site for amenity space for the whole community (pg. 18 of the DAS) highlights some concerns, e.g.

- Access and movement: places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security;
- Ownership: places that promote a sense of ownership, respect, territorial responsibility and community;

□ Activity: places where the level of human activity is appropriate to the location and creates a sense of security at all times;

3. Perimeter, boundary and divisional treatments are required and to include same height fully lockable gates to the front of residences to avoid creating recesses. Rear and side of 1.8m min (trellis on a 1.6 is acceptable here) and front gardens, especially for corner properties need max 1m high boundary treatment to avoid desire lines and provide defensible space.

4. Parking to have maximum natural surveillance opportunities. There are areas of concern in the plan at this stage and the potential for car crime must to be addressed. Communal parking areas should be close to homes with “active” ground floor windows overlooking them and only in small blocks. SBD state that “Rear parking courtyards are discouraged as: They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated; In private developments such areas are often left unlit and therefore increase the fear of crime; Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour.” For garages we strongly advise that the security of the garage meets the same physical, locking and fixing specification as the residences. Visitor parking also requires maximum natural surveillance.

5. We recommend that the lighting plan to be approved by a Member of the ILP or the Society of Light and Lighting. We often find that where areas lack appropriate lighting, homeowners install security lighting that can detrimentally affect a developments lighting plan and cause light pollution, therefore a lighting plan should be designed to provide necessary lighting for security without damaging lighting policy or increasing light pollution.

6. Doorsets should meet PAS 24: 2016 UKAS certified standard. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.

This advice focuses on CPTED and Community Safety with regard to this specific planning application. We have reviewed the revised plans in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

The potential buffer zone to the PROW is a concern. By removing the existing vegetation and adding low level lighting this would effectively create a route behind rear garden fences. It could “open up” rear access to properties and this type of design has been proven to generate crime. We cannot recommend approval for this element of the application in this format.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction suite” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

#### River Stour Internal Drainage Board

Whilst this site is located outside of the River Stour (Kent) IDB’s district it does drain to it, potentially via a number of ordinary watercourses. The proposal therefore has the potential to affect IDB interests, downstream flood risk in particular. As with all development proposals, in relation to surface water drainage, efforts should be made to replicate Greenfield conditions; in respect of drainage routes and flow rates, and as close to source as possible. It is requested that the use of open SuDS (such as swales

and ponds) is maximised (in preference to closed underground systems such as oversized pipes and crates). As well as improving water quality, open SuDS also improve local amenity and biodiversity.

The development of land inevitably results in a larger volume of runoff, when compared to the undeveloped site. In order to ensure that downstream flood risk is not exacerbated by this and positive drainage, the IDB would seek to have all runoff, for a full range of storm events (up to and including the 100 year storm + 40% for the predicted effects of Climate Change), limited to less than calculated Greenfield rates, or ideally Qbar (the calculated runoff rate for a return period of approx. 1 in 2yrs). It will also be important to ensure that the downstream receiving network, including any culverts, is capable of receiving this runoff without increasing local flood risk. Provided the above is implemented, with details of the on-site SuDS agreed with KCC's SuDS Team, IDB interests should not be adversely affected.

### Environment Agency

The previous use of the proposed development site as agricultural land and presence of historical landfill on site and its vicinity present a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A in area of high groundwater vulnerability. The application's "Phase 1 Contamination Study Land Off Saunders Lane, Ash" demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### Southern Water

The exact position of the public water main must be determined on site by the applicant.

- No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. 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.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer

network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

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

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following: - Initial feasibility, detail modelling and preliminary estimates - Flow monitoring (If required) - Detail design, including land negotiations - Construction.

Southern Water hence requests the following condition to be applied:

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

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Following initial investigations, Southern Water can provide a water supply to the site.

#### Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

#### NHS CCG

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

General Practice £59,820 Towards creating the required capacity in the locality as supported via the plans being developed with Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network.

Justification: This proposal will generate approximately 182 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls within the current practice boundary of Ash Surgery and Sandwich Medical Practice who are part of both the Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network.

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

Both the Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network are developing collaborative plans to provide the required capacity for the additional patients as at present there is not capacity to service these patients. The population growth of 182 will require 15.2 m<sup>2</sup> based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £45,600. A further 30% allowance for development fees means our request totals £59,280.

### Stagecoach

Whilst we would expect the proposed development to generate some welcome increase in bus usage, this can be accommodated with the existing level of service. The proposed development would be served by the existing bus stops at Collar Makers Green, which are an acceptable distance from the development. However, these are rather basic and in order to encourage greater use of bus services as an alternative to car use, we consider that development contributions be sought to bring these stops up to an acceptable standard, with the provision of shelters. It should be noted that the provision of shelters is the responsibility of either the District Council or the Parish Council. The contributions should therefore include an element to cover ongoing maintenance costs of the shelters.

We are also concerned about the number of actual local car trips to and from the convenience stores in Ash Village Centre, where the availability of short term parking capacity is already overstretched, and causes delays and disruption to our bus services passing through Ash. Opportunities to address this are rather limited and solutions would probably be the provision of more off street spaces. We suggest that contributions are also sought towards this, and believe that this approach would be supported by the Parish Council. We also note that the proposed development site is not included in the latest Ash Neighbourhood Plan.

### Ash Parish Council –

Ash Parish Council objects for the following reasons:

- i) It is outside the village settlement boundary. The draft Ash NDP has not allocated the site. It was categorised as unsuitable for development and is not required to meet the housing need assessment

ii) Ecological survey was insufficient to gain a full understanding of the habitat and the numbers of protected species that have been recorded on the site. The woodland was not acknowledged as a UK Priority Type

iii) There is holding objection from KCC Highways Department

iv) Access from Sandwich Rd is approximately 3.5 metres lower than the road level. The infill required will impact neighbouring properties by flooding/ground instability.

v) Access is adjacent to a Grade II Listed building and will have a detrimental impact on the stability of access from Sandwich Rd is approximately 3.5 metres lower than the road level.

v) Access is adjacent to a Grade II Listed building and will have a detrimental impact on the stability of the property, the visual amenity and character of the area

vi) The site is approx 2-3 metres above the adjacent properties on the boundary with Collar Makers Green. This will have a detrimental impact by the houses and gardens being in shade for approx 9 months of the year. The houses will be overlooked with a loss of privacy and visual amenity

vii) The existing drainage arrangements for Collar Makers Green, the underground stream, the impact on the pond area and the risk of run-off flooding are high

viii) Sandwich Rd has an open speed road limit and the volume of traffic will cause safety issues for traffic accessing and leaving the site and congestion at the A257 junction. There is insufficient room for safe visual splays between the road into Collar Makers Green and Saunders Lane

ix) Traffic movement for 76 houses, with travel for work and school outside of walking distances will generate at least 76 vehicle movements both AM and PM

x) The emergency access via New Street is narrow and unsuitable.

Ash Parish Council considered the revised documents and noted that some points from its submission in February had been addressed.

- the access via New Street would not be used as an emergency access

- the change to three bungalows on the south west corner of the site and the 6 m open space area on the north west boundary had partially addressed overlooking issues

However, the other objections remain. Additionally, the parish council want to make the following points:

i) While the progress of the Ash NDP has been delayed due to COVID-19, the Plan has undergone extensive public consultation on this and the other sites submitted to Dover District Council. The parish council would suggest that the draft plan is sufficiently advanced to inform the assessment of material consideration. Further, the Habitat Regulations Assessment currently being undertaken for Ash has identified that there is the possibility of unacceptable traffic-related air quality impacts on the adjacent Sandwich Bay SAC from the increased traffic from the existing allocations. A report on the cumulative impact from the additional traffic-related air quality impact contributed from this site should be required.

ii) The issues of overshadowing, loss of privacy and amenity for the residents along the boundary with Collar Makers Green have not been fully addressed. While the change of three units to bungalows is welcomed, this needs to be extended to all

properties along this boundary. The introduction of a 6 metre open space and the consequent movement of two properties away from the shared boundary is noted. However, the clearance of all vegetation and the proposed high boarded fence has raised new problems of loss of visual amenity, potential for surface water run off and flooding for the properties in Collar Makers Green. Additionally, this treatment of the public rights of way and adjacent open space has specifically been rejected by Kent Police on grounds that this design will lead to the loss of security and increase the likelihood of anti-social behaviour.

iii) The traffic assessment sites of speed measurement and the timing of survey gave a partial view on the speed and volume of vehicles using the road. The counter nearest to the A257 coming into Ash was before the bend by Saunders Lane where the traffic would have slowed from the turn and before it speeds up again as the road straightens. The close proximity of the three junctions opening onto an open road speed limit, two of which are the only entrances to the application site and the adjacent Collar Makers Green site, remain a significant concern for traffic safety.

iv) The additional information from the applicant that it will be possible to use the open space at Collar Makers Green to address the need for such an amenity for this application is incorrect. It further appears to include the 6 metre cleared boundary to the public right of way as an additional open space. The open space at Collar Makers Green is privately owned and managed on behalf of the residents of this development who pay an annual management fee. It is not a public space. It was also noted that their original concerns on the layout had not been addressed.

v) Kent Fire & Rescue Service confirmed that there is no requirement for an emergency access. The parish council would ask for clarification that the two proposed transition spaces meet the turning circle requirements. Also, the parish council is unclear how turning circle requirements can be met at the south west of the site.

vi) There are serious concerns that the issues raised by Southern Water, in its first response, have not been addressed. On the Southern Water maps the existing pond is shown and this becomes the Sustainable Drainage (SUDS) area. However, it is unclear how this can be accommodated due to the topography of this part of the site. The capacity of the existing infrastructure for the disposal of sewage and rain-water is at its limit. Collar Makers Green has holding tanks for its sewage that is then pumped over-night. When there is heavy rainfall, this already can lead to sewage back-flows along Sandwich Road. It may be that it would still be possible to use the existing water course for a flow rate that is not greater than the existing use. While this may prevent flooding at the site, it could lead to flooding further down the water course. There are two other current planning applications for developments on Sandwich Road for a total additional 67 units. The capacity of the exiting infrastructure for waste and water infrastructure has been discussed through the consultations on the Ash NDP with Southern Water. As a consequence, the draft policies address these issues and cover the two other planning applications that are part of the allocated sites in the NDP.

The topography of this site will add to the difficulties in addressing the movement of waste, the potential flooding from surface water run-off and the potential flooding from the major changes to the site levels at the access area. It is noted that the SUDS provision is in the area of the existing pond and it is uncertain how this will impact the surface drainage of the area. The width of the infill relative to the depth of the drop from the road level will impact the sites natural drainage and the adjacent listed building (Collar Makers Hole), regardless of the amount of planting on the area.

vii) The site of the pedestrian crossing. While a pedestrian crossing is welcome, the site does not have a footway on both sides of the crossing on the north side. To the

west is the frontage of a private property and there is no right of access across it and to the east is a grass verge. It is within 20 metres from the junction with Cherry Garden Lane and Sandwich Road and the bus stop.

viii) The response from Kent Police on the design and its impact on personal safety and property security is noted as still unresolved.

ix) Due to the number of changes to the original submission a revised planning statement would be helpful. For example, the distances quoted to the village amenities. Apart from using direct measurements (as the crow flies) that do reflect either the walking or driving distances e.g. to the Bowls Club. The Chequer Inn distance is given as 900m. This is of itself is not material but does indicate that even basic details are incorrect. Distances for other amenities are also incorrect. The economic benefits appear unrealistic. The employment opportunities for new residents will be mainly in the areas outside of the parish e.g. Canterbury and Ashford. The main shopping areas are also outside of the parish in Sandwich and Canterbury. The social and economic objectives as stated do not acknowledge the work done by the community in developing its vision for Ash through the Neighbourhood Development Plan. This specifically rejected this site as unsuitable. The application's claim that significant social, economic and environmental benefits result from this development appear to be unsubstantiated assertions.

x) It is appreciated that this is an outline application with all matters reserved except for access but this is an important constraint. The parish council would ask that the DDC Planning Committee visit the site to assess the access. The topography of the site and how the proposed access can be built, considering the depth of the drop between the road and the site, should require a detailed report. The impact of this construction will affect the adjacent properties, the site of a Grade II listed building, the existing drainage/pond, surface water run-off, potential flooding and sewage constraints. The siting of the SUDS beside the access and the concerns of Southern Water are also a major concern to the parish council.

The parish Council asks for the consideration of a condition on the management and preservation of the on-site protected species and woodland that is a UK Priority Type. This would be in addition to the usual landscape management conditions. This would include the requirement of a biodiversity net gain of not less than 10% at all stages of the mitigation processes, as set out in the best practice guidance produced by CIRIA, CIEEM and IEMA bodies.

The Ash Parish Council would also request S106 contributions:-

- Road Safety Contribution of 50% of the cost towards the implementation of the change from the open road speed limit to a 30mph speed limit on Sandwich Road. The cumulative impact of the additional traffic from this site, at this position on Sandwich Road will contribute to increased safety issues from traffic speeding up off the bend approaching the new access.

- Nature Trail contribution of £10,000 towards the maintenance of the Hills Court Nature Trail to protect, preserve and enhance the native flora and fauna along this section of the Public Right of Way EE466

- LAP contribution of £36,700 to Ash Parish Council towards improvements on the Ash Recreation Ground

- Outdoor Sports Contribution of £23,500 to carry out works at the Ash Recreation Ground

The vegetation consists of large trees and extensive shrubbery, not all of which are on the verge. It is not clear what authority/landowner will carry out the initial clearance and for the land that is not on the highway, how to ensure that maintenance will be carried out on a regular basis. As the sight lines cannot be guaranteed without regular clearance it is expected that this would be a high priority area. There is no mention of 60 mph speed limit.

(SSD) is the 'Stopping Sight Distance'. DMRB; The 'Design Manual for Roads and Bridges' The statement 'Otherwise, mitigation measures should be introduced to provide advance warning for road users', provides no recommendations regarding what mitigation measures should be in place. 'The junction will be positioned around a left-hand left for eastbound drivers on Sandwich Road'.

Risk of collisions if steep gradient leads to pull-out type problems from minor road. This will be extremely difficult to provide due to the depth of the existing drop and the physical proximity of the adjacent properties.

Risk of injury if errant vehicles enter drop towards Saunders House. The statement 'Agreed, but the safety barrier does finish before the proposed site access and is therefore not impacted. However, this will be fully considered as part of the future detailed highway design.' Details required of how the drop will be guarded once vehicles access the entrance roadway.

In section 2.2 it states that DRMB would not apply in this location as Sandwich Road is not part of the Strategic Road Network, but in section 2.5 the statement 'If the VRS needs to be adjusted and redesigned, it should be ensured that it complies with current DRMB design standards in terms of containment and performance class of the terminals' is used.

Risk of pedestrians being struck by vehicles as they cross the road. 'The vegetation is also likely to limit the light produced from an adjacent lighting column on the corner of Cherry Road Lane.' Cherry Garden Lane is approximately 350 metres west of the proposed site entrance/exit. There is no light/lighting column on the corner of Cherry Garden Road. This was removed earlier this year. The footpath from the proposed entrance/exit in the direction of Cherry Garden Lane first crosses Collar Makers Green entrance/exit along Sandwich Road then passes a number of dwellings and the AGRII Site entrance/exit, it then encounters a stretch of vegetation and trees ending at Cherry Garden Lane. Risk of pedestrians being struck by vehicles as they cross the road. Pedestrians waiting on the tactile paving on the northern side of the crossing point may not have a clear view of westbound vehicles on Sandwich Road due to the presence of dense vegetation within the verge.

If it is referring to the crossing on the plan ASH\_PEDESTRIAN\_CROSSING\_V2-2048331' It is within 25 metres of a junction and is adjacent to a bus stop. It is also within 50 metres of the open road speed limit on Sandwich Road. Risk of injury for pedestrians wanting to access footway extension. There is no information regarding what 'footpath extension' is being referred to. Also, what overhanging bushes and fence are being referred to. The crossing is proposed in a location as suggested by the Local Authority, no third party land can be required, all works must be within the adopted highway. The vegetation within the footway can be removed through highway maintenance.

If this is the crossing on plan 'ASH\_PEDESTRIAN\_CROSSING\_V2-2048331.pdf' and the area referred to in 2.7 is the northern side that ends at the non-paved area of rough vegetation and which is approximately 25 metres from the pavement to the west. This area would not be suitable for a road crossing point.

**CUMULATIVE TRAFFIC IMPACT** The Ash Parish Council would also want to note the cumulative impact of the new development on Sandwich Road for 30 units at White Post Farm that has planning permission and has reserved matters under consideration and the other planning application currently being considered for phase one of a 95 unit development of 37 units at 63 Sandwich Road (20/00284).

Public Representations:

To date a total of 45 representations have been received in respect of the application, this includes four letters of support, 39 letters of objection and a petition with 126 signatures.

The petition sets out concerns relating to sewerage problems, poor access, pressure on local services, privacy, overshadowing, destruction of wildlife habitats, increase in traffic movements, housing surplus to needs and transport report is flawed.

The 40 letters of objection are summarised below:

- Contrary to Ash Neighbourhood Plan
- Green field site/space development not required or needed
- Brown field sites should be developed first
- Excessive development already in Ash
- Highway safety and access is compromised and dangerous
- Overlooking existing dwellings
- Extension of village boundary
- The site is not suitable for development
- Site is heavily used by wildlife
- What is the plan of a neighbourhood plan and all its background work if development is approved - this site is identified as unsuitable
- There are allocated sites in Ash already and Ash has already contributed to a no.of sites for housing recently
- Land should be used for agricultural purposes
- No emergency access provisions
- Privacy of existing dwellings is affected
- Potential land slips
- How are land levels dealt with at the access/how will site be accessed?
- Highway works will be required
- Increase in traffic, noise and disturbance
- Drainage concerns
- Loss of landscape, hedgerow and loss of wildlife
- Potential flooding issues at access
- The PROW is a natural boundary
- Land levels? Site is higher than adjoining development
- Pressure on existing infrastructure and village facilities
- 60mph limit on Sandwich Road
- There is no playing field at CMG and a private play area only
- There are underground watercourses
- Increase in pollution
- This is not sustainable development
- Saunders Lane is single lane
- Sewerage system can't cope at present
- Development is not required in Ash other sites have been identified
- Contrary to DM1 outside settlement boundary
- Some dwellings on CMG will be overshadowed for 9 months of year

- Alter character of Ash
- Impacts PROW
- Access is out of character, affects setting of Listed Building and adjacent thatched property
- Location of access is unsuitable
- Site is not close to amenities
- This is a semi-rural location
- The junction with the A257 needs improving
- Traffic congestion
- Turtle doves use the site
- Infrastructure in village can't cope
- Drainage from site onto lower land
- Saunders Lane is already used as a rat run
- Water pressure is already low
- Red list species on site
- Full species surveys should be undertaken
- 100 plus trees are to be felled
- Birds will be lost locally
- Impact on invertebrates on site
- Loss of habitats
- Site contributes to character of Ash
- Green unspoilt site
- Affects the setting of the listed building
- Departure from Development Plan
- Old hedgerows running the length of PROW will be lost
- Lack of mains drainage
- Potentially protected species on site
- Old pond at the point of access
- Difference in site levels not dealt with in application
- What happens to bank adjacent to PROW
- Impact on dwellings backing onto site has not been addressed
- Ancient right to light
- No pedestrian pavements to the site
- Supporting information is incorrect and/or out of date
- Safety of drivers and pedestrians affected
- Development does not integrate with village
- Contrary to DM1, DM15 & DM16 – policies must be given full weight
- Visual receptors will be affected
- Overshadowing/overbearing of footpath
- Why bother with neighbourhood plan
- Risks of land slips if trees removed
- Traffic jams in village with parked cars is normal
- Single storey development should be considered
- Inappropriate development in rural setting
- Detrimental impact on adjoining properties
- High risk of accidents/injuries
- Sightlines have parked cars in them
- Buffer planting proposed between PROW & close boarded fence, will be approx. 4m higher than CMG
- Increase in anti-social behaviour

Four representations in support of the proposals are summarised below:

- Boost local economy, additional employment
- Increased use of local services and businesses
- Enhance local community
- Additional open space existing trees/woodland retained
- Better site than sprawl around bypass
- Lack of affordable housing
- Natural infill site
- Need for housing increasing
- Brownfield site and not used for agriculture
- Issues can all be addressed
- Former registered waste disposal site

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

- 1.1 The application site is sited to the east of Ash, adjoining the eastern settlement boundary. The total site area extends over 3.4ha including 1ha of woodland and is located between Sandwich Road to the North and New Street to the south. The site is formed by Saunders Lane to the east and a Public Right of Way (PROW) EE108A extends along the western boundary between the application site and the dwellings sited on Collar Markers Green further west. The site adjoins the dwellings on Orchard View to the south.
- 1.2 The site comprises a former landscape/nursery business and there is some evidence of glasshouses and former structures still on site. It was originally accessed by an entrance to the northern end of Saunders Lane that is hardsurfaced and still in use, serving the two existing residential properties. There is also some evidence that the site was a former landfill/waste site. The site is surrounded by trees to the east section but opens out to the south and west. The site has a varied topography with some of the site within a shallow dip which rises up to higher land adjacent to the PROW.
- 1.3 The proposed site access is from Sandwich Road between the existing residential properties which includes the Grade II listed Collar Markers Hole to the north west and Saunders House and a smaller thatched dwelling to the east. Between the listed building, which is surrounded by trees and mature landscaping to all boundaries and existing outbuildings, and the junction to Collar Markers Green is a brick built electricity sub-station. Currently along Sandwich Road at the proposed entrance is a crash barrier as the land and ground levels reduce significantly at this point. With the dwellings to the east of the access also set at the lower ground level.
- 1.4 Orchard View is to the south comprises bungalows, although New Street has a wide variety of property styles and sizes. There is also an existing (currently gated) pedestrian access from the application site to New Street which is to be retained. Collar Markers Green is a modern housing development formed of a centre private open space with dwellings sited around, mostly comprising two storey detached properties. A number of these back onto the PROW which is defined by a 2m high close boarded fence along its length. On the other side of the PROW is a higher bank and scrub planting, with the PROW having a very enclosed feel and restricted width.
- 1.5 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 and landscaping scheme. The proposal is for the erection of up to 76 dwellings to including 30% affordable housing. 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/parking courts. 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. A high number of existing trees are to be retained and this is shown on recent revisions.

- 1.6 It should be noted that the indicative layout of up to 76 dwellings has not been considered in any detail and would need significant amendment before it could be agreed.
- 1.7 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
  - Travel Plan
  - Road Safety Audit (Phase 1) (Revised)
  - Junction details (revised)
  - Phase 1 Ecological Survey
  - Flood Risk Assessment
  - Landscape and Visual Impact Appraisal
  - Arboricultural Impact Assessment
  - Contamination report
  - Geophysical Report
  - Heritage Assessment (revised)
  - Digital Impressions of proposed access
- 1.8 At the time of writing amended plans to address the differences in site levels at the access, retention of more of the existing landscaping and trees and site access layout revisions are all still being re-consulted. An up date on additional representations will be provided verbally to Committee Members on the 13<sup>th</sup> August Committee.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - Principle of Development
  - Impact on Landscape and Visual Amenity
  - Heritage Assets
  - Highways Issues
  - Impact on Residential Amenity
  - Affordable Housing and Dwelling Mix
  - Ecology and Trees
  - 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 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Although the site is outside the settlement confines, it is adjoining and it is within walking distance of a number of local facilities. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside, as the site is outside the confines. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the existing and retained 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. 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. 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. Whilst it is considered that policies DM11 and DM15 are not out-of-date, (although the parts of these policies which place 'blanket' restrictions on development outside of confines are in tension with the NPPF, policy DM1 is now out-of-date). Given how important this policy is and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the 'basket of policies' which are most important for determining this application are out-of-date.
- 2.9 The 'tilted balance' identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be approved.
- 2.10 In addition, it is necessary to also considered the Draft Ash Neighbourhood Plan 2019, that is at an early stage of adoption but is still a material consideration to which some weight can be attached. This draft plan has not identified the site for housing and has identified it as unsuitable for development. Nevertheless, the HELLA process to inform the Draft Local Plan Review has identified the site as having potential for development and it has been given an 'amber rating', depending on a number of issues including site access, ecology and the impact on the setting of the listed building. These issues will all be discussed in more detail later in the report. Both plans are at an early stage and there is a requirement as set out in legislation for both plans to align, with the Neighbourhood Plan needing to be in general conformity with the main Development Plan. The potential differences between the plans will need to be addressed further in the respectively local and neighbourhood plan processes, but neither are at a stage of sufficient weight to overrule the key considerations of Paragraph 11 of the NPPF, which currently taking precedence in the consideration of this planning application.
- 2.11 There are no policies with full weight 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 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 In terms of sustainability, this is defined in the NPPF. 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.

- 2.13 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 employment which could be generated by the development therefore adds further weight in favour of the development.
- 2.14 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.
- 2.15 Turning to the environmental role, the proposed development can mitigate the visual impact on the landscape with a large proportion of the on-site landscaping to be retained and enhanced, 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 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 in support of the application which identifies that the impact on the character of the landscape will be low or negligible as existing landscape features are to be retained and enhanced in the context of the site along with the existing group of trees and woodland. 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 is necessary to consider the impact on the landscape as a result of this development. In respect of the proposed mitigation measures the proposal incorporates the retention of existing boundary landscaping, trees and woodland 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 and can therefore be 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.
- 2.22 The massing of the development, is shown on the indicative site layout, confirms that the development of this site could be appropriately sited to 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 two storey, 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. There is also a need to reduce ground levels adjacent to the PROW and dwellings in Collar Markers Green (CMG) and to insure this is appropriately addressed in the Reserved Matters application This is to ensure that the height of the proposed dwellings on this site and in particular those dwellings adjacent to the western boundary are appropriate and acceptable in respect of visual amenities in the round.
- 2.23 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.

#### Heritage Assets

- 2.24 The application is supported by a Heritage Assessment that addresses the impact on listed buildings and archaeology on the site and in accordance with Paragraph 189 of the NPPF. This describes the significance of surrounding heritage assets. It has been confirmed that the thatched dwelling and Saunders House are not a non-designated heritage asset, however Collar Markers Hole is

a Grade II Listed Building and the proposed development needs to be assessed in terms of the impact on the setting of the listed building. The list description states:

*“House. Mid C18. Painted brick and plain tile roof. Two stories on plinth with hipped roof and centre stack. Two wooden casements on each floor, those on ground floor with shutters and segmental heads. Central half-glazed door with flat hood on brackets. Catslide outshot to rear.”*

- 2.25 There has been some discussion in the Heritage Assessment and DDC Heritage Officer regarding the significance of the listed building and its evolution over time, resulting in its current setting with some competing considerations. On balance, the building is largely isolated from its original context that has evolved over time. Its significance has also been reduced by the access road, junction and electricity sub-station that serves Collar Markers Green. Its current setting is informed by the trees to the boundaries and adjoining the boundaries which provide a treed backdrop. The land beyond this, although undeveloped and rural in character, is not viewed in respect of views to or from the listed building. The key consideration is the need to retain the trees to all boundaries to maintain this aspect that informs its setting.
- 2.26 DDC Heritage have therefore raised concerns regarding the loss of a number of trees, the introduction of a road junction and the proximity of the proposed dwellings to the boundaries of this building. In terms of the loss of trees, recent revisions to the plans have been undertaken to retain a much greater proportion of the trees on site including most trees to the boundary with the listed building that were originally shown to be removed. These are now retained, along with a greater number across the whole site. There are some trees currently shown to be removed at the site entrance to form the access, although I consider there is an opportunity to retain a few more, nevertheless, trees lost are proposed to be replanted. Both these aspects can be controlled through a landscape management plan condition and the detailed landscaping plan. These can ensure that as many trees as possible can be retained on site (depending on health, disease and quality) and would need to be addressed further in a reserved matters application. Therefore, the recently amended plans have shown that it is possible to retain a much greater proportion of the trees than originally proposed and the impact on the setting of the listed building can largely be minimised.
- 2.27 The location of the site access is to the east of the listed building, but its impact can be limited with careful tree planting and landscaping. There are also a number of more modern outbuildings between the listed building and the proposed access, with the listed building set behind these structures. Again, with the retention of trees and new planting the impact on the setting can be minimised. The width and form of Sandwich Road is largely to be retained although off-site highway works are to be implemented and there will be new road markings and structures. I consider that it could be argued that these would all result in variations to the existing layout, rather than the introduction of new features. In support of this illustrated images have been provided to show the changes and these overall and on balance are limited in terms of their visual impact.
- 2.28 The greatest change in this respect will be the changes in ground levels and the engineering works to enable access and the junction, due to the current and significant drop in levels adjacent to Sandwich Road. It is proposed to raise the ground level at the access to bring it up and in line with the Sandwich Road level,

although the road would slope down from Sandwich Road. The ground level will therefore be raised to be level or slightly below the ground levels of the listed building, as the building is sited at a level between the two heights. There will be a certain degree of land fill to enable this and details of the proposed works are limited, but this can be controlled through a condition requiring further details, sections and grading of these works. The impact of these works will be potentially greater on Saunders House, which is sited at the lower level and these works will need to be closely controlled to minimise harm and provide suitable screening to this property. With conditions relating to these works and landscaping works the impact on the setting of the listed building will be minimised and controlled.

- 2.29 The relation to the siting and proximity of new buildings to the boundaries of the listed building, the current plans are indicative only and although there has been some effort to re-site these units further from the boundaries, further amendment would be required in any reserved matters application to ensure the impact on the setting of the listed building is retained and protected from development in close proximity. The size of the application site is sufficient to allow such amendments to take place when the details of the layout are submitted at the reserved matters stage.
- 2.30 Therefore although there will be some harm to the setting, by definition, on balance the development is considered to result in less than substantial harm to the significance of the setting of the Listed Building and, in accordance with Paragraph 196 of the NPPF, the development would provide a public benefit in contributing to the 5 year housing land supply. The development can therefore mostly preserve and sustain the significance of the Listed Building and its current setting in accordance with Paragraph 192 of the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.31 Furthermore, Paragraph 200 of the NPPF identifies that new development within the setting of heritage assets should enhance or better reveal their significance. For the reasons outlined above, it is considered that the proposal would provide an opportunity to better reveal its significance by providing long term protection to the treed boundaries, in accordance with Paragraph 200 of the NPPF. This needs to be considered further at the reserved matters stage in relation to the above details, but at this outline stage can and has been retained and therefore accords with the NPPF. On this basis it would be difficult to defend a reason for refusal on these grounds.
- 2.32 The application site is in a known area of archaeological interest with a significant number of finds within the local area. KCC Archaeological Unit has provided their statutory views on the archaeological potential of the site and conclude that due to the number of finds locally 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. 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.

#### 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 proposed to be accessed off Sandwich Road situated on the northern boundary. 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 48 two-way vehicle movements in the morning and evening peak hours. A vehicular access junction has been proposed, located between existing dwellings on Sandwich Road. The proposed junction would be 6.5m wide, widening to a bell-mouth junction with a 1.8m wide footpath on either side. Off-site highway works are proposed including a dedicated right turn lane, a pedestrian crossing point on Sandwich Road, upgrades to footpaths and a reduction in the speed limit to 40mph instead of 60mph. Associated road signage and lighting is also proposed. The site also has links to public transport with a bus stop nearby and within easy walking distance. The site therefore has good connections to a number of facilities, with the village in walking distance. Although the proposed layout is indicative, footpaths are proposed on the site that provide easy links to the wider area, including a pedestrian link to New Street to the south of the site. The proposals therefore provide connections to the existing village and adjoining built form that encourages walking.
- 2.36 Following a number of revisions, additional survey work and a road safety audit, 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. This has also taken into account committed development on other housing sites. It has been identified that a dedicated right turn lane is required for this development, that would also serve CMG junction. The proposed works and the erection of up to 76 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 Ash 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. 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.

- 2.38 There has also been concern expressed in relation to access for refuse vehicles and fire engines, in terms of the junction onto Sandwich Road. This however has been sufficiently demonstrated to be acceptable for all sizes of vehicles that could use it. Internally the indicative layout shows some tight corners but this could be resolved and addressed in a reserved matters application and the internal layout is not for consideration under this outline planning application. Stagecoach have also raised some concerns, but a proposed development should not be seeking to resolve existing problems in other parts of the village, it can only address matters that relate specifically to the proposed development and such requests cannot currently be supported or justified.
- 2.39 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.
- 2.40 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.

#### Residential Amenity

- 2.41 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline and indicative only. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would need to align, in terms of the area for development, with the indicative plan. This plan seeks to demonstrate that the proposed development could be accommodated in a manner which would ensure that reasonable separation distances between new and existing properties and that reasonable a standard of accommodation can be achieved. However, given the location of the site and the separation distances to other properties, it is considered likely that the siting of the proposed dwellings will need be to be significantly revised, including addressing the differences in site levels and the PROW concerns, to ensure the living conditions of properties on CMG (and Orchard View) would not be harmed unacceptably by the proposed development and resultant layout. 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 adjoining the site, are mitigated from any detrimental impact on their residential amenities, with particular regard to the impact on the setting of the listed building and dwellings on Sandwich Road (discussed above).
- 2.42 The differences in ground levels between the application site, PROW and existing dwellings in CMG needs to be suitably addressed in any subsequent reserved matters application, by reducing the application ground level along this boundary and/or designing and siting the dwellings appropriately. This is necessary to address concerns regarding potential overbearing, loss of light, loss of privacy/overlooking and consequent reductions in existing levels of residential amenity. The proposed final layout will therefore need to be amended accordingly and sufficiently demonstrate this aspect is acceptable. The limits

plans at this stage do not allow the detailed assessment to be undertaken and it is not required for an outline planning application. However, I consider it is necessary to add a site levels condition to have full control over the resultant heights of the development, especially along this boundary, but also across the site as a whole.

- 2.43 There is also the competing considerations of the protection and enhancement of the PROW with the need for Secure By Design principles to be followed. These have competing requirements in terms of the safety in relation to the PROW and designing out crime. A reserved matters application will be to address these aspects and find balanced solution to address these matters. The current layout is in conflict with both parties requirements and it would be up to the developer to seek to resolve the situation with all the relevant parties including the CMG residents. I do not consider these important concerns, which also include the need to appropriately address the differences in land levels, are insurmountable and it is possible to design a layout to take all these factors into account. However, the indicative layout does not currently result in an appropriate solution and for these reasons (and others) it will not be included in any list of approved plans. In respect of the PROW there is a legal requirement under different sections of legislation that provide it with protection and control, therefore a condition would not be appropriate at this stage, however a suitable solution that takes into account all these aspects and legislation will need to be identified at any reserved matters application. Nevertheless the legislative requirements would be included as an informative on the decision notice if Members were minded to approve the outline application.
- 2.44 The Kent Police Crime advisor has raised concerns regarding a number of aspects of the layout, not least the potential impact on the PROW. Most of these relate to detailed design elements that are not the subject of this application. However, a planning condition is also proposed that would require a detailed scheme to be submitted for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design. To comply with this condition further discussed will need to be undertaken with Kent Police to overcome their concerns.
- 2.45 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.
- 2.46 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.
- 2.47 Residential amenity aspects in respect of all adjacent residential properties and their particular material considerations can therefore be addressed through planning conditions to ensure they can be controlled and managed if a reserved matters application were to be submitted.

#### Affordable Housing and Dwelling Mix

- 2.48 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 23 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.
- 2.49 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 including the need for some smaller 2-bedroom units in this rural area.
- 2.50 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 significantly 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 22 dwellings per hectare which is at a very low density level, below that required under CP4. The very low density reflects the large sections of landscaping being retained including woodland and although lower than would normally be expected is considered appropriate in relation to the character of this site and its relationship with Ash and its landscape context.

#### Ecology and Trees

- 2.51 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.
- 2.52 In summary the submitted ecology report confirms there was no evidence of protected species using parts of the site and further species surveys were not necessary. 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.

- 2.53 The report also confirms that the trees to be removed are predominately non-native species with only a few broad leaves trees being removed from the site to enable development. The number of trees to be removed has been reduced in the recent revision and all Category A and a large number of Category B trees are to be retained. Only category C or lower and non-native trees, apart from the few exceptions referred to above are to be removed. It is highlighted that the secondary deciduous woodland on site is a UK priority habitat that has been assessed, retained and enhanced through appropriate management and enhanced biodiversity measures. Furthermore, the impact on trees to be retained and the necessary protection measures including root protection zones can also be controlled by conditions.
- 2.54 The dry pond was also assessed, and no protected species identified, by siting the drainage pond in the same location it has been identified that this offers an opportunity to enhance biodiversity and improve ecology on the site.
- 2.55 The hedgerow referred to along the Public Right of Way was identified as a scrub area, with some hedgerow trees but largely comprised of bramble and other invasive weed species, although it has some ecological value, overall this is limited and can be enhanced with a suitable landscaping scheme. This confirms my assessment during the site visit.
- 2.56 The DDC Natural Environment Officer has confirmed that the findings of the submitted ecological appraisal are accepted and subject to the implementation of the full mitigation and enhancement 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.
- 2.57 The proposed layout allows additional planting to provide enhanced 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.

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

- 2.58 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.
- 2.59 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 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.
- 2.60 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.

- 2.61 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.
- 2.62 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 £4,476.68 is therefore sought to this effect.

#### Drainage and Flooding

- 2.63 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.
- 2.64 A 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. Soakaways would also be formed in a way that drains the site away from existing residential properties on CMG. Any over capacity would be dealt with in the use of the proposed drainage pond to the north of the site, being the appropriate location as it replicates existing drainage patterns on the site and is the location of the dry pond.
- 2.65 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. The EA have also confirmed that drainage and other controlled measures on the site are appropriate subject to conditions and the

Internal Drainage Board find the SuDS approach in line with KCC advice and acceptable.

- 2.66 Southern Water supplies water and foul waste at this location and they have raised concerns in relation to existing foul sewage disposal capacity for the proposed development. They have advised of the need for upgrades on the system and how this is expected to be funded as part of their capital schemes and infrastructure funding provisions. They advise that they would require further details of the timing of delivery to ensure capacity is available and a formal application for a connection to the public sewer to be made by the applicant or developer. They have not raised an objection to the proposal and have suggested conditions in respect of delivery and further details of foul drainage. As this is an outline application such conditions can easily be imposed to provide suitable details before or as part of the reserved matters application. Such conditions have been imposed on other proposals within the district where upgrading works are required and such a condition can be imposed to relate to this application. This does not preclude development. The proposal is therefore acceptable in this regard, subject to appropriate conditions and complies with the NPPF.

#### Planning Contributions

- 2.67 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.
- 2.68 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.
- 2.69 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. The developer is not proposing to provide the provision of formal public open space, only informal 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.
- 2.70 In respect of a children's play space there is a requirement for provision and no play space is being provided on site and the closest local play space is at CMG, although this is a private space maintained at the cost of CMG residents. The next available play space is Ash Recreation Ground. It has been calculated that a proportionate contribution of £32,932.96 is therefore necessary towards the upgrading of these play facilities. This is also largely in compliance with Ash Parish Councils calculations which request £36,700 towards this facility, however the proportionate calculation is determined to be the appropriate figure and the correctly justified contribution.
- 2.71 In terms of the outdoor sports facilities, it is not practical for this to be provided on site and there is a need to improve the pitch at Ash Recreation Ground. It

has therefore been calculated that a proportionate contribution of £32,160.69 is necessary towards this outdoor sports provision to be secured through a s106 agreement (again similar to the Parish Councils calculations which is lower at £23,500). With the payment of these contributions, the proposal would accord with Policy DM27 of the Core Strategy.

- 2.72 The proposed development does not give rise to the need for a further contribution towards a nature trail as requested by Ash Parish Council and it would not meet the CIL regulations.
- 2.73 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is insufficient secondary school provision to meet the needs of the development.
- 2.74 The proposal would give rise to additional school pupils and the need can only be met through further expansion of Sir Roger Manwood School. A contribution of £4,115 per dwelling has been requested from this development to meet the need identified., resulting in a total of £312,740. KCC have also requested contributions towards:
- Community Learning at £1,247.92 towards portable equipment and additional classes at New Learners, Sandwich
  - Youth Services £4,978 towards additional resources including Linwood Youth Hub, Deal
  - Bookstock £4,214.20 including additional services and stock at Ash Library
  - Social Care £11,162.88 towards specialist accommodation in Dover District
- 2.75 These contributions all ensure that the social 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.
- 2.76 KCC have also requested a contribution towards Waste Service at £237.54 per dwelling and a total contribution of £18,053.04. There justification is for it to go towards new works at WTS and HWRC to increase capacity. Currently, the justification for contributions towards waste services has not been adequately justified to be compliant with CIL Regulations and therefore the request cannot be supported or included.
- 2.77 In addition, Ash Parish Council's request for a 50% contribution towards highway safety and a reduction of the speed limit to 30mph cannot be supported. The application has been assessed by KCC Highways as the statutory highway authority who require the applicant to fund works towards a reduction of the speed limit to 40mph for highway safety reasons. This is acceptable to the statutory authority for highway safety purposes. Additional highway works not required by KCC Highways cannot be supported and cannot be justified, or considered reasonable or necessary for the proposed development.
- 2.78 NHS CCG have identified a need for a contribution from the development towards Ash Surgery and Sandwich Medical Practice of £59,820. This is a proportionate calculation towards the health needs generated by the proposed development and is considered CIL compliant.

2.79 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:

- Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £312,740 in total
- Community Learning at £1,247.92 towards portable equipment and additional classes at New Learners, Sandwich
- Youth Services £4,978 towards additional resources including Linwood Youth Hub, Deal
- Bookstock £4,214.20 including additional services and stock at Ash Library
- Social Care £11,162.88 towards specialist accommodation in Dover District
- A total of £4,476.68 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site local equipped play space contribution towards Ash Recreation Ground play area of £32,932.96
- An off-site public open space contribution for outdoor sports facilities at Ash Recreation Ground of £32,160.69
- NHS CCG contribution towards General Practice of £59,820 (Ash Surgery and Sandwich Medical Practice)
- Monitoring per trigger event of £236 per event
- Payment of all associated legal costs.

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

#### Other Material Considerations

2.80 The likelihood of contaminants on site is moderate due to the previous use of the land (nursery and formal landfill) as the proposed end use is residential it is susceptible to risks of contamination. An initial contamination report has been submitted and conditions are therefore required to ensure the next stages (investigation, remediation and verification) are adhered to and that any further contamination identified during construction will require further investigation and remediation and/or mitigation measures would need to be submitted and approved. Such conditions appropriately address any potential contamination of the site. Environment Health and the Environmental Agency both agree with this approach and find the development acceptable with these conditions imposed.

2.81 An Air Quality Screening Report has not been submitted with the application. Environment Health have confirmed that an Air Quality Report for this development is not required. 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 and should be required by planning condition. Along with measures to prevent dust for residential receptors and appropriate dust mitigation measures that can be controlled through a construction environmental management plan condition.

2.82 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 number of local objections to the proposed development and the proposal does not accord with the Draft Ash Neighbourhood Plan (2019) (of limited weight at this stage) 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 76 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, NHS 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. OUTLINE PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:

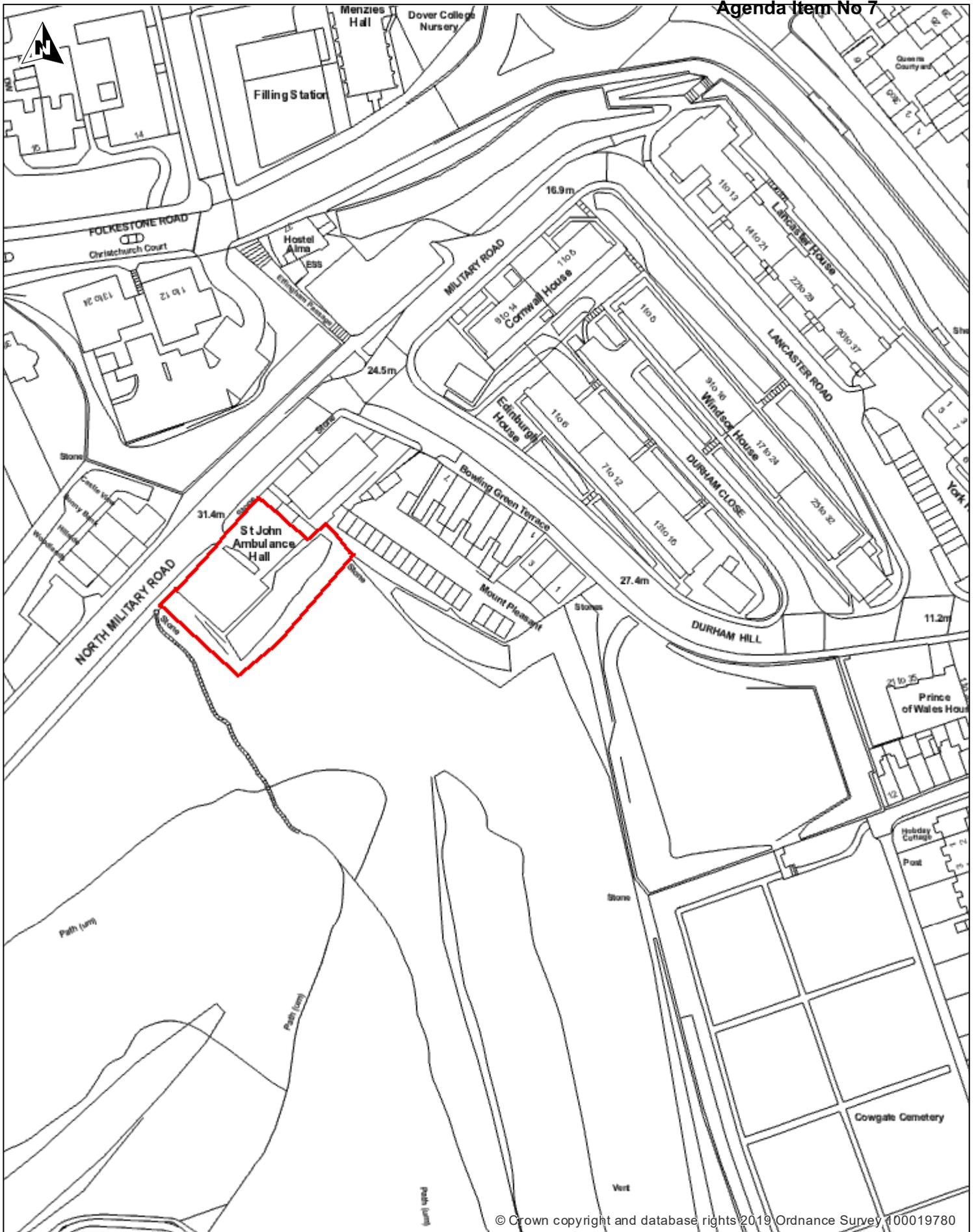
- 1) Reserved matters details
- 2) Outline time limit
- 3) Approved plans
- 4) Existing the proposed site levels, slab levels and building heights
- 5) Ecological mitigation, biodiversity enhancement and recommendations implemented and maintained
- 6) Construction Management Plan

- 7) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 8) Completion of the access and associated highway alterations prior to commencement
- 9) Completion of the pedestrian crossing point and associated highway alterations prior to commencement
- 10) The proposed verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriageway gradients and street furniture constructed in accordance with plans
- 11) Closure of the existing accesses link in Saunders Lane prior commencement
- 12) Full engineering, gradient and level changes including cross sections relating to adjacent land submitted
- 13) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not addressed in s106)
- 14) Full scheme of landscaping details and maintenance of green spaces
- 15) Protection of Trees and Hedges and tree retention and RPZ plans
- 16) Hard landscaping works and boundary details/enclosures
- 17) Contamination conditions (3) Site investigation, risk assessment, remediation and verification
- 18) Reporting of unexpected land contamination
- 19) Design details of surface Water drainage strategy
- 20) Implementation and verification of SuDS scheme
- 21) No other forms of infiltration
- 22) Environmental Construction Management Plan
- 23) Programme of archaeological works/excavation
- 24) Details to be submitted at reserved matters for compliance with Secured by Design principles
- 25) EVC points for dwellings/parking spaces
- 26) Broadband connection
- 27) Foul drainage scheme
- 28) Timetable and delivery of foul drainage, limit to use until infrastructure provision
- 30) Refuse collection and storage

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



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DOV/19/00287

Former Playground, North Military Road  
Dover

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



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

- a) **DOV/19/00287 – Erection of a building containing 20 apartments with 14 car-parking spaces at ground floor and erection of a retaining wall following demolition of existing retaining wall - Former Playground, North Military Road, Dover**

Reason for report: Due to the number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for Dover.
- 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 of 15 or more dwellings should provide 30% of the total homes proposed as affordable homes.
- 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.

**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 2019 (NPPF)**

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan 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 (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) 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
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
  - Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
    1. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
    2. the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter seven supports the role that town centres play at the heart of local communities and seeks to promote their vitality and viability.
- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. 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 requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an area's prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.

- Chapter twelve confirms 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. 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.

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 or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding.
- Chapter sixteen requires that applicants describe the significance of any heritage assets affected by the development, including any contribution to their setting. 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. Account should be taken when determining applications of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of designated heritage assets. Where total loss of or substantial harm to a designated heritage asset would be caused, permission should be refused unless the exceptions at paragraph 195 are met. Where less than substantial harm would be caused this harm should be weighed against the public benefits. The effect on the significance of non-designated heritage assets should be taken into account

#### The Kent Design Guide and National Design Guide

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

d) **Relevant Planning History**

DOV/92/01095 – Outline - residential development - Granted

DOV/98/00763 – Mixed use development (loft apartments/gym/restaurant) – Granted

DOV/98/00763/A – Amendments to approved scheme – Granted

DOV/03/01380 – Renewal of permission DOV/98/763 - for mixed use development – Granted

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

KCC Highways – *Initial comments received 4<sup>th</sup> April 2019:*

The development provides fewer space than the maximum recommended provision for such a location. The road is wide and can accommodate the existing, and some additional, on-street parking. As such, the demand for on-street parking from the proposals is unlikely to have a severe impact on the existing situation in North Military Road. However, amendments to the scheme are required regarding vehicular and pedestrian visibility splays; the width of some parking spaces; cycle parking provision; and details regarding the vehicle crossing.

Further comments received 5<sup>th</sup> June 2019:

The 43 metre splay to the north east can be measured to a point 1 metre off the nearside edge of carriageway but it appears to be further out than this so should be amended. The splay to the south west appears to be the right length but just isn't dimensioned. The 1 metre x 1 metre pedestrian splays are not in the correct location (they should be behind the footway), however it appears the one on the south west side can be achieved and therefore conditioned. Vehicles exiting are likely to be on the south west side of the opening and therefore the splay on the north east side is available within the total width of the access. The cycle parking now looks much more usable.

Historic England – No comments.

DDC Waste Services – The applicant should discuss the scheme with Waste Services.

DDC Heritage Team – The site lies adjacent to The Western Heights Dover which is a scheduled monument and conservation area. The proposal for a new apartment block of six storey's has the potential to have a visible impact on the wider setting from several mid to long distance vantage points assessed below:

Effingham Street is a key location within Dover College Conservation Area and is adjacent to the St Martins Priory Scheduled Monument and a large number of Grade II and II\* listed buildings. This area is therefore particularly sensitive to new development. At present, the trees around the application site and its vicinity provide dense screening and a soft backdrop: the proposed development has been designed following the topography of the site. I form the view that the ability to appreciate the designated heritage assets will remain unaffected by the proposal and the new apartment block will add to the density of the existing development on the high ground above Folkestone Road, and will largely be contained within the dense green vegetation having no greater impact than the existing buildings from this view point.

Worthington Street has a very long distant view from the Town Centre Dover Conservation Area, the sites wider context when viewed from this position includes four and five storey residential blocks of no architectural merit and only a minor section of the proposed building is likely to be visible, it is unlikely that the development would cause harm from this vantage point.

Castle Hill, the site from this vantage point would be seen as a minor built element within an extensive vista of the town centre, it is unlikely that the development would be of such a scale that it would significantly impact upon these views.

The Western Heights, I have viewed the site following the paths above the application site. It was clear that the upper storeys of the site would be visible above the tree line but would not harm views of the Dover College site within this context as there is other intervening development when viewed from the designated pathways. The proposed design also mitigates any possible visual impact by including a green roof to the top floor as well as terraces with planting.

**Recommendation:**

The proposal would have no harm on the significance of designated heritage assets as defined by paragraph 196 of the NPPF. Western Heights and its conservation area cover a very large area composed of the scheduled monument and manmade landscape features with dense vegetation. This proposal will only impact visually on a very small, minor part of this setting, its significance will not be harmed.

I have seen no details relating to any possible utility items being considered for the roof and recommend that appropriate conditions are considered to ensure they are discreetly located on the proposed building.

DDC Ecology – The development poses no major concerns. Whilst the site is approximately 1km from the Folkestone Warren SSSI, the site falls under the threshold of 100 dwellings. However, the development will need to comply with the Thanet Coast and Sandwich Bay SPA mitigation strategy. Whilst the site is downhill of the chalk grassland habitat of the adjacent Western Heights local nature reserve and local wildlife site, consideration should be given to dust suppression during construction. The ecological enhancements within the report should be followed.

Natural England – The development will need to comply with the Thanet Coast and Sandwich Bay SPA mitigation strategy. Advice is provided regarding the potential need for an appropriate assessment, the need to consider protected species, trees and woodland, and priority habitat.

DDC Environmental Health – No objections, subject to conditions regarding contamination and to secure a construction management plan.

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

Environment Agency – No comments.

KCC Economic Development – Request that a contribution of £960.32 be secured to provide additional book stock at Dover Library. No other contributions are sought.

KCC SUDS – *Initial response received 21<sup>st</sup> March 2019:*

No surface water drainage strategy has been provided. Such a strategy should be provided prior to determination.

*Further comments received 6<sup>th</sup> June 2019:*

The surface water solution proposed is based on the assumption that infiltration will be possible on site, on checking we confirm that the British Geological Society's website shows the site as being underlain by chalk bedrock which should mean infiltration is possible. However, no information/calculations have been submitted so as to prove that the proposed soakaway feature is sufficient to prevent flooding from occurring and conversely that sufficient space exists on site for the feature. KCC cannot recommend approval until this information is received.

*Further response received 20<sup>th</sup> September 2019:*

Whilst the underlying geology has been identified as being highly compatible for infiltration, it has been mentioned within the Surface Water Management Strategy report that wartime tunnels are located adjacent to the site boundary and the only available space for infiltrating features is land at a significantly higher elevation and on a slope. On this basis, infiltration has been ruled out as an option. Whilst it is unfortunate that infiltration cannot be utilised, we agree to the proposal for a controlled discharge rate into the surface water sewer on Durham Road and acknowledge that it is an improvement on the existing scenario. Should your authority be minded to grant permission for the above development, it is recommended that conditions be attached to secure the submission and approval of a detailed surface water drainage scheme and a post implementation verification report.

Southern Water – No response

Kent Police – The applicant/agent has not yet fully demonstrated designing out crime. This was discussed with the applicant and a number of recommendations have been made, primarily relating to detailed matters such as management of car parking, boundary treatments, door access and window and door certification.

Dover Town Council – Support, subject to compliance with the recommendations of county highways.

Public Representations – Ten objections have been received, raising the following points:

- The building is too large
- The development will dwarf neighbours and the landscape
- The development is out of character
- The building would be imposing
- The drawings are difficult to interpret
- The building should be set back from the boundaries/the building is too close to neighbours
- Insufficient parking and congestion
- Overshadowing and loss of light to neighbours
- Too many flats are proposed
- Insufficient infrastructure
- It is questioned whether the site is greenfield or brownfield
- The existing wall should be stabilised not replaced
- The site cannot be accessed by fire engines
- Regard must be had for the impact on views from the Scheduled Monument and nature reserve.

One letter of support has been received, raising the following points:

- The scheme is well researched and designed
- The flats are not crammed in and offer something new for Dover
- The scheme will improve Dover's housing stock and promote regeneration

- f)
1. **The Site and the Proposal**
    - 1.1 The site lies within the settlement confines of Dover around 200m from the town centre and around 300m from Dover Train Station. The areas to the north and east of the site are urban in character, predominantly comprising housing; however, the land immediately to the south and west is undeveloped and forms part of the Western Heights Local Wildlife site. This area directly abutting the site is also designated as the Western Heights Dover Conservation Area (although the proposed building would be located outside of the Conservation Area). Towards the centre of the Conservation Area and around 140m to the south of the site are the brick built fortifications of the Drop Redoubt. The Western Heights, including the land around the brick fortifications of the Drop Redoubt, is a designated Ancient Monument. The site lies within an area of archaeological potential.
    - 1.2 Being close to the town centre, the development round the site is relatively high density, typically between three and five storeys in height, although some taller buildings can be found closer to the town. It is also important to note that the buildings directly around the site (former Kingdom Hall and St Johns Ambulance Station) are single storey.
    - 1.3 The topography of the site and its surroundings is notable. Whilst the site itself is relatively flat, it sits approximately halfway up the hillside below the Drop Redoubt. The site is cut into the hillside to form a terrace, with retaining walls around its boundaries, beyond which are trees (predominantly sycamores which appear to be self-seeded). The site is covered in hardstandings.
    - 1.4 This application seeks permission for the erection of a building containing six floors to provide 20 flats with parking at ground floor level. The building would be staggered to its north eastern elevation whilst the top floor would take the form of a penthouse set in from the boundaries of the site. A replacement retaining wall would be provided. The building is of a crisp contemporary design and would be finished in a pale terracotta/reddish brick, with glazed walls and metal shades and trellis, under flat roofs/balconies which would be part tiled and part 'green roof'. Windows and doors would have 'bronze' frames around glazing.
  2. **Main Issues**
    - 2.1 The main issues are:
      - The principle of the development
      - The impact on the character and appearance of the area and the historic environment
      - The impact on neighbouring properties
      - The impact on the highway network
      - Affordable housing and contributions

### **Assessment**

## Principle

- 2.2 The site lies within the settlement confines of Dover and, as such, the principle of the development is acceptable, being in accordance with Dover Core Strategy Policy DM1. The NPPF also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. Whilst the site is outside of the town centre, it is located reasonably close to the town centre such that the development would likely provide additional custom. It is therefore concluded that the principle of the development is positively supported by the NPPF.

## Character, Appearance and Heritage

- 2.3 Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.4 There are no listed buildings within or directly adjacent to the site and the site is not within any Conservation Area. However, the site lies adjacent to The Western Heights Dover Conservation Area. Within the Conservation Area and to the south of the site is the Drop Redoubt which, together with the landscape around it, forms part of the Western Heights Ancient Monument. In the wider area is the Dover College Conservation Area, St Martins Priory, which is a Scheduled Monument and, around this Conservation Area, a large number of Grade II and II\* listed buildings. Regard must also be had on the impact to the Town Centre Dover Conservation Area. Given the sites elevated position, regard must also be had both for the closer views which are attainable from North Military Road and the longer views from around the town.
- 2.5 The proposal is for a six storey building rising up to 18m above the current ground level on site. The ground floor level itself would be set partially below the level of the road which rises from north east to south west. The third, fourth and fifth floors would be of ever decreasing width, such that these floors would step in from the north eastern boundary of the site. The first, second, third and fourth floors would also be stepped away from the retaining wall to the south eastern boundary of the site, whilst the fifth floor would additionally be stepped away from the south western and north western (street fronting) boundaries. At present, the trees around the site and its vicinity provide varying degrees of screening and a soft backdrop.
- 2.6 The site would be highly visible from a section, approximately 250m in length, of Military Road/North Military Road. In this view the building would be read as

part of the street scene and viewed in conjunction with the buildings to the north and east of the site.

- 2.7 The building would be located adjacent to the footway/road, such that it would directly front onto the road. The majority of buildings in the vicinity are set slightly back from the road, so the layout of the building on the site would differ from the prevalent character in this respect. However, there is a degree of variation which lends some licence to variation in this regard. Moreover, the building would, as will be set out later in this section, create a landmark building such that increasing the prominence of the building in some views (for example through stepping the building closer to the road so that its presence in views from the north east is increased) may be desirable. Consequently, it is not considered that the positioning of the building is inappropriate.
- 2.8 The building would also be significantly taller than the buildings in its immediate vicinity. Whilst the difference in height between the proposed building and its immediate neighbours would be visually unambiguous, it is not considered that this relationship would be stark, as the building would be seen within the context of the larger flat blocks to the north east. These flat blocks, which range from three storeys in height to five storeys in height define the overriding character of this part of Dover. Whilst the proposal would be taller still than these buildings, it is set within the hillside, such that its bulk is less prominent. The architect has also used architectural devices to reduce the perceived height and bulk of the building, such as: breaking up the width of the building with vertical features; providing large openings within the elevations which would have a strong rhythm across the façade; staggering the north eastern elevation so that the upper floors of the building are of a reduced width and setting the top floor in from the front and side of the building to reduce its prominence in views. Overall, it is considered that the clever and innovative design of the building, its relationship with other large buildings and its location 'within' the hillside produce a development whose scale would not appear out of place.
- 2.9 The architectural style of the building also takes a departure from the mid C20th flat blocks and terraced housing which are ubiquitous in this part of Dover. However, whilst these forms of building are widespread, they are of mixed architectural quality and do not create a strong character which would be desirable to replicate. Instead the architect has chosen to pursue a contemporary style, but has sought to make the building more locally distinctive by referencing the key features of the Drop Redoubt; namely through the use of red brick and the use of splayed window openings which mimic the splayed gun embrasures of the fortifications. The scheme also seeks to relate the building to the vegetation which characterises the hillside, by introducing green roofs and planters. The result is, it is averred, distinctive, rooted in Dover and visually attractive.
- 2.10 Overall, it is considered that in close views of the building the scheme would sit comfortably in the street and against the hillside, whilst providing a high quality building which would positively contribute to the built environment.
- 2.11 In addition to the closest views, it is also necessary to consider how the building would be seen from wider viewpoints and, in particular, how it would impact heritage assets.
- 2.12 From the east the site would be seen from Worthington Street, which is located within the Town Centre, Dover Conservation Area. In this view, the foreground is dominated by the three, four and five storey blocks of flats around

Lancaster Road and Durham Hill. The councils Heritage Team have advised that, in their opinion, these foreground buildings are of no architectural merit and I concur with this view. As such, the view from Worthington Street is already significantly impacted. Furthermore, the existing buildings would largely screen views, such that only a small section of the proposed building would be visible. Given the limited views that would be gained and the context within which the proposed bundling would be seen, it is not considered that this view would be significantly impacted by the development.

- 2.13 Effingham Street, to the north of the site is a key location within Dover College Conservation Area and is adjacent to the St Martins Priory Scheduled Monument and a large number of Grade II and II\* listed buildings. This area is therefore particularly sensitive to new development. The site is elevated above Effingham Street by around 17m. The trees around the application site and its vicinity provide dense screening and a soft backdrop in views from Effingham Street. These trees are viewed over the roofs of buildings on Folkestone Road which form the foreground of views from Effingham Street. The proposed development has been designed following the topography of the site. A section has been provided through the application site, the hillside, Folkestone Road and Effingham Street to demonstrate that due to the topography of the land, the buildings on Folkestone Road and the height and density of tree cover, the proposed building would not be prominent in views. Whilst reliance cannot be entirely placed on trees to screen the development (for example their ability to provide screening in the winter is reduced), the applicant has sought to use earthy tones in the finish of the building so that it does not stand out when glimpsed through the trees in the foreground or against the hillside behind. Consequently, I concur with the Heritage Team who have concluded that the development would cause “no greater impact than the existing buildings from this viewpoint”.
- 2.14 The hillside to the south of the site contains public rights of way below the Western Heights. These public rights of way include a path which leads from North Military Road adjacent to the south western boundary of the site up the slope towards the Drop Redoubt. Views of the site can be achieved from these paths until you pass over a ridge around 60m from the site. The building would extend beyond (i.e. high than) the retaining wall, but the land quickly increases in height beyond this. The upper storeys would be visible from these paths, albeit trees to the south of the site would provide some filtering of views. Additionally, the proposed green roof treatment to the building would also mitigate the visual impact from this view. Importantly, views from the paths towards Dover College would not be harmed, as these views already take in much development. The Heritage Team have therefore identified no harm to heritage assets from these views. Whilst I concur with this assessment, it is considered that the development would impact upon the more general character of a small section of this land, which is well used by the public. However, given that the development would only be visible within a limited area, that the building would be seen in the context of other development (i.e. the building would not impact upon an ‘unspoilt’ view) and given that the visual impact of the development is somewhat mitigated by vegetation and the design of the building, I consider that this visual impact is, at worst, limited.
- 2.15 Views from the west are predominantly screened by buildings and vegetation and, as such, it is not considered that the development would cause any significant visual impact in views from this direction.

- 2.16 The site is visible in long views from Castle Hill, a distance of a little under 1km away. The proposed building, whilst visible, would be seen as a small component of an expansive vista and, consequently, the developments impact on views of Castle Hill would be negligible.
- 2.17 The Heritage Team have concluded that the development would not harm the settings of any heritage assets (Listed Buildings, Conservation Areas or Ancient Monuments) and, for the reasons outlined, I concur. Historic England have raised no objections.
- 2.18 Whilst the design of the building is acceptable, and would not harm the settings of any heritage asset, particular care must be taken to ensure that the detailing and use of materials is appropriate such that the envisaged quality is achieved. It is therefore considered that conditions should be attached to any grant of permission to require: samples of materials; full details of window and door frame, including their material and finish; details of window reveals; details of copings and window surrounds; details of any railings or screens to balconies; details of soft landscaping, including to balconies, planters and roofs, together with details of maintenance; and details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building.
- 2.19 Overall, it is concluded that the development would provide some visual enhancement of the townscape, providing a high quality, locally inspired addition to the built environment. Whilst there would be some impact on a limited section of the hillside to the south of the site, there is also a benefit in regenerating the site and tidying up what is currently a visual detractor in the street. Regard has also been had for the statutory duties on Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

#### Impact on Residential Amenity

- 2.20 To the north east of the site is a St Johns Ambulance, which is non-residential. The closest property to the east is No.7 Bowling Green Terrace, which is some 27m away (albeit this distance increases as the building steps away from this boundary). The land immediately to the east of the site is also treed, providing some additional screening. Given the separation distance and orientation (to the west), it is not considered that the development would cause a significant loss of light or sense of enclosure, with the trees further reducing the likely impact. Whilst the north east elevation of the proposed building contains windows and balconies, it is considered that whilst some overlooking would be caused, this would not be so significant that it would warrant the refusal of the application.
- 2.21 To the northern side of North Military Road are four dwellings within the former Kingdom Hall. The closest of these, Castle View, is approximately 14m away from the site. The building would rise to 15.2m at the boundary of the site with North Military Road, with an additional 2.8m in height being set back from the frontage by around 2.8m. Given the scale of the building and its position to the south of the four dwellings, particular care needs to be taken to assess the potential for the development to cause: a loss of sunlight and daylight; a sense of enclosure; and overlooking to these four dwellings. The site sits adjacent to the hillside, with a retaining wall to its rear elevation. Whilst the building would

project above the retaining wall, it would sit well below the ridge. Moreover, the building would be lower than some of the trees on the land to the south. Consequently, whilst the development may cause a reduction in morning sun, it is not considered that this would be sufficient to warrant refusal. Likewise, although the building would be tall, given that it would replace a view of the retaining wall and, whilst being closer than the wall, would be set away from the nearest neighbour by around 14m, it is not considered that the development would create an unacceptable sense of enclosure. Turning to overlooking, opposite Castle View and the other three dwellings would be opposite the windows and balconies to the right hand side of the central atrium. Overlooking from the upper floors would be limited due to the angle of view; however, views from the lower floors towards the windows of neighbours would be possible, at a distance of around 14m in respect of Castle View and around 16m in respect of Sunnybank (Hillside and Woodlands being slightly further away and at a more acute angle to the development). The front elevation of Castle View (facing the development) contains a glazed door and one small window, possibly serving a bathroom (the front elevation of this unit differs from the approved drawings for the conversion). Even if this window serves a habitable room, I am of the opinion that given that this window is in full view of the footpath and given the separation distance to the proposed windows, an unacceptable degree of overlooking would not be caused.

- 2.22 It is not considered that there are any other properties which would likely be affected by the proposals. Consequently, it is considered that the development would not result in an unacceptable loss of residential amenity to any neighbour.
- 2.23 The construction phase has the potential to cause unacceptable impacts on the living conditions of neighbours, given that the building would be relatively close to neighbouring properties. It is also noted that the development would utilise the entire footprint of the site, such that there would be nowhere on site to store materials or plant, or park construction vehicles. Consequently, Environmental Health have recommended that, should permission be granted, a condition be attached requiring that a Construction Management Plan be submitted for approval. Subject to such a condition, it is considered that impacts from this phase could be suitably mitigated.
- 2.24 Turning to the living conditions of future occupiers, all flats would be of reasonable size and would be naturally lit and ventilated. The applicant has submitted a Daylight and Sunlight Assessment which was carried out in accordance with Building Research Establishment (BRE) Guidelines. The assessment utilises standard modelling to calculate the levels of light reaching windows within the development, having regard for the existing topography which is an important factor in this location. The assessment concludes that all assessed rooms in neighbouring properties would receive an acceptable provision of natural daylight set out in the BRE Guidelines and British Standard 8206-2:2008: 'Lighting for buildings – Part 2: Code of practice for daylighting'. A separate refuse storage area for the residential units would be provided at ground floor level. For these reasons, and subject to conditions, it is considered that the living conditions of future occupiers would be acceptable.

#### Impact on the Local Highway Network

- 2.25 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be designed. The site is considered to be in a 'edge of centre' location. In such locations,

Table 1.1 of the Core Strategy advises that dwellings should be provided with a maximum of one car parking space per dwelling (although a maximum of 1.5 spaces should be provided for a 4 bed unit, of which there is one proposed), whilst visitor parking at a rate of 1 space per 5 dwellings should be provided. The development would provide 13 car parking spaces at ground floor level, i.e. seven spaces less than the advised maximum provision and without provision of the four visitor spaces recommended. It is important to note that, in sustainable locations, car parking provision is expressed as a 'maximum', in order to promote more sustainable forms of transport. In this case the train station and the nearest bus stops, all of which offer regular services, are around 300m walking distance from the site. The defined town centre is around 200m away. The site is therefore situated in a location where a car is not essential for all occupiers and where the lack of dedicated spaces may attract occupants who do not own, or do not wish to own, a car and will instead opt for more sustainable forms of transport. That said, North Military Road which is a relatively wide road often has few parked cars on the road, particularly to the west of the site. The road is therefore capable of accommodating some additional on street parking without causing a significant adverse impact on the highway. For these reasons, it is considered that the level of parking is acceptable.

- 2.26 The ground floor car park is considered to be of sufficient size to allow vehicles to manoeuvre, access a car parking space, turn and leave in a forward gear.
- 2.27 Concern has been raised by KCC Highways that the pedestrian and vehicular visibility splays are not shown on the drawings correctly. Whilst I concur that they have not been shown correctly, I am satisfied that as vehicles would be likely to exit the car park towards the centre of the access, adequate visibility of pedestrians on the footway would be achieved. Given the speed of vehicles using North Military Road, KCC have requested that vehicular visibility splays of 43m x 1m x 43m be shown. Again, these splays have not been shown in the correct location. When drawn correctly, visibility to the south west could be achieved, subject to yellow lining, and can be conditioned. However, visibility to the north east would be limited to around 35m. Whilst this is below the recommended visibility, I am mindful that vehicles travelling from this direction would be travelling around a bend and uphill, such that speeds may be reduced. The test is whether the proposal would cause an unacceptable impact on highway safety or a severe residual cumulative impact on the road network. On balance, whilst not ideal, I am not persuaded that the development would cause a level of impact on the highway that would warrant refusal.
- 2.28 Having regard for the reduced provision of car parking, the ground floor area would include the provision of cycle parking for 40 cycles. This equates to just over one space per bedroom (the 20 flats provide 37 bedrooms). It is considered that this level of provision is sufficient to ensure that the development suitably promotes cycling as a sustainable form of transport.

#### Flood Risk and Drainage

- 2.29 The site lies in Flood Risk Zone 1, which has the lowest risk of flooding. Furthermore, the site and the proposed development falls below the thresholds for the requirement of a flood risk assessment or a foul sewerage and utilities assessment. Notwithstanding this, it is still necessary for the development to be provided with adequate foul and surface water drainage, such that the dwellings are properly serviced and the development does not increase the risk of on or off site flooding.

2.30 The existing site is predominantly non-permeable, being largely covered by concrete. As such, the development would be unlikely to significantly increase surface water run-off. However, it would be appropriate to ensure that the proposed development is served by suitable surface water drainage, in accordance with the clear requirement in the NPPF that major development should incorporate sustainable drainage systems except in exceptional circumstances (paragraph 165). The development would also need to be served by adequate foul drainage infrastructure which avoids increasing the risk of flooding on site or elsewhere. Given that the development would occupy the entire footprint of the site, and having regard for the comments of the Lead local Flood Authority, it is not considered that infiltration is feasible. As such, the submitted Surface Water Management Strategy advises that both surface water and foul water will discharge to the public sewer, albeit the site will accommodate a roof planting and a water storage tank which will trap and store water on site to reduce flows and limit discharge rates into the public system. This will manage discharge to the sewer to a rate of no greater than 4.9l/s during a critical storm. Southern Water have been consulted on the proposed system but have not, at the time of writing, provided their response. However, it is noted that the site is already impermeable and is unmanaged and therefore, providing a managed solution would likely reduce the risks of flooding. Should permission be granted, it will be necessary to require, by condition, that full details of the foul and surface water sewerage systems be provided, together with a timetable that ensures that the necessary works (both on site and, if necessary off-site reinforcement works to the network) take place prior to the occupation of the development to ensure that surface and waste water flows are properly managed.

Contamination

2.31 The application has been supported by a Contaminated Land Assessment. This assessment, which has considered the former uses of the site and the likelihood of contamination being encountered during construction or which could be a risk to human health or the environment. The report concludes that there might be some historical made up ground with a potential infill presence of ground gas. As such, Environmental Health have advised that, concurring with the recommendations of the report, a condition should be attached to any grant of permission to secure the recommended contamination work, together with remediation and verification of remediation as necessary. Subject to such a condition, I am satisfied that contamination is not a constraint to development.

Housing Mix, Affordable Housing and Contributions

2.32 This application proposes twenty flats comprising seven one-bed flats, ten two-bed flats, two three-bed flats and one four bed flat. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing:

Number of Bedrooms	Percentages Proposed	Percentages Recommended
One (x7)	35%	15%
Two (x10)	50%	35%
Three (x2)	10%	40%
Four (x1)	5%	10%

The recommended proportions should, having regard for more recent data, such as the Strategic Housing Market Assessment inform the housing mix, albeit these proportions are certainly not rigid. As can be seen from the above

table, the proposal would be significantly skewed towards smaller one and two bedroom properties, at odds with the demand within the District. However, it is understandable that in this location, large family houses are unlikely to be viable (viability will be discussed in more detail below) whilst flatted developments which lack garden space are less well suited to family occupation. Whilst it is not considered that the mix is determinative, I consider that the bias towards smaller units carries some, albeit limited, weight against the development.

- 2.33 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.34 Policy CP6 requires that development which generates demand for addition infrastructure will only be permitted if the necessary infrastructure is either in place or where it can be provided. Policy DM27 requires that developments contribute towards the provision of open space to meet the needs which will be generated by the development. However, no requests for contributions have been received for infrastructure such as schools, libraries etc. or for open space provision. A request has been received for library book stock, but no other requests have been received.
- 2.35 The application has been supported by a viability statement which seeks to demonstrate that the development cannot support the provision of affordable housing or the library contribution, making a substantial loss. In accordance with the Council's normal practice, and having regard for the Affordable Housing SPD, the council appointed an independent viability consultant to review the applicant's report.
- 2.36 The Council's viability consultant questioned a number of the assumptions made within the submitted statement and sensitivity tested the applicant's viability appraisal.
- 2.37 The applicant's consultant has nominally attached a value to the land of £1 which the council's assessor has considered to be an appropriate benchmark in the circumstances. This low, nominal figure provides the least impediment to concluding that the scheme is viable. The units, once completed, have been valued by the applicant's consultant as between £120,000, for the 1-bedroom duplex to the rear of the block, and £400,000, for the 4-bedroom unit. Both the applicant's consultant and the council's assessor agree that there is a lack of comparable offerings in the area which can be used to benchmark the predicted sales values of the proposed scheme; however, the council's assessor has reviewed the prevailing values in nearby roads and used their experience from working with the council on other sites in the area to conclude that the predicted sales values "could be on the conservative side" but are not, overall, unreasonable. Likewise, the council's assessors consider that the build costs which have been presented are towards the upper end of the likely range. Other assumptions made by the applicant's consultant, such as finance costs and development timings, are not unreasonable, although a slightly lower finance cost has been proposed by the council's assessor. Whilst there are some areas of disagreement between the applicant's viability report and the council's assessor, these are relatively minor. The scheme as presented shows a very large deficit – with a negative outcome of between £1.84m and £2.29m. As

such, even taking a best case scenario in terms of development costs and sales values, the development is not viable.

- 2.38 Consequently, the viability assessor is of the opinion that the scheme is not sufficiently viable to support contributions. In accordance with Policy DM5, which acknowledges that “the exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions”, and having regard for paragraph 64 of the NPPF and the advice contained within the Planning Practice Guidance, it is considered that the application has demonstrated that it would not be reasonable in this instance to require affordable housing or contributions.

### Ecology

- 2.39 The development poses no major concerns. Whilst the site is approximately 1km from the Folkestone Warren SSSI, the site falls under the threshold of 100 dwellings and, consequently, it is not considered that the development would impact on this designation.
- 2.40 It is noted that the site is adjacent to the Western Heights local nature reserve and local wildlife site; however, the site is downhill of this site and, having visited the site, it is considered that the development would not adversely affect any significant habitat or vegetation, with the works instead impacting upon a hardstanding and a retaining wall. Having regard for Natural England’s Standing Advice, it is not considered that the site contains any features likely to provide habitat for protected to notable species. The council’s ecologist has raised no concerns in these respects.
- 2.41 As set out in the residential amenity section, it is proposed to include a condition on any grant of permission to require that a Construction Management Plan be secured by condition. Notwithstanding other potential impacts of the construction phase as previously outlined, it is considered that the Construction Management Plan should also secure the proper management of fugitive dust which, if uncontrolled, could impact upon the ecology of the adjacent land.

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

- 2.42 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.
- 2.43 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.
- 2.44 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.

- 2.45 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.46 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.
- 2.47 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### Archaeology

- 2.48 Whilst the site is in an area where there is a potential for archaeology, the site is located on an existing terrace which is cut into the hillside, whilst there are existing hardstandings on the site. KCC Archaeology have been consulted, but have not provided any comments. From historic map regression it appears that the cut in the hillside was made between 1891 and 1912 to provide land for a small school and associated playground. The school is still shown on maps between 1919 and 1939 but appears to have been demolished by 1960, remaining vacant ever since. Given the time that the cut was made, the amount of material removed by the cut and the previous development of the site, and in the absence of any evidence to the contrary, it is concluded that the development is unlikely to impact upon heritage assets of archaeological significance and, as such, no archaeological conditions are justified in this instance.

#### Other Matters

- 2.49 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 such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted. Whilst there are other 'tests' for applying the 'tilted balance' these do not apply in this instance, as they are specific to applications for housing. For the reasons stated in this report, it is considered that the development complies

with the development plan. However, it is also necessary to have regard for the NPPF which is an important material consideration.

- 2.50 Paragraph 11 of the NPPF requires that development which accords 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 (including where the council do not have a five year housing land supply or where the council have achieved less than 75% of the housing delivery required by the Housing Delivery Test), permission be granted unless the development would fail to satisfy the NPPFs policies in relation to protected areas or assets or where the adverse impacts of the development would significantly and demonstrably outweigh the benefits. This is known as the 'presumption in favour of sustainable development' or the 'tilted balance'. The council can demonstrate a five year housing land supply and has delivered 92% of the housing required by the Housing Delivery Test. As such, the presumption in favour of sustainable development set out at paragraph 11 of the NPPF, or 'tilted balance', is not engaged for these reasons.
- 2.51 Having assessed Housing Land Supply and the Housing Delivery Test, it is necessary to consider whether the councils policies are out-of-date. In this instance it is considered that the policies which are most important for determining the application are DM1 and DM11. Policy DM1 seeks to restrict development outside of the settlement confines unless, amongst other things, it is supported by other development plan policies. Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines, unless justified by development plan policies. This report concludes that the development complies with both of these policies.
- 2.52 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.
- 2.53 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.
- 2.54 It is considered that policies DM1 is out-of-date, whilst DM11 is, in part, 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.

2.55 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. The NPPF encourages housing in sustainable locations, where it would reduce the need to travel and encourage more sustainable forms of transport and where facilities and services are accessible. As set out earlier in this report, the site is close the amenities of the Town Centre and is well located in relation to public transport links. These conclusions add weight in favour of the development.

2.56 The site is considered to be previously developed land, being vacant of buildings but being covered with visible hardstandings, weighing in favour of the scheme.

2.57 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.

2.58 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 diverges somewhat from the identified need and it is considered that this moderates, to a degree, the benefit associated with the provision of housing. 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 the highway network; 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 and, again, do not warrant refusal.

2.59 In terms of the environmental role, the proposal would not cause unacceptable harm to the character of the area. The development would be plainly visible from North Military Road, but would add interest to the street scene rather than detract from it. Views from the public rights of way to the south and longer views from the north and east would be significantly more limited, such that the development would not cause a significant impact from these locations. Likewise, it is concluded that the development would not cause harm to any heritage assets, subject to conditions. The development would not, subject to conditions and obligations, adversely impact ecology or habitats.

- 2.60 Overall, it is considered that there are a number of significant 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.
- 2.61 Another material consideration is the planning history for the site. There have been four planning permissions for the site. The first of these was an outline planning permission for a residential development, submitted in 1992. Following this, there was an application for a five storey building with a series of sculptural 'extensions' on top of its roof (reaching around three storeys in height). Unusually, the permission was granted with a condition requiring that full details of the elevations, sections and roof plan be provided, as the precise form of the building had not been settled. The building would have provided around 20 dwellings, together with other uses such as a restaurant and offices. The permission was renewed in 2004 and this renewal itself expired in 2009. Whilst this permission is no longer implementable and does not therefore form a fallback position, and whilst it was approved under a different policy context, it remains relevant to the determination of the current application insofar as a development of a comparable scale and overall form as the current proposal has previously been granted planning permission on this site. That said, due to the changes in circumstances since the previous application were granted (principally the changes in national and local planning policy and guidance), it is considered that the weight to be attributed to the planning history of the site carries only limited weight.

### **3. Conclusion**

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 The proposal would result in an innovative and architecturally interesting building, which while bold, would be contextually relevant and sensitive to its location. The accommodation, as packaged, would albeit to a modest degree, help diversify and enhance perceptions regarding the Dover housing offer. The scheme would bring renewal and regeneration to an important site close to the town centre and enroute to the Western Height.
- 3.3 The development would cause no harm to the settings of designated heritage assets and is considered to have an acceptable impact on the character and appearance of the area more generally. Subject to conditions and a legal obligation, no unacceptable harm has been identified in respect of: the residential amenities of neighbours or future occupiers; the local highway network; archaeology; ecology; drainage or contamination. Whilst the development would not provide any affordable housing or development contributions towards infrastructure, the application has been supported by viability assessment which demonstrates that the development cannot support these obligations. This assessment has been independently reviewed on behalf of the council and has been found to be robust. It is therefore recommended that permission be granted.

#### **g) Recommendation**

- I PERMISSION BE GRANTED subject to a S106 agreement to secure habitat mitigation and conditions to include: -

(1) standard time limits, (2) approved plans, (3) samples of materials, (4) full details of window and door frame, including their material and finish, (5) details of window reveals, (6) details of copings and window surrounds, (7) details of any railings or screens to balconies, (8) details of soft landscaping, including to balconies, planters and roofs, together with details of maintenance (9) provision of access, car parking and turning areas prior to first occupation, (10) details of visibility splays to be provided, (11) provision of cycle parking, (12) provision of refuse storage, (13) detailed scheme for foul water drainage, including a timetable for its implementation, (14) details of surface water drainage, including a timetable for its implementation, (15) contaminated land, (16) details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building, and (17) construction management plan.

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

Case Officer

Luke Blaskett