

Public Document Pack



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21 October 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 29 October 2020 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Batty-Smith', 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
D G Cronk
O C de R Richardson
H M Williams
Vacancy

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 5)

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

4 **MINUTES** (Pages 6-19)

To confirm the attached minutes of the meeting of the Committee held on 3 September 2020.

5 **ITEMS DEFERRED** (Page 20)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 21-26)

6 **APPLICATION NO DOV/20/00524 - THE MANOR, 22 THE STREET, WEST HOUGHAM** (Pages 27-34)

Erection of a first-floor extension to existing garage to facilitate conversion to a detached dwelling and creation of parking

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

7 **APPLICATION NO DOV/20/00933 - THE OLD RECTORY, MONGEHAM CHURCH CLOSE, GREAT MONGEHAM** (Pages 35-41)

Erection of a gazebo

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

8 **APPLICATION NO DOV/20/00368 - SUTTON VALE CARAVAN PARK AND COUNTRY CLUB, VALE ROAD, SUTTON, DOVER** (Pages 42-51)

Creation of a new gated vehicular access

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

9 **APPLICATION NO DOV/20/00468 - 62 CANTERBURY ROAD, LYDDEN** (Pages 52-63)

Erection of two detached dwellings, associated parking and creation of new, and widening of existing, vehicle access (existing bungalow and garage to be demolished)

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

10 **APPLICATION NO DOV/19/01339 - 3 MIDDLE DEAL ROAD, DEAL** (Pages 64-75)

Erection of four attached dwellings with undercroft parking and bin stores (existing buildings to be demolished)

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

11 **APPLICATION NO DOV/19/00955 - LAND WEST OF DOG AND DUCK LEISURE PARK, PLUCKS GUTTER, STOURMOUTH** (Pages 76-92)

Change of use of land to the west of the existing park to allow an increase in the area of the site to accommodate the same number of units currently authorised at the Park, at a lower density

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

12 **APPEALS AND INFORMAL HEARINGS**

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

13 **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. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith,

Democratic Services Officer, telephone: (01304) 872303 or email:
democraticservices@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 3 September 2020 at 4.30 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
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

Officers: Principal Planner
Principal Planner
Principal Planner
Planning Officer
Planning Consultant
Senior Environmental Protection Officer
Planning Solicitor
Democratic Services Manager
Democratic Services Officer

The following persons submitted written statements which were read out by the Democratic Services Manager in lieu of public speaking:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00249	Ms Ana Rukavina	Mr Joe Brady
DOV/20/00403	Mr Nigel Brown	Mrs Donna Foster
DOV/19/01260	Mr Alex Kalorkoti	Mr Kevin Lynch
DOV/20/00358	Hume Planning Consultancy	Mr Neil Williams
DOV/19/01025	Ms Emma Hawkes	Mr Brian Reidy Councillor K Mills and Councillor C D Zosseder
DOV/20/00439	Mrs Jill Matthews	Mr Vincent Millard

20 APOLOGIES

It was noted that there were no apologies for absence.

21 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 MINUTES

The minutes of the meeting held on 23 July 2020 were approved as a correct record and signed by the Chairman.

24 APPLICATION NO DOV/20/00249 - LAND AT 9 PARK AVENUE, DOVER

Members viewed plans and photographs of the application site. The Planning Consultant advised that retrospective planning permission was sought for the conversion and change of use of a property to a House of Multiple Occupation (HMO) for up to seven people, the use having commenced in 2018. No external changes to the building were proposed. Refuse and cycle storage would be provided in the rear garden area and could be controlled by way of a management plan condition to ensure that the storage of containers did not become a problem, as it had with HMO properties elsewhere in Dover. The applicant's details would also be made available to neighbours as part of the management plan. The applicant had requested that a condition restricting the visiting hours of non-residents be extended from 9.00pm to 11.00pm. Objections had been raised about external maintenance, but this was outside the remit of Planning.

Members were advised that the Council had not adopted a policy in relation to HMOs, and it was therefore necessary for them to judge the application on its merits. In this regard, the property was in a sustainable location, with access to public transport and the facilities of the town centre. It was notable that no complaints had been lodged with the Council's environmental protection team since the use of the property as an HMO had started.

In response to queries from Councillor E A Biggs, the Planning Consultant clarified that the basement was in use and that an attic room was not currently in use. It would be a breach of conditions if its subsequent occupation raised the number of residents above the threshold of seven. In terms of parking, it was the view of Kent County Council (KCC) Highways and Officers that the demand for parking was unlikely to be materially different from the demand generated by the building's previous use as a family dwelling. Whilst it was difficult to park in the road during the day, spaces were available in the evening when people working in the town centre had left.

Councillor H M Williams raised concerns that there was no Council policy on HMOs, particularly as she was aware that there were existing HMOs in the same road and another was planned. It was also an issue of concern for Dover Town Council. Councillor T A Bond commented that the property had been operating as an HMO for some time with apparently no reported problems. Whilst parking was an issue, the property was close to town centre facilities and public transport and, on balance, should be supported.

The Planning Consultant emphasised that the management plan was designed to ensure that any concerns raised by neighbouring residents could be dealt with quickly. The applicant had not been aware of concerns about the storage of wheelie bins at the front of the property. By imposing a condition, their storage at the rear could be enforced. It would also be possible to include in the management plan a reference to a resident with responsibility for putting out and stowing away the bins. In respect of visiting hours, he considered it reasonable for professional people to expect to be able to entertain visitors until 11.00pm. He advised that work had already started on an HMO policy as part of the Local Plan review. He clarified that HMOs were not restricted to use by a particular category of occupant.

RESOLVED: (a) That Application No DOV/20/00249 be APPROVED subject to the following conditions:

- (i) The layout of the building to be in accordance with the submitted drawings;
 - (ii) The use of the building to be limited to up to 7 persons at any one time;
 - (iii) The rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities;
 - (iv) A Management Plan to be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the date of the decision. The Management Plan shall set out how the applicant will provide contact details and liaise with near neighbours and respond to concerns or complaints within a specific timeframe, and monitor how the use adapts to the local environment;
 - (v) The premises shall not be open to visitors (they shall not gain access to the premises) outside the following hours, on any day: 08.00 to 23.00 hours.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

25 APPLICATION NO DOV/20/00403 - LAND ADJOINING 22 BELVEDERE GARDENS, DEAL

The Committee was shown plans, drawings and photographs of the application site. The Planning Consultant advised that the application sought retrospective planning permission for a detached, single storey dwelling with a front parking bay. At the time of submission of the application, works had not started on the site. However, a building had now been erected and substantially completed. The application was now the subject of an appeal for non-determination. The final decision and the weighing in the balance of the relevant issues were therefore for the Planning Inspector (PI) to determine. The Committee's role was to convey to the PI what decision the Committee would have arrived at if it had made the decision itself.

Members were reminded that there had been a number of planning applications for a detached, single storey dwelling on the site since 2015. Although not referred to in the report, a 2016 application for a single storey dwelling had been refused and then appealed. In that case, the PI had stated that the gap provided a sense of openness between the two streets and the proposal would significantly erode this openness, resulting in a cramped appearance to this end of the development. In relation to the 2018 appeal, the PI had opined that the roof of the proposal would be visible and appear incongruous between the houses. Both PIs had found that the proposed development would be harmful and not in the public interest. The Planning Consultant stressed that, in effect, these appeal decisions related to the same development as the current proposal and were material considerations, carrying significant weight.

Against this background, the applicant argued that, of material consideration, was the fact that a Lawful Development Certificate had recently been granted for an outbuilding on the site which was, in effect, of the same design, appearance and scale and in the same location as the proposal which was the subject of the application. The outbuilding did not require planning permission. In essence, the applicant's case was that if a building could be erected without planning permission, then the harm that had previously been identified as being caused to the visual quality of the street was going to take place anyway. This being the case there should be no objections to the current proposal and a refusal was not justified. This was a material consideration that the Planning Committee needed to weigh in the balance against the previous reasons for refusal and the Pls' decisions.

A factor that affected consideration of the issue was the erection of the building on the site. Officers did not believe that it was an outbuilding that had the benefit of permitted development rights because it had been constructed as a house. Moreover, it was not required for purposes incidental to the occupiers of No 22 Belvedere Gardens. In relation to the latter, he stressed that the building had not been, and was not being, used for purposes incidental to the occupiers of No 22.

Whilst it appeared that the Lawful Development Certificate application had been submitted as a means to achieving planning permission for the dwelling, the primary consideration for Members was the balance between the harm that had consistently been identified and the potential for an outbuilding to be located on the land that would affect the quality of the street scene. Officers considered that the proposal was contrary to the design objectives of the National Planning Policy Framework (NPPF), and that this harm outweighed the argument advanced by the applicant.

Councillor Biggs commented that the construction of a dwelling in this location was unfortunate, particularly when it could encourage others to do the same. In response to a query from Councillor Bond about the Lawful Development Certificate, the Planning Consultant clarified that he did not think that the building covered more than 50% of the curtilage of No 22. Councillor Bond commented that previous applications had been refused by the Committee and dismissed at appeal by Planning Inspectors. The building was an over-development of a small plot, and there was no reason for the Committee to take a different position just because a building had been erected on the pretence of being an outbuilding. Several Members expressed concerns that the applicant had pursued development by back-door means.

The Planning Consultant commented that it was not uncommon for agents to use permitted development rights to their advantage. The Committee was required to consider the merits of the case. The fact was that the dwelling was not an outbuilding and had not been used as such by the occupiers of No 22. It did not therefore satisfy the permitted development criteria for an outbuilding, and the application for a change of use (from an outbuilding to a dwelling) could not therefore apply. If the appeal was dismissed, there remained an opportunity for the land to be used for an outbuilding. Officers would need to take a view on enforcement action (if any) at the appropriate time.

RESOLVED: (a) That the Planning Inspectorate be advised that if the application had been considered by the Planning Committee, it would have resolved to refuse planning permission for the reasons set out below:

- (i) The proposed development, by reason of its design, scale, appearance and location, would be an incongruous form of development in its context that would harm the character and

appearance of the area, contrary to Paragraphs 124, 127 and 130 of the National Planning Policy Framework.

- (b) That powers be delegated to the Head of Planning, Regeneration and Development to advise the Planning Inspectorate of the resolution and to make the case to the Planning Inspectorate for the appeal to be dismissed.

26 APPLICATION NO DOV/19/01260 - LAND OFF CHURCH LANE, DEAL

Members were shown an aerial view, drawings, plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of up to fourteen dwellings on a site situated in the countryside but adjacent to the urban confines of Deal. The site was a triangular parcel of land situated between recently constructed houses in Hyton Drive and the site at Churchfield Farm which had received planning permission the previous year. The layout of the site, including the location of houses and road layout, had been submitted, but other details were reserved matters.

As an update to the report, the Committee was advised that, in relation to the matters set out in paragraph 2.27, an amended site plan had now been received showing estate roads within the application site and their connection to the adopted highway. The requisite notice had been served on the owner of the roads, Persimmon Homes, who had responded with no comments. In respect of paragraph 2.34, KCC had now indicated that it was content that infiltration or drainage of surface water into the water course would not increase flooding problems elsewhere. However, it had requested evidence that the site currently drained to the existing network and that sufficient capacity existed. The applicant had subsequently submitted topographical information which demonstrated that existing surface water from the site went into the same water course as the one that would be used by the development. Since the report had been published, four additional representations had been received referring to additional traffic, damage to roads, loss of view, buildings too close to houses in Hyton Drive, disruption during construction and the loss of an open area, including impact on wildlife and strain on infrastructure.

The Principal Planner advised that there were four main issues for Members to consider. These were the principle of developing a site for housing which was outside but adjacent to the urban confines; the impact on the countryside and landscape setting; impact on residential amenity, including traffic; the need for developer contributions; and technical matters relating to drainage, archaeology, etc. The Committee would be required to weigh up whether the adverse impacts of the development significantly and demonstrably outweighed the benefits.

One of the most contentious issues had been the perceived erosion of the gap between Deal and Sholden. However, it was necessary for Members to assess the development in the light of the scheme permitted at Churchfield Farm. Landscape appraisals had concluded that there would be little impact on the countryside because of the site's location between Hyton Drive and the Churchfield Farm proposal. The proposed layout of the development would assist in minimising the impact on the wider countryside, including the presence of a landscaped buffer along the northern boundary. Whilst construction traffic would have an impact on residential amenity, this could be addressed through the construction management plan. In particular, the proposed condition specifically referred to the need to minimise the number of journeys by plant and delivery vehicles through the existing

development at Timperley Place. A viability assessment submitted by the applicant had been independently assessed by the Council. Following negotiations, it had been agreed that the applicant would make a contribution of £100,000 towards off-site affordable housing. In respect of surface water drainage, the scheme would connect to the existing network as infiltration was unlikely to work given the high water table. Subject to further tests, Officers were confident that an acceptable technical solution could be achieved.

As set out in the report, the Principal Planner referred to there being a number of the Council's policies that conflicted with the NPPF. It was for the Committee, as the decision-maker, to decide how much weight to attribute to those policies. In line with the Government's standardised methodology for calculating housing need, the Council now had to deliver 629 dwellings per annum rather than the 505 dwellings provided for in the 2010 Core Strategy. This therefore created a tension between the Core Strategy and the NPPF. In particular, it was considered that Policy DM1, which stated that development would not be permitted outside the settlement confines, was out-of-date.

In response to Councillor D G Beaney, the Principal Planner stated that a response was still awaited from Southern Water on flooding. However, as the lead authority, KCC had confirmed that it was satisfied that the scheme would not cause flooding elsewhere. Subject to further tests and information, there would be an opportunity to ensure that the proposed development did not make the existing situation worse. He clarified that the use of the privately-owned access road was a private issue between the residents and the developer. The intention was that the roads would be adopted by KCC Highways, and he understood that a KCC engineer had already looked at the specifications and found them to be acceptable.

Councillor Williams raised concerns about the sustainability of the site in relation to traffic and flooding. The Principal Planner reminded Members that the NPPF set out three strands to sustainability – economic, social and environmental. Economically, the development would provide jobs and additional housing. The development was socially sustainable in that it would provide additional housing and was well located with access to local facilities. The environmental issues were set out in the report. In Officers' view, it was a sustainable development that met the objectives of the NPPF. In terms of traffic, whilst the development was not insignificant, it needed to be seen in the context of Timperley Place and Churchfield Farm.

In response to concerns raised by Councillor Cronk about recent flooding problems, the Principal Planner stressed that all sides were keen to find a technical solution to ensure that surface water from the development did not exacerbate existing flooding problems. He was aware of localised flooding issues caused by blocked drains and a lack of maintenance and understood that these were currently the subject of discussions.

Councillor Bond voiced concerns that the green corridor between Sholden and Deal was slowly being encroached upon. In his view, the development would have a negative impact on the countryside. No assumptions could be made that private roads would be adopted by KCC Highways. Flooding had been a problem in this part of Deal for years, and there was no clear evidence that this development would not contribute to flooding in the immediate vicinity. Other factors that were of concern were the proposed development's distance from public transport and secondary education. On balance, he was of the view that the application should be refused on the basis that it was unsustainable and contrary to Policy DM1.

Councillor Biggs commented that the site should be left undeveloped. There had already been a lot of development in the area, and he was struggling to see the justification for shoe-horning in the proposed scheme.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/19/01260 be REFUSED on the grounds that it was unsustainable and contrary to Core Strategy Policy DM1.

The Principal Planner clarified that there were nearby bus routes which were approximately 200 metres' walk along Church Lane. He recognised that local flooding issues were a concern for Members, and suggested that the application should be deferred in order to provide Members with the full facts behind this and other issues.

Councillor Bond, with the support of his seconder, agreed to withdraw his original motion.

It was moved by Councillor O C de R Richardson, duly seconded and

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/19/01260 be DEFERRED to seek further information, as follows:

- (i) From the relevant authorities and the applicant on surface water drainage proposals (including localised flooding problems);
- (ii) Access rights and future responsibility for the maintenance of roads;
- (iii) Details of roads and whether they will be adopted by Kent County Council;
- (iv) General sustainability issues.

27 APPLICATION NO DOV/20/00358 - 90 NEW STREET, SANDWICH

The Committee viewed a CGI image, drawings and photographs of the application site which lay within the Walled Town Conservation Area of Sandwich and adjacent to the Rope Walk, a scheduled ancient monument. The Planning Officer advised that planning permission was sought to demolish an existing building and erect a detached dwelling in its place. The proposed dwelling would occupy a similar footprint to the previous building, and be prominent in views from the Rope Walk. Officers considered that the proposal would cause less than substantial harm to the setting of the ancient monument, and should be weighed against the provision of an additional dwelling in a sustainable location. Furthermore, the proposal would not cause harm to the setting of listed buildings nearby or the Conservation Area. Approval was therefore recommended.

Councillor Biggs supported the proposal which would see the replacement of a redundant building, and Councillor Williams welcomed the good design. The Planning Officer confirmed that a pre-commencement condition for a construction management plan would ensure that all matters such as construction access would be addressed.

RESOLVED: (a) That Application No DOV/20/00358 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Approved plans;
- (iii) Samples of materials (brick, slate etc);
- (iv) Measures to prevent the discharge of surface water onto the highway;
- (v) Pre-commencement condition for Construction Management Plan;
- (vi) Pre-commencement condition – archaeological works;
- (vii) Pre-commencement condition – foundation design;
- (viii) Pre-commencement condition – temporary fencing;
- (ix) Removal of permitted development rights (classes A, B, C, D and E);
- (x) Surface water disposal scheme;
- (xi) Foul water drainage scheme;
- (xii) Flood mitigation measures (Environment Agency);
- (xiii) Sample panel of brickwork;
- (xiv) Joinery details;
- (xv) Windows set in reveals;
- (xvi) Details of flues, vents and boundary treatments;
- (xvii) Eaves details.

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

28 APPLICATION NO DOV/19/01025 - LAND ADJOINING 74 STANHOPE ROAD, DOVER

The Committee was shown drawings, plans and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of 32 dwellings. As an update to the report, Members were advised that four further representations of objection had been received which raised no new concerns and did not alter the Officer's assessment. One letter of support had also been received.

The principle of development on the site was accepted as it was within the settlement confines of Dover. As originally submitted, the application had failed to comply with Core Strategy Policies DM25 and DM27 which covered open space. The scheme originally proposed had had a cluttered appearance, with little thought given to residential amenity. Various layouts had been assessed and the one now proposed achieved an integrated, logical and safe layout, incorporating a central area of open space with an equipped children's play area that would be accessible to the public. A number of objections had been raised because of concerns over traffic congestion and parking. However, the existing situation would be improved by the provision of a turning head and the formalisation of passing places. To counter the loss of five on-street parking spaces, four unallocated spaces would be provided within the site, as well as two layby spaces on the internal road that was due to be adopted by KCC Highways. The scheme also offered the provision of 30% affordable housing on site.

Councillor Williams raised serious concerns about the impact the development would have on existing traffic and parking problems. She queried whether there was an alternative access route to the site. Councillor Biggs agreed that traffic and parking were significant issues. Furthermore, he was not convinced that parking spaces provided within the development would be available for Stanhope Road residents. He also raised concerns about the use of tandem parking spaces.

The Planning Officer confirmed that access via Stanhope Road was the only option. A construction management plan would outline how construction traffic would be diverted to the site. She reiterated that there were currently no formal passing places or turning point in Stanhope Road which led to chaos and congestion. The proposed scheme would ease existing problems by providing a turning head, formal passing places and the replacement of lost on-street parking spaces. The applicant's transport statement, which had been reviewed by KCC Highways, indicated that the development would generate an additional 16 two-way vehicle movements during peak hours. It was considered that this would not cause a severe impact. She confirmed that the parking spaces for Stanhope Road residents would be sited close to the entrance of the estate and therefore easily accessible to residents, as would the children's play area. Whilst Officers would not generally look to mitigate existing problems, it was recognised that the situation in Stanhope Road was poor. Whilst there would be a few tandem parking spaces, these needed to be assessed against an overall excess provision of spaces across the whole site.

Councillor Bond raised concerns that not all of the internal road and the turning head would be adopted by KCC Highways, urging Officers to ensure that the road and turning head were built to adoptable standards. To address these concerns, the Principal Planner suggested that condition (14) could be amended to require a scheme to be submitted to show which roads would be publicly accessible and adopted by KCC Highways. It was confirmed that the turning head could be used by refuse vehicles.

RESOLVED: (a) That, subject to a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space), Application No DOV/19/01025 be **APPROVED** subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Construction Environmental Management Plan;
- (iv) Specialist UXO risk assessment;
- (v) Construction Management Plan;
- (vi) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO);
- (vii) Previously unidentified contamination;
- (viii) Measures to prevent the discharge of water onto the highway;
- (ix) Details of any electric vehicle charging points;
- (x) Use of bound surface treatment for first 5 metres;
- (xi) Provision and retention of car parking for residents and visitors;
- (xii) Cycle parking and bin storage;
- (xiii) Completion of access;
- (xiv) Completion of internal access roads and footways, including the submission of a scheme to show which roads would be publicly accessible and adopted by KCC Highways;
- (xv) Provision and retention of visibility splays;
- (xvi) Details of surface water drainage infrastructure with no infiltration other than that which is approved;
- (xvii) Details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed;
- (xviii) Full details of all lighting, including the lighting for the amenity space, car parking and residential areas;
- (xix) Provision of refuse and recycling areas for residential and for the amenity area;
- (xx) Scheme to be secured by design;
- (xxi) Samples of materials, to include bricks, roof tiles, metal cladding, timber cladding;
- (xxii) Sectional eaves details;

(xxiii) Details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts;

(xxiv) Windows to be set in reveals;

(xxv) Removal of permitted development rights for porches and roof extensions;

(xxvi) Ecological mitigation and enhancements;

(xxvii) Contamination safeguarding;

(xxviii) Broadband connection.

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

29 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.55pm for a short break and reconvened at 8.10pm.

30 APPLICATION NO DOV/20/00439 - PRESTON VILLAGE HALL, MILL LANE, PRESTON

Members viewed drawings, plans and photographs of the application site. As an update to the report, the Principal Planner advised that two further letters of representation had been received. One from a neighbour who objected to the development and contested that Mill Lane was not lightly trafficked. The other from ward Councillor Mike Conolly who supported the application.

The Principal Planner advised that the site was outside the settlement confines where development was usually restricted unless exemptions applied, such as there being a functional requirement for the building to be located here. The proposed building would be sited next to the recreation ground. The design had been driven by the needs of the village hall and the building would be twice the size of the existing building. This part of Preston was not particularly notable in terms of dwellings, and the proposal would not have an impact on any heritage assets. The proposal would be an asset to the community and was acceptable in all material respects.

In response to concerns raised by Councillor Williams, the Principal Planner stressed that the applicant had attempted to balance the effect on properties in The Downs against the need to retain as much of the recreation ground as possible. The building had been reduced in height where it was close to those properties. Whilst the proposed building would have an impact on the properties, it would not cause a loss of light or create a sense of enclosure, and it was considered that the applicant had minimised its impact to an acceptable degree. A technical assessment had not been submitted with the application, but it was suggested that it was very early morning sunlight that would be lost. The loss or obstruction of views

was not a Planning matter. The recreation ground was used for football and cricket, and the loss of any land could potentially affect the size of the pitches and their ability to meet minimum standards. In response to a suggestion that the building should be moved, the Principal Planner reminded Members that they had to assess the application before them and on the specifications given.

RESOLVED: (a) That Application No DOV/20/00439 be APPROVED subject to the following conditions:

- (i) Standard time limits;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Tree protection;
- (v) Details of hard and soft landscaping with details of maintenance;
- (vi) Timetable for the development, with details of the order in which the development, including the demolition of the existing hall, will take place;
- (vii) Provision of access, car parking and turning areas in accordance with a timetable to be agreed;
- (viii) Provision of visibility splays to be provided;
- (ix) Provision of cycle and scooter parking;
- (x) Construction Management Plan;
- (xi) Provision of loading and unloading areas for vehicles;
- (xii) Provision of refuse storage;
- (xiii) Detailed scheme for foul water drainage, including a timetable for its implementation;
- (xiv) Details of surface water drainage, including a timetable for its implementation;
- (xv) Details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building;
- (xvi) Archaeology scheme;
- (xvii) Hours of operation.

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

31 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken.

33 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J S Back, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part I of Schedule 12A of the Act.

34 SITE AT CROSS ROAD, DEAL

The Principal Planner presented the report, advising the Committee that, following its decision to refuse the application on 2 July 2020, a formal notification of intention to appeal had been received. Subsequent legal advice received from Counsel indicated that the reasons for refusal were unlikely to be defensible at appeal as there was a lack of evidence to support them. For this reason, the Committee was asked to agree that the Planning Inspectorate should be advised that the appeal would not be contested and that the stated reasons for refusal would not be defended. In addition, that an agreement be sought with the prospective appellant in relation to costs.

In response to queries raised by some Members in relation to the procedure that an appeal would follow, the Planning Solicitor advised that it would be for the Planning Inspectorate to decide whether the appeal would take the form of a hearing, public inquiry or written representations. Members were free to make representations to the Planning Inspector about the development, but were advised that it would not be logical to vote in favour of the motion now and then to make representations which would directly contradict the Council's formal position at appeal.

RESOLVED: (a) To not contest an appeal against the decision to refuse planning permission, and to attend an appeal only to assist the inspector with any questions they may have.

(b) To advise the Planning Inspectorate that the Council will not be defending the stated reasons for refusal.

(c) To seek an agreement with the prospective appellant that it will not pursue an application for costs against the Council in the event that the Council does not defend its reasons for refusal.

The meeting ended at 9.11 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 29 OCTOBER 2020

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

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

- 1. DOV/19/01260** **Outline application for the erection of up to 14 dwellings (appearance, landscaping and scale to be reserved) – Land off Church Lane, Deal (Agenda Item 7 of 3 September 2020)**

Background Papers:

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

LOIS JARRETT

Head of Planning, Regeneration and Development

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



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 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 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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

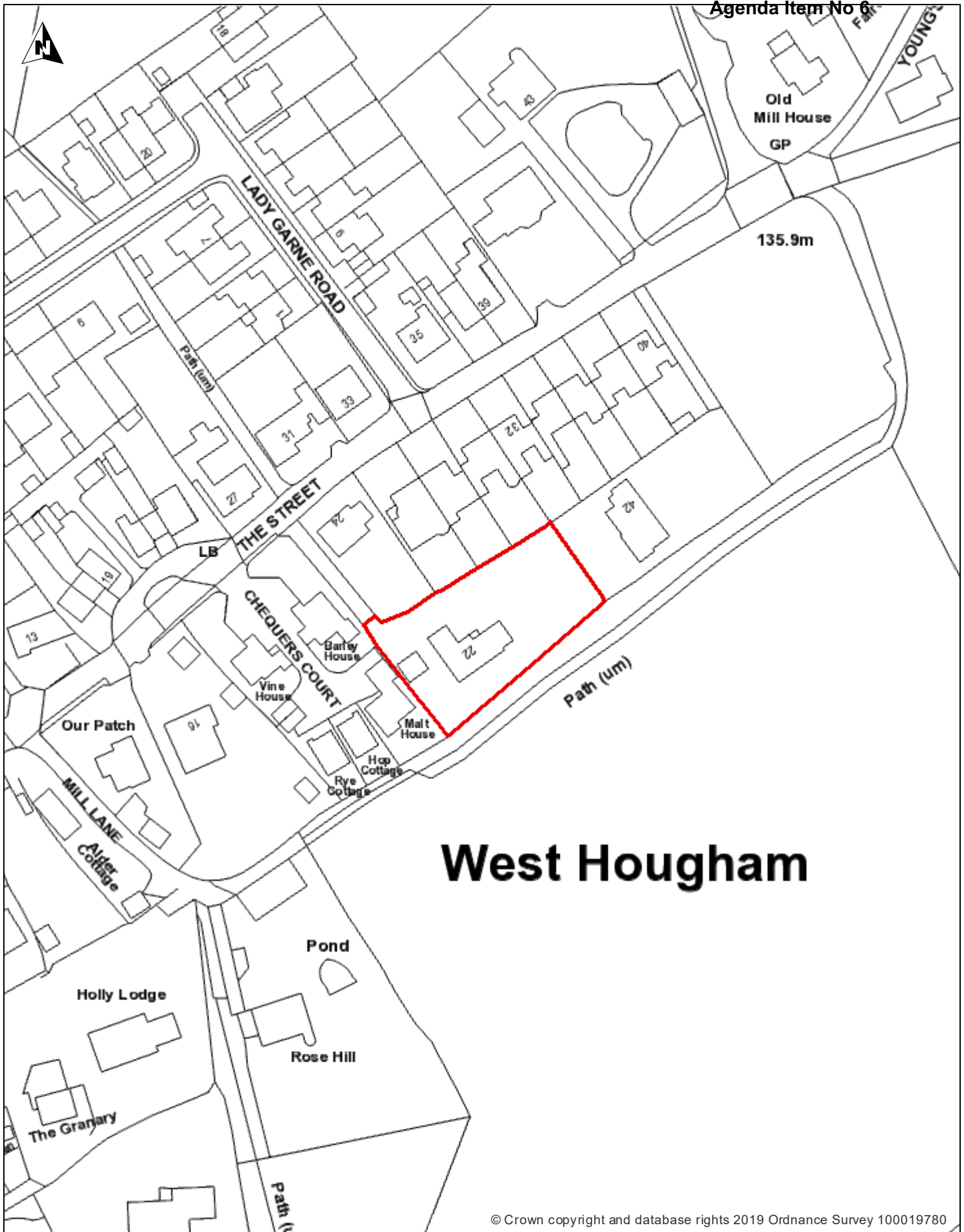
Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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DOV/20/00524
The Manor, 22 The Street
West Hougham
CT15 7BB

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/20/00524 – Erection of a first-floor extension to existing garage to facilitate conversion to a detached dwelling and creation of parking - The Manor, 22 The Street, West Hougham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – West Hougham is a village suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history 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.
- Paragraph 172 - Great weight given to conserve and enhance landscape and scenic beauty in Areas of Outstanding Natural Beauty (AONB).

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

- d) **Relevant Planning History**

None relevant.

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

Hougham Parish Council: The Council does not support this application by reason of the impact on neighbouring properties including the impact on light and views, in addition to concerns about highway safety and extra traffic.

Kent Highways: The development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Southern Water: Seeks to determine the exact location of sewer pipes on the site and requires a formal application to connect to the foul sewer.

Public Rights of Way Officer: No comments.

Public Representations:

There have been six responses to the public consultation of the application; raising objections to the proposal. In summary, these objections refer to overdevelopment, overbearing impact, loss of light, overlooking and loss of privacy, harm to highway safety; lack of on site parking, overflow parking on the highway and the insufficient width of the access, noise and disturbance during the construction of the development and inaccuracies in the application submission.

- f)
1. **The Site and the Proposal**
 - 1.1 The application site falls within West Hougham village confines. It forms part of the curtilage of No.22 The Street which is an extended two storey house location to the rear of Nos.24-26 The Street. Its garden extends the width of Nos.24-30 The Street. Access to the site is from the Street, along a straight driveway between No.24 and "Barley House".
 - 1.2 On the western side of the main house is a detached double garage, located some 1m-1.2m from the side boundary. This garage is the subject of this application.
 - 1.3 To the west of the application site is a modern development of two storey houses called "Chequers Court". This development has an access from The Street which serves the two properties at the front of the site and three properties to the rear, with a small courtyard between them. Malt House is located adjacent to the boundary of the application site and will be the closest property to the proposal. It comprises a single storey and two storey development that fronts the courtyard area of the development. Planning permission was granted in 2018 to convert the single storey element of this house into an annexe. Barley House fronts onto The Street, with its rear garden area adjacent to the courtyard, in front of Malt House.
 - 1.4 The application garage is visible from The Street at the point of access, but otherwise it is set back from the road frontage and not overtly visible. The street scene comprises an eclectic mix of property types and styles, with development also built in depth.
 - 1.5 To the rear of the application site, a Public Right of Way ER198 runs along the back of the property in an east-west direction.
 - 1.6 The proposal seeks to convert and extend the detached double garage to form a dwelling. The ground floor would comprise a kitchen and lounge, with access to

a rear garden area and the first floor, within the roof, would accommodate two bedrooms located at the front and rear of the building. A dormer window is proposed in the east facing roof slope – looking towards the existing house, which will accommodate a bathroom.

- 1.7 Amended drawings have been received that show the location of two parking spaces – one to the front and one to the side of the new dwelling and the front window, serving Bedroom 2, being changed in design to that of an ‘v-shaped’ oriel window, proposing the installation of obscure glazing in one panel which would face toward Barley House.
- 1.8 The proposed dwelling would be rendered, coloured white, with cream coloured cedar cladding on the upper floor, with a clay roof tile.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- Other considerations

Principle of Development

- 2.2 The application site falls within the village confines of West Hougham. As such, under Policies CP1 and DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the village confines would be consistent with Paragraphs 78 and 79 of the NPPF, which seek to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside.

- 2.5 As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.

Impact upon Character and Appearance and AONB

- 2.6 The proposed development, in effect, seeks to retain the existing overall design and appearance as the existing garage, but to increase its depth (from 5.5m to 11.5m) and height (from 4.5m to 6.5m). The width of the building would remain the same (6m). The increase in height will be achieved through increasing the height of the flank walls, with the roof pitch leading to the ridge line in the centre of the building. A small dormer window would also be provided.
- 2.7 Set back from the road, with limited views available from The Street, it is not considered that this change in scale would either affect the visual quality of the street scene or the prevailing character and appearance of the area. An additional dwelling in this location is also not considered to be out of keeping, due to the development in depth already within the surrounding area. The use of materials and finishes would not be out of keeping with the existing development or the overall palette of materials in the surrounding area.
- 2.8 The existing building and the proposed building, along with the village, fall within the AONB. The proposal would be visible from the PROW to the rear of the site. However, the proposal does not seek to extend the building beyond the existing curtilage of the main house or beyond its rear building line. Whilst the scale of building would increase, its height would not exceed the height of the buildings on either side. As such, it is not considered that the proposal would cause harm to the landscape and scenic beauty of the AONB, or the prevailing character and appearance of the area.
- 2.9 In conclusion, on this issue, the proposal would meet the objectives of good design as set out in Section 12 of the NPPF and would preserve the AONB as required by paragraph 172 of the NPPF.

Residential Amenity

- 2.10 The proposed development increases the scale of the development in close proximity to the side boundary and adjacent property - "Malt House". There are windows in the side elevation of that property, within its single storey element (annexe) serving (it is believed) a kitchenette and wet room and on the ground and upper floors within the two storey element. The ground floor windows/door appear to serve an office and utility room. The increase in the height of the eaves of the proposed garage, by some 1.2m, will result in an eaves height above the eaves of the single storey element of Malt House. It is not considered that this increase in height of the flank wall of the garage would have a material impact upon these windows or the side garden area of that property. The pitch of the roof runs away from the side boundary such that its highest part is some 4m from the side boundary. Whilst there may be some change in impact, it is not considered that the resulting change would cause an overbearing impact upon the windows in the adjacent property.
- 2.11 The location of the proposed building would not have an impact upon the rear elevation of Malt House, as it does not project as deep. There are no windows in the side elevation of the proposed dwelling that might give rise to concerns regarding overlooking.

- 2.12 With regard to Barley House, the initial drawings caused concern to officers with regard to the potential for overlooking into the rear elevation and single storey rear projection of that property – and the proximity and orientation of its garden. Whilst the rear garden and rear elevation are visible from Malt House, it is considered that the first floor window of the proposed garage might have increased overlooking and loss of privacy. To address this, the amended drawings show an ‘v-shaped’ oriel window, such that the glazing panel looking toward the rear of Barley House would be obscure glazed and fixed shut. This should ensure that direct overlooking towards the rear of Barley house would not take place – so that the living conditions of its occupiers would be safeguarded.
- 2.13 With regard to the rear of properties Nos.22-4 The Street, the building would be some 29m-30m from the principal rear elevations of those dwellings, which is a sufficient distance to avoid undue loss of privacy. In addition, the ‘v-shaped’ window also assists in reducing the window to window intervisibility with No.24.
- 2.14 Finally, the proposed accommodation has windows serving habitable rooms and a rear garden area – which should ensure that the level of accommodation is of a reasonable standard.
- 2.15 In conclusion, it is considered that the proposal would not be unduly harmful to the living conditions of the occupiers of adjacent properties and would provide a reasonable living environment for the future occupiers of the proposed dwelling.

Other Matters

- 2.16 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.17 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. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.18 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.19 With regard to the public comments received regarding highway safety, the proposal provides two off street parking spaces, which is considered acceptable for the proposed two bedroom accommodation. It has not been demonstrated

with any evidence that the existing access is either not safe, or the additional dwelling would give rise to congestion or a cumulative harm to highway safety.

- 2.20 The concerns with regard to construction noise and disturbance could be dealt with by way of a condition and it is considered that in view of the width of the access and the lack of on street footways, a Construction Management Plan is necessary to address the potential impact from the construction of the proposal.

3. **Conclusions**

- 3.1 There is a need for new housing development that is in a sustainable location. The application site is located within the village confines and its location would meet the requirements of the Development Plan and is supported by the NPPF. Even so, there remains the requirement to ensure that the 'tilted balance' is applied to this application, as the Development Plan policies are out of date. Applying the approach in Paragraph 11 of the NPPF it is considered that the proposed development would not have an adverse impact.
- 3.2 Whilst the concerns of local residents have been taken into account, it is considered that the proposal would not cause undue harm to residential amenity, highway safety or the other matters raised.
- 3.3 In conclusion, and applying the 'tilted balance', it is considered that the proposal is in a suitably sustainable location within the village and is consistent with the objectives of the NPPF to locate development in the rural areas that would enhance or help to maintain the viability of rural communities. As such, the proposal should be supported.
- 3.4 A number of conditions are recommended as needed to help minimise the impact of the proposal. With these safeguards in place it is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

g)

Recommendation

- I PERMISSION BE GRANTED with the imposition of the following conditions:
- i) 3 year time limit to commence development.
 - ii) The development to be in accordance with the submitted drawings.
 - iii) Full details to be submitted of how the development will dispose of foul and surface water drainage
 - iv) The proposed development to be carried out in accordance with the submitted materials for the external finishes of the building.
 - v) The access, parking spaces and refuse storage areas to be provided and retained as shown.
 - vi) Covered sheltered cycle spaces to be submitted for approval and retained.
 - vii) Obscure glazing to be provided within the front window and for it to be fixed shut.
 - viii) No additional windows on the building to be permitted.
 - ix) Permitted development rights removed to extend, alter the roof or to erect an outbuilding.
 - x) Boundary enclosures to be submitted for approval.
 - xi) Construction Management Plan to be submitted for approval.

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester

a) **DOV/20/00933 – Erection of a gazebo - The Old Rectory, Mongeham Church Close, Great Mongeham**

Reason for report – Number of third party contrary views (24, within the consultation period).

b) **Summary of Recommendation**

Planning permission be GRANTED.

c) **Planning Policy and Guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- DM1 - 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.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (2019) (NPPF)

- Paragraph 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open

- spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- Paragraph 11 - Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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 127 - Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - Paragraph 189 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
 - Paragraph 190 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- Paragraph 193 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- Paragraph 196 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) – Listed buildings

The Old Rectory – Grade II – 1261552.

Listed 1 June 1949, amended 8 February 1974.

NORTHBOURNE ROAD 1. 1035 GREAT MONGEHAM The Old Rectory (Formerly listed under Church Hill) TR 35 SW 6/151 1.6.49. II 2. C18. 2 storeys and attics red brick. Hipped tiled roof with 3 dormers. Eaves cornice with modillions. Brick stringcourse above ground floor. 3 sashes. Doorcase with pilasters and entablature, 4 panel moulded door and thin rectangular fanlight.

Listing NGR: TR3460451536

Section 72(1) – Conservation areas

Great Mongeham – Church Area – designated 6 November 1970

d) **Relevant Planning History**

DOV/20/00934 – (Listed building consent) – Erection of a gazebo – PERMISSION NOT REQUIRED.

DOV/20/00589 – Change of use of land for wedding and events venue with marquee, erection of a single storey outbuilding (existing brick built garden shed to be demolished) – AWAITING DETERMINATION.

DOV/20/00590 – (Listed building consent) – The erection of a single storey outbuilding attached to the north east corner of the walled garden. Existing shed demolished. The works include formation of new door access through garden well – AWAITING DETERMINATION.

17/00256 – Conversion of outbuilding to ancillary accommodation and the insertion of new window and door – GRANTED.

DOV/93/00310 – Construction of detached swimming pool & games room – GRANTED.

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

Kent County Council Public Rights of Way & Access Officer – Considered, no comments.

KCC Archaeology – No comment received.

Great Mongeham Parish Council – “The Parish Council strongly object to this application as they believe this structure would be out of keeping with the Conservation Area that

The Old Rectory is within and out of keeping with a listed Building. The Parish Council are also concerned that the Gazebo structure is required to facilitate the change of use of land for a wedding venue which they also object to on the grounds of the siting of a wedding venue here would lead to traffic problems for local residents as Mongeham Church Close is a single track, narrow residential close and there also concerns that noise generated by the entertainment and guests would be unfair for local residents. It was felt to be the wrong place for such a venue.”

Public comments – 23x objections, 34x support

Objections

The majority of objecting comments make reference to this proposal being linked to the separate application for a wedding venue. Further to this, is it believed that the gazebo will be out of keeping with the Grade II Listed building and the Conservation Area in which it is situated. It is also mentioned that the colour and height of the gazebo will be highly visible from popular nearby paths.

Support

There are 34 comments in support of this application. The majority of these comments consider that the structure will be a beautiful architectural addition to the Old Rectory. Further to this, and the ongoing situation with Covid-19, it would be good to allow more space for social distancing, and for guests to eat breakfast outside. Comments also suggest that this is also a very minor development, and would not have an impact on any of the neighbouring properties.

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

- 1.1. The application relates to the curtilage of a Grade II listed detached two storey dwelling located to the north of Mongeham Church Close in Great Mongeham. The site is located within the Great Mongeham Church Area Conservation Area. This property is finished in red brick with white windows and doors, and a hipped tiled roof with three dormers. The building is currently used as a Bed and Breakfast venue.
- 1.2. The site is within the village confines of Great Mongeham. The principle elevation faces Mongeham Church Close, and contains a gravelled parking area. There is also an outbuilding in this car park, which is west of the host dwelling. This former cart shed has been converted into ancillary living accommodation.
- 1.3. The Old Rectory is bound by St Martin’s Church to the east, and Wells End to the south. There are also two walled gardens which are 2.45m high, one to the northwest side of the building and the second to the rear, northeast of the building. Immediately north west of the walled garden is open countryside. The area is quiet in nature, comprising a mixture of single storey and two storey dwellings which are both detached, and semi-detached.
- 1.4. The application is for the erection of a gazebo, with a faux classical design incorporating columns. This would be located in an existing walled garden area situated to the northwest of the main dwelling. The total height of the gazebo will be 2.99 metres, with an external diameter of 4.7 metres. This is intended to be used as an external sitting area and potential external eating area. The columns are to be made of reconstituted Portland stone and will have a grey, fibre glass covered roof. This is to be situated on an existing terrace area used for seating and outside eating.

2. Main Issues

2.1. The main issues to consider are:

- Principle of development.
- Design, street scene and visual amenity.
- Residential amenity.

Assessment

2.2. Principle of Development

The site is located within the village confines of Great Mongeham (Policy DM1). Subject to design and any material considerations, the proposal is therefore acceptable in principle.

2.3. Design, Heritage and Rural Amenity

The proposed gazebo would be sited in the walled garden to the northwest of the main building. It would be built in a faux classical style with columns laid out in a circular colonnade. These would be covered by a fibreglass roof. The design, while not necessarily taking cues from any local influence, is considered to be of an acceptable standard, which could easily be incorporated within the wider garden.

2.4. In terms of the street, the gazebo would not be visible, so there is no impact anticipated in this regard.

2.5. In terms of the conservation area the only place that views are likely to be achieved are from the open countryside looking in. The nearest footpath, ED51, provides views at a distance of around 265 metres, and even then, these would be of the top 0.54 metres which protrudes over the boundary wall. In this limited context, it is considered that there is no harm to the conservation area. The proposal is considered to comply, on this basis, with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.6. In terms of the listed building, following informal discussion with the heritage officer, it is considered that there is no harm arising to the setting of the listed building, primarily due to the distance at which the proposed gazebo is set away from the building (30 metres) and its location within a walled garden, meaning that no direct visual context would be drawn between the two elements. The proposal is considered to comply, on this basis, with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.7. In respect of the impact on the open countryside, for the reasons addressed above, the proposed structure is not considered to result in harm to the countryside, and therefore, is considered compliant with policies DM15 and DM16 of the Core Strategy.

2.8. Accordingly, the proposed gazebo is considered not to conflict with the aims and objectives of the NPPF.

Residential Amenity

2.9 Due to separation distances, and the limited scale of the proposal, the gazebo is not considered to cause any harm to the amenity of neighbouring residents.

3. **Conclusion**

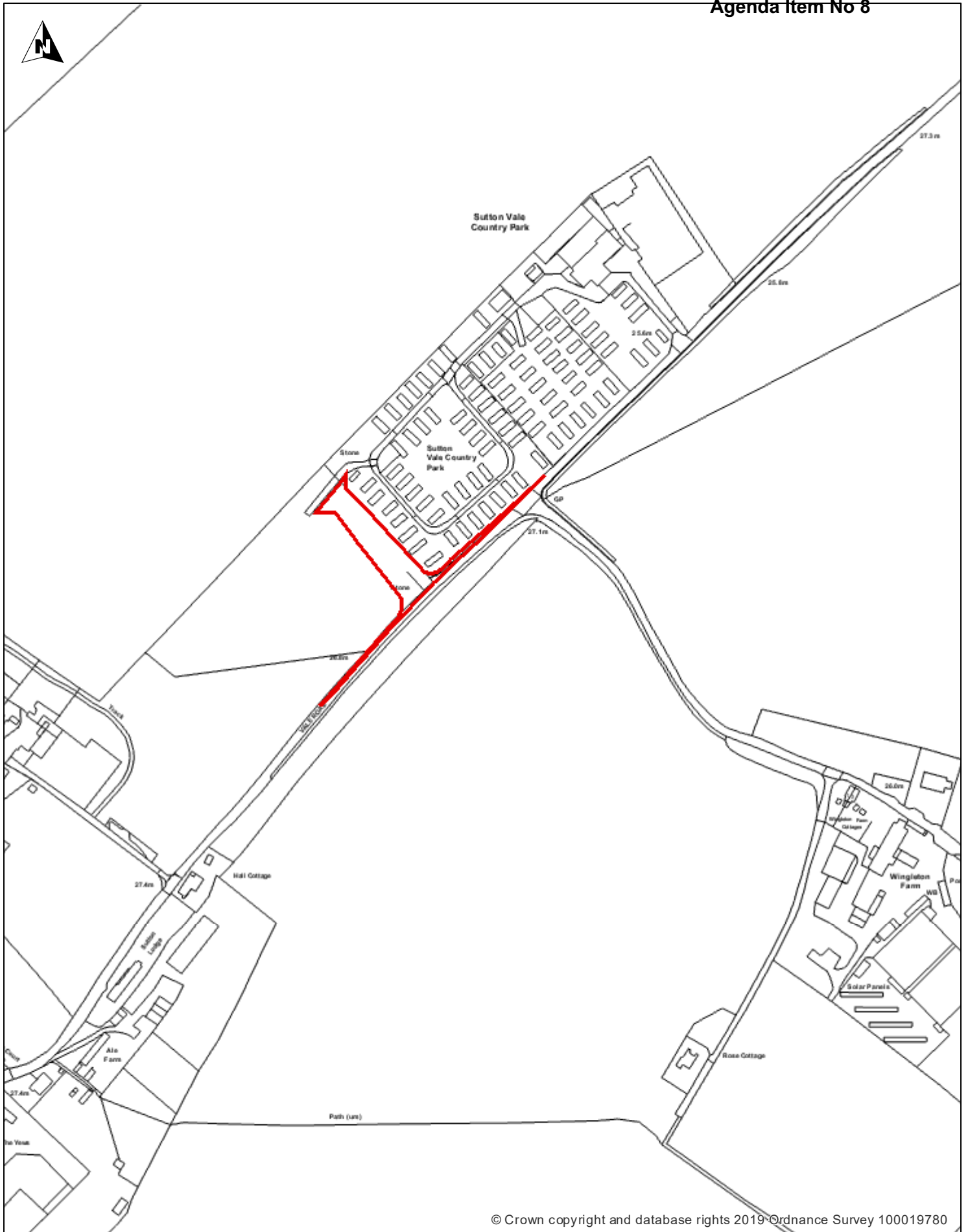
3.1 Many comments have been received in relation to the concurrent application DOV/20/00589, proposing to change the use of The Old Rectory to allow it to operate as a wedding venue. Many of these comments link this proposal and object on that basis. This application considers the gazebo as a standalone proposal, albeit noting the application for change of use. Due to its form, siting and scale, the proposal is considered to be acceptable in relation to its design, street scene, heritage and rural impacts. While the principle of the proposal is considered to be acceptable, paragraph 11 of the NPPF is nevertheless a relevant consideration – it requires that permission is granted unless the adverse impacts of doing so demonstrably outweigh the benefits. It is not considered that there are any undue adverse impacts arising from this proposal, and accordingly, the recommendation is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including the following:
(1) Time limit (2) Approved drawings (3) Materials and finish, including colour (4) Levels.
- II. That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Alice Pitts



DOV/20/00368

Sutton Vale Caravan Park And Country Club
Vale Road, Sutton
CT15 5DH

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/20/00368 – Creation of a new gated vehicular access - Sutton Vale Caravan Park and Country Club, Vale Road, Sutton, Dover**

Reason for report – Number of contrary views (5 + Sutton Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

- CP1 – Establishes the Settlement Hierarchy and the level of development which is appropriate for each settlement.
- 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.
- DM15 – Development which would result in the loss of countryside, or would adversely affect the character and appearance of the countryside will not be permitted unless exceptions are met.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

National Planning Policy Framework (NPPF) (2019)

- Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets

of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- Paragraph 170 sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- Chapter 16 (Paragraphs 189-202) seek to conserve and enhance the historic environment.

National Planning Practice Guidance

National Design Guide (2019)

Kent Design Guide (2005)

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

SPG4 Kent Vehicle Parking Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 66(1) and 72(1)

d) **Relevant Planning History**

There have been a number of previous applications at the site including:

DOV/87/00645/ Proposed 16 chalets and conversion of existing chalet - Granted
DOV/01/00511 – Proposed workshop and storage for maintenance equipment plant and tools – Granted

DOV/08/00289 – Retrospective application for extension to kitchen, erection of roof and formation of seating area – Granted

DOV/09/00387 – Construction of car park together with the formation of a vehicular access – Granted

DOV/14/00544 - Removal of Condition 1 of planning permission CH/7/51/43 to allow holiday park to open all year round (application under Section 73) – Granted

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

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

Sutton Parish Council – object. Sutton Vale caravan Park already has a substantial entrance. The proposed entrance appears to support access for static caravans to the camping field. So far there is no permission for caravans or static caravans on this site so consequently the access is currently not needed. Sutton Vale Caravan Park appear to be trying to force the issue of caravans in the camping field by coming at the issue of access which could strengthen their claim for more caravans and static caravans in the camping field. The proposed new entrance will cut through the Sutton conservation area. The proposed access road will take up a large proportion of the available space for tents etc. The outline plan submitted is not accurate and overstates the amount of land available for tents and caravans. On receipt of additional information, the Parish Council had nothing to add to their previous response.

Principal Heritage Officer – A small section of the proposed new entrance off Vale Road is within the Sutton Conservation Area. Vale Road displays a rural character, being a narrow tree-lined lane. The proposed 5 bar gate and post and rail fencing is what would be expected in this location, and there is consequently no harm to the character or appearance of the conservation area.

Tree Officer – Initially objected to the proposals on the grounds that trees protected by TPO 1983, 3 are shown to be removed and no tree survey or arboricultural impact assessment had been provided and the full implications of the scheme could not be assessed. On receipt of an Arboricultural Report, commented that; “Having looked at the tree survey submitted, the overriding concern is the potential impacts on trees T1-T5 and T12 which are protected under TPO 1983, 3. The suggested removal of trees as shown on the Tree Protection Plan does not conflict with the TPO and are all identified as being Category C i.e. trees of low quality. The report suggests that the loss of these trees can be mitigated by the planting of heavy standard, native replacement trees which seems a reasonable assumption. As such, the submission of a Landscaping plan showing the location of these replacements alongside species and size should be conditioned to ensure no loss of amenity. The replacements should accord with the recommendations made within the tree report. The report identifies that an incursion into the RPA of trees T1-T5 and T12 (five beech and one ash respectively) is necessary in order to implement the access road as proposed. However, the extent of the loss of rooting area is not deemed to be sufficient to result in any significant root damage provided that mitigation measures are adhered to. On this basis, the submission of an Arboricultural Method Statement is recommended which should again be conditioned if consent is granted”.

Public Rights of Way and Access Service – The application is unlikely to have any impact on the public right of way. I have no comments to make.

KCC Archaeology – In this instance, suggest no archaeological measures are required.

KCC Highways and Transportation – Have no objections in respect of highway matters. The proposed access provides suitable visibility and manoeuvring room, and the gates are set back a sufficient distance to ensure there is no obstruction of the highway by a waiting vehicle. The following should be secured by condition:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion of the necessary vehicle crossing in the highway prior to the use of the access commencing.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

Informatives are also suggested and included in the recommendations of this report.

Public Representations:

5 members of the public have objected to the proposals (as of 15th October 2020) and the material considerations are summarised below.

- Site has increased over the years from 10 month per annum holiday home area to 12 month per annum permanent residence for in excess of 80 units
- Impact on Sutton Conservation Area – would neither preserve nor enhance the area
- Impact on Listed Building – site is adjacent to listed building Parsonage Farm
- Crosses a public right of way
- Loss of trees & hedges – access will cut through 25 metres of an established tree lined bank. Hedges provide cover for bird life. Will cause loss of valuable wildlife habitat.
- Visual impact – access road runs the width of the field, will be an eyesore from the camp site. Conspicuously urban appearance (in its width, tarmac'd surface and the required height and structure of its ramp).
- Impact on special landscape area
- Concerns there could be an underground septic tank immediately underneath the proposed access road
- Site already has a substantial vehicular access from Vale Road. Entrance has provision for managing the arrival and exit of customers and residents and leads directly to site security, holding area for arrivals, visitor car park, reception office and site facilities.
- Concerns regarding scale of the development – 6 metre wide entrance gate is very excessive for access to a towed caravan and camping area (a grassed field) and suggests plans to allow space for additional static caravans which is against current permissions for the site. When access reaches Vale Road and includes the turning area, the tarmac reaches a width of around 20 metres. Size of entrance and access road appears disproportionate to the grass field currently in use and will significantly reduce the space available for tents and caravans – will increase the concentration of tents and caravans. No public amenities in Sutton
- Traffic/safety concerns – Vale Road is a busy 'rat run' and can be both fast and fairly narrow. It is a national speed limit road (60mph). The narrow lanes leading to Vale Road are not suitable to attract additional wide traffic to this site. New entrance increases risk of accidents with vehicles and pedestrians. Applicant's traffic survey suggests average speed of vehicles along Vale Road to be 40mph, however measurement taken outside of the holiday season and does not reflect

the impact on non-local traffic on typical speeds. Road is being utilised beyond its capacity by drivers cutting through between Whitfield and Deal with resulting pollution, noise and danger for residents.

- Static caravans parked in the camping field (subject of an enforcement investigation – subsequently removed from the field).
- Development (resulting in loss of trees, large entrance off the highway and further commercialising this Conservation Area) is not justified by relatively few cars and caravans seasonal use of this field
- Site location plan does not show the actual boundary line of the camping field, nor does it show the public footpath bordering the camping field to Vale Road. If these were detailed, it would show the proposed development is excessive for the current camping field. Land under applicants' control does not reflect the current area used as the campsite and suggests the overall area to be somewhat larger. Public footpath is omitted – requests clarification of the actual area under consideration and the reason for omitting the public footpath.
- Noise – concerns regarding amplified noise from the campsite. Increasing traffic and expanding the site will lead to further unacceptable nuisance to local residents.
- Concerns development would set a precedent for other campsites.

1. The Site and the Proposal

- 1.1 The application site relates to a plot of land on the northwest side of Vale Road. The site is located outside of the settlement confines identified in Policy DM1 and is therefore considered to be within the countryside (subject to Policy DM15). Part of the site is also within the Sutton Conservation Area and approximately 170m to the southwest of the site (measured from the closest part of the site within the red line site boundary) is the Grade II Listed Building Parsonage Farmhouse. Furthermore, to the southwest of the site is Public Footpath EE425. The site is within a grassed field which is used for camping and caravanning in association with the Sutton Vale Country Park. To the northeast of the site, the park contains approximately 84 static caravans, with associated facilities including a swimming pool, reception office etc. To the northwest and southwest of the site are fields, and Vale Road runs adjacent to the southeast site boundary. A tree lined bank forms the east site boundary and the highway is set at a higher ground level than the site. There is a vehicular access between the site (in the northern corner of the field) and the adjacent caravan site, and a row of trees, the subject of Tree Preservation Order 1983, 3, as well as a 2m high close boarded fence, form the northeast site boundary separating the field from the caravan park.
- 1.2 This application seeks permission for the creation of a new gated vehicular access. The access would run from Vale Road and would connect to the existing access in the northern corner of the site, which leads into the caravan park. It would measure approximately 82.3m in length from the highway to the connection with the existing access and would be at a 1:12 fall away from the road, which is at a higher ground level than the site. Trees and planting within the visibility splay would be removed in order to create the new access, which would have 2.4m x 114m (northeast) x 118m (southwest) site lines.
- 1.3 Set approximately 23.4m from the edge of the highway would be an access gate and on either side of the access would be a 1.2m post and rail fence. The access road would measure 6m in width and would widen to 10m in depth approximately 46.3m from the highway. This would provide a 4m wide parking area for caravans

on the northeast side of the access road, prior to leaving the site. There would be grassed banks on either side of the access road at a 1:3 gradient, in part measuring 8m in width (on both sides).

- 1.4 In order to provide the required visibility splays, 8 trees along the south eastern boundary would be removed. An arboricultural report has been submitted accordingly and finds that none of the TPO trees would be unduly affected, as shown on amended plans, subject to root protection measures which have been suggested by condition and is discussed further at paragraphs 2.13-2.15 of this report.

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - The impact on heritage assets
 - The impact on the countryside and landscape area
 - The impact on residential amenity

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The application site is located outside of the settlement confines and Policy DM1 sets out that “Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses”. The proposed access would be ancillary to the existing development and use of the site for camping and caravanning associated with Sutton Vale Caravan Park and Country Club and is therefore considered to be acceptable in principle, subject to other material considerations discussed further below.

Impact on Heritage Assets

- 2.4 The application site lies partly within the Sutton Conservation Area and is to the northeast of the Grade II Listed Building, Parsonage Farmhouse. A heritage statement has been submitted assessing the impact on these heritage assets in accordance with paragraph 189 of the NPPF. The Principal Heritage Officer has also been consulted on the application, and states that “A small section of the proposed new entrance off Vale Road is within the Sutton Conservation Area. Vale Road displays a rural character, being a narrow tree-lined lane. The proposed 5 bar gate and post and rail fencing is what would be expected in this location, and there is consequently no harm to the character or appearance of the conservation area”.
- 2.5 In respect of the impact of the proposals on the significance of the setting of the Grade II Listed Building to the southwest, there would be a separation distance

of approximately 226m between the closest part of the access (where it joins the existing access) and the Listed Building. Due to this distance, as well as the design of the proposal, which would not be seen in the context of the Listed Building due to the separation, positioning of other buildings and the single car width Vale Road, the proposed development is considered to preserve the setting of the listed building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, the development is not considered to result in harm (either substantial or less than substantial) to the significance of this heritage asset, in accordance with the NPPF.

- 2.6 In respect of the impact on Sutton Conservation Area, whilst the proposals would result in the loss of several trees and hedgerow along the south eastern boundary of the site, hedgerow would be re-planted to the southwest of the access (set further back from the highway). As identified above at paragraph 2.4, the Heritage Officer has confirmed that the design of the proposed five bar gate and post and rail fencing is as would be expected in this rural location and is not considered to result in harm to the character or appearance of the Conservation Area. Subject to the suggested conditions requiring details of landscaping and schedules of planting, the development is considered to preserve the character and appearance of the Conservation Area in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the Countryside and Landscape Area

- 2.7 The site is outside of the defined settlement confines set out in Policy DM1 and for planning purposes, is therefore considered to be within the countryside and subject to Policies DM15 and DM16. DM15 seeks to avoid development which will harm the character or appearance of the countryside and DM16 seeks to avoid development which would harm the character of the landscape area. Furthermore, Paragraph 170 of the NPPF states that 'decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'. Paragraph 127 states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place'.
- 2.8 The proposed access would be directly visible from the public highway and in views from the public footpath EE425 which runs to the southwest of the site. Whilst the Macadam access road would be raised, the grassed land on either side would be banked and a simple post and rail fence would be installed along either side of the access road. As such, given the context of the adjacent static caravan park, and being similar in appearance to other accesses in the vicinity, such as the access to the Listed Building and associated buildings to the south of the site, the development is considered unlikely to result in the loss of, or to adversely affect the character or appearance of the countryside, in accordance with Policy DM15. For the same reasons, and subject to details of planting and landscaping being submitted by condition as suggested, the development is not considered to harm the character of the wider landscape area in accordance with Policy DM16. Consequently, the development is considered to accord with the objectives of the NPPF.

Impact on Residential Amenity

- 2.9 Due to the siting, design and nature of the proposal, the access road would not harm the residential amenities of nearby residents in respect of overbearing, overshadowing or harm to privacy and would accord with the amenity objectives of Paragraph 127 of the NPPF.
- 2.10 Whilst concerns have been raised in public representations regarding noise and disturbance from the use of the field for camping and caravans, as well as noise from vehicles using Vale Road, the proposed vehicular access, which is required to serve touring caravans pitches in order to reduce the conflict between tourers and residents/guests of the statics and Country Club, is considered unlikely to result in unacceptable noise or disturbance in itself to nearby residents.

Other Material Considerations

Impact on Parking/Highways

- 2.11 Concerns regarding vehicle and pedestrian safety have been raised by members of the public. A Highway Statement, including vehicle tracking plans and results of a traffic survey based on a 7 day ATC (Automatic Traffic Count) survey has been submitted in support of the application.
- 2.12 The proposed access has been subject to consultation with KCC Highways and Transportation who have no objections in respect of highway matters and consider that the access provides suitable visibility and manoeuvring room. Furthermore, the proposed gates are set back at a sufficient distance to ensure there is no obstruction of the highway by a waiting vehicle. Subject to conditions for measures to prevent the discharge of surface water onto the highway, use of a bound surface for the first 5 metres of the access from the edge of the highway, completion of the necessary vehicle crossing in the highway prior to the use of the access commencing, and provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays prior to the use of the site commencing, the development is considered to be acceptable in respect of highways safety.
- 2.13 Third parties have raised a concern that the provision of the access may be an attempt to improve the prospects of future development of the site. The applicant has presented the application on the basis of a need for improved access to the existing site. Notwithstanding this, any application must be assessed on its own merits. In this instance, the proposed new access is considered to be acceptable in all material respects (as set out in this report).

Trees

- 2.14 A number of trees within the site are subject to a Tree Preservation Order (TPO 1983, 3). An arboricultural report has been submitted as part of the application and identifies that 15 trees are in the vicinity of the proposed access. Of these, six are protected by the TPO; T1-T5 (Beech trees) and T-12 (Ash). Eight trees would be removed, however the five TPO trees would be retained.
- 2.15 The Tree Officer has been consulted on the application and considers that the suggested removal of trees shown on the Tree Protection Plan does not conflict with the TPO as all are identified as being category C (low quality). The report suggests the loss of these trees can be mitigated by the planting of heavy

standard, native replacement trees, and a condition for details of landscaping including a schedule of planting showing the location, species and size of new trees and planting in accordance with the recommendations of the report, has been suggested.

- 2.16 The Tree Officer comments that “The report identifies that an incursion into the RPA of trees T1-T5 and T12 (five beech and one ash respectively) is necessary in order to implement the access road as proposed. However, the extent of the loss of rooting area is not deemed to be sufficient to result in any significant root damage provided that mitigation measures are adhered to. On this basis, the submission of an Arboricultural Method Statement is recommended which should again be conditioned if consent is granted”. Accordingly, a condition has been suggested.

3. Conclusion

- 3.1 The application site is located outside of the settlement confines, however the proposed vehicular access is considered to be ancillary to existing development and uses and as such, is acceptable in principle. The site is located within the Sutton Conservation Area and to the northeast of the Grade II Listed Building Parsonage Farmhouse. However, the design of the proposed access, post and rail fencing and gate is considered to be in keeping with the rural character of the area and is considered to preserve the character and appearance of the Conservation Area and would not result in harm (either substantial or less than substantial) to the significance of the Listed Building, thus preserving its setting. Furthermore, for the reasons outlined in this report, the development is considered acceptable in respect of impact on the countryside and landscape area, residential amenity and highways safety. Subject to the conditions suggested below, it is considered that the proposed development would accord with the aims and objectives of the National Planning Policy Framework.

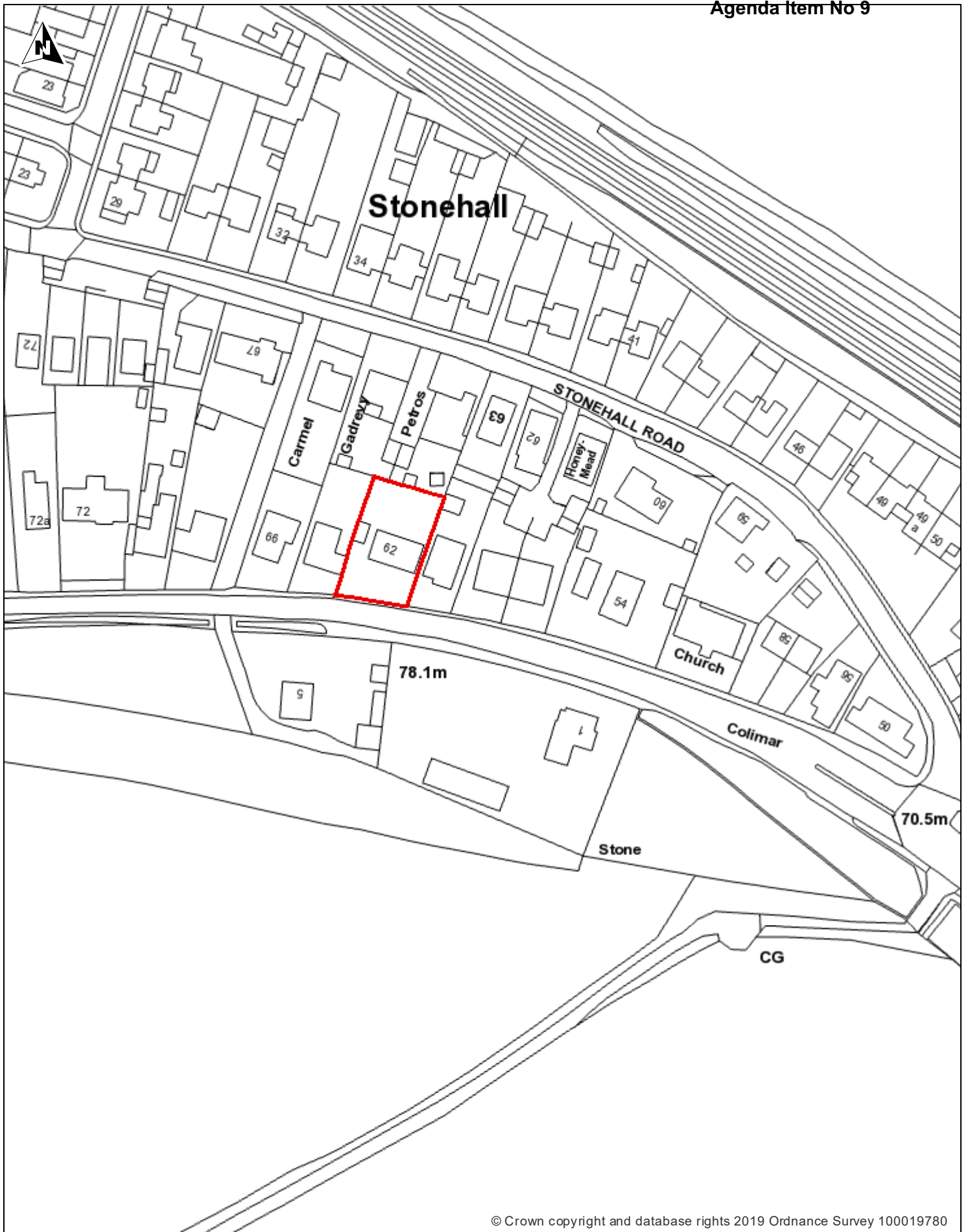
g) Recommendation

- I PERMISSION BE GRANTED subject to conditions:

(i) Standard time condition, (ii) list of approved plans (iii) details of soft and hard landscaping and schedule of planting showing location, species and size of new trees and planting in accordance with the recommendations of the arboricultural report (iv) submission of an arboricultural method statement (v) development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting (vi) provision of measures to prevent the discharge of surface water onto the highway (vii) use of a bound surface for the first 5 metres of the access from the edge of the highway (viii) completion of the necessary vehicle crossing in the highway prior to the use of the access commencing (ix) provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.

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

Case Officer
Rachel Morgan



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DOV/20/00468
62 Canterbury Road
Lydden
CT15 7ES

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/20/00468 – Erection of two detached dwellings, associated parking and creation of new, and widening of existing, vehicle access (existing bungalow and garage to be demolished) - 62 Canterbury Road, Lydden**

Reason for report – Number of contrary views (11 Public Representations)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate 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.

National Planning Policy Framework (NPPF) (2019)

- Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

National Planning Practice Guidance

National Design Guide (2019)

Kent Design Guide (2005)

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

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

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

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

Lydden Parish Council – This proposal for 2 detached dwellings would provide for a much-needed additional home in the village and are designed to complement the surrounding context. Therefore, after considering the submitted drawings and relevant information, the Lydden Parish Council would have no objections to this application. This planning application review was produced by the Planning Sub Committee of the Lydden Parish Council and is considered as the holistic view of Parish Council respectively.

KCC Highways and Transportation – Initially noted that the proposals included an additional access which required visibility splays of a 2.4m wide strip across the site frontage with no obstructions over 1m above carriageway, noted that garages are not counted as providing acceptable vehicle parking however could provide cycle parking, suggested a number of conditions and an informative. On receipt of revised plans, noted that the garages had been removed and cycle parking would need to be separately provided and could be covered by a condition. Subject to the following being covered by condition, they raised no objections in respect of highways matters: provision of measures to prevent the discharge of surface water onto the highway, provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, all Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw)

and SMART (enabling Wifi connection), approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>, use of a bound surface for the first 5 metres of the access from the edge of the highway, provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority, completion of the access shown on the submitted plans and the associated necessary vehicle crossing in the footway, prior to the use of the site commencing, provision and maintenance of a visibility strip measuring 2.4 metres in width from the edge of carriageway along the site frontage with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing, provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Southern Water - requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and suggested an informative accordingly. On receipt of revised plans confirmed that their previous response remained unchanged and valid for the amended details.

Public Representations:

12 letters of objection to the proposals, 2 letters neither objecting to or supporting the application and 24 letters of support were received (as of 20th October 2020) and the material considerations are summarised below. Matters such as impact on an individuals' property value and loss of views are non-material considerations and are not included below.

Summary of Comments in Objection

- Application form – errors and omissions. Section 6 – believe an asbestos survey should be carried out and removed in accordance with guidelines. Section 7 – feel that existing boundary treatments should be recorded, applicant has verbally confirmed existing hedge, wall and fence between No 62 and No 64 will not be removed, ensuring privacy and protecting garage foundations. Section 8 – should answer yes to new or altered vehicular access. Section 10 – should answer yes to trees or hedges on the proposed development site. Section 15 – question if development will involve trade waste when existing building is to be demolished and disposed of. Section 16 – existing property was a 3 bedroom bungalow when sold, not a 4 bedroom bungalow.
- Drawing errors – No. 64 Canterbury Rd is shown against boundary line however there is an access way down the side of the single storey side extension. Left hand boundary is shown as bent line whereas the Land Registry record shows a straight line along this boundary.
- Overlooking/loss of privacy
- Loss of light/overshadowing
- Loss of privacy
- No positional or setting out dimensions of the builds within the plot or information of gradients or floor levels/heights.
- Concerns regarding proposed boundaries, ownership and replacement.
- Impact during construction – concerns regarding parking and unloading, storage and times of deliveries, noise and disturbance/disruption during construction

- Highways safety concerns –Site is located on narrow section of Canterbury Road on a blind bend. Vehicles frequently exceed 30mph limit. Parking of vehicles on this side of road disrupts traffic flow including busses and has resulted in accidents in the past. Concerns as large vehicles (including busses and Chunnel plant) use the road.
- Public safety concerns - narrow footpath and if vehicles were parked along this stretch of road it would create hazard in respect of pedestrian safety.
- Housing stock availability – during last 12 months there has not been a housing shortage or excessive demand for 4 bedroom family homes in Lydden or in many of the surrounding villages within the district. Shortage of housing stock for affordable homes, which this development is not.
- Impact on existing services/infrastructure – increase from 3 bedrooms (existing) to 8 bedrooms in total. Concerns that existing drainage system is not sufficient for the proposed development. Drains cross neighbouring gardens. Concerns regarding water supply being out of use and loss of water pressure.
- Surface water – floodwater that runs off Canterbury Road can be an issue – has consequence of constructing a sloping hard-standing driveway to front of plots been considered & impact on other dwellings.
- Design – not in keeping with other 4 bed houses in the area and village. Two storey dwellings will not fit with bungalows and chalet bungalows further along Canterbury Road. Concerns regarding scale of development seeking 2 dwellings.
- Asbestos – concerns existing dwelling has had asbestos in its construction. Asbestos survey should be carried out prior to any demolition work and any asbestos removal be carried out in accordance with regulations in interests of public safety and neighbours in close proximity.
- Loss of earnings as a result of disruption to water supply.
- Wildlife – concerns wildlife would be disturbed (including birds and hedgehogs)

Summary of comments neither objecting to or supporting the application

- Fir trees provide privacy – concerns what will happen if they die, suggestions a 10ft fence would be better
- Concerns regarding where sewage will discharge to

Summary of comments in support

- Houses are needed in the county
- Design would fit nicely on this plot whilst considering neighbours and the general look of the street scene
- Design – top specification, visually attractive, will add value to the village, good design, enhance site, complement and benefit village
- Will create work opportunities for tradesmen supporting local people
- Benefit in the community
- A lot of other developments in this road

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

- 1.1 The application site relates to a detached bungalow located on the north side of Canterbury Road, Lydden, within the settlement confines. The site slopes downwards towards the north and the dwelling, which is set back behind driveways and a front garden, is at a lower ground level than the public highway. The existing bungalow is finished in white render and red brickwork, with a tiled gable roof (side

to side) and white uPVC windows. To the west is a detached garage and to the east is a single storey flat-roofed side extension. The front garden of the site is bounded by a low level fence. The rear garden of the site, which is landscaped, is bounded by an approximately 3m tall hedge to the west and north and a low level brick wall to the east. The site is bounded by No. 60 Canterbury Road to the east, Nos. 64 and 65 Stonehall Road to the north and No. 64 Canterbury Road to the west.

- 1.2 This application seeks permission for the erection of 2 detached dwellings, associated parking and creation of new and widening of existing vehicle access (existing bungalow and garage to be demolished). The design of the dwellings has been amended, removing the integral garage space initially proposed (reducing the depth of Plot 2 dwelling and amending the roof plan) and re-advertised accordingly. The dwellings would have double pitched slate roofs with barn hipped ends, dormer windows on the front and rear slopes and would be finished in rustic brick with charcoal grey aluminium windows. They would measure approximately 6.8m in width and would have an eaves height of approximately 3.75m and 5.5m (at the barn hipped ends) and ridge of approximately 6.9m (measured from the front elevation). Plot 1, the easternmost dwelling, would measure approximately 12.6m in depth and Plot 2, the westernmost dwelling, would measure approximately 11.6m in depth. There would be access paths on either side of the dwellings and an approximately 1.8m close boarded fence would separate the two gardens. The dwellings would be set back from the highway behind paved driveways with space to park two vehicles for each dwelling and a new access would be created, and the existing access would be widened. Each dwelling would contain four bedrooms, one with en-suite bathroom, and a separate bathroom at first floor level. At ground floor level there would be a snug, WC, a study and an open plan kitchen/living/dining room with glazed doors opening onto a terrace with balustrade and steps down to the lower garden level.

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - The impact on the character and appearance of the area
 - The impact on residential amenity

Assessment

Principle of Development

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

Impact on the Character and Appearance of the Street Scene

- 2.3 The site is located within the settlement confines of Lydden. This section of Canterbury Road comprises a mix of detached bungalows and chalet bungalows, finished in either light coloured render or brickwork. There are also a range of roof types, including hipped, pyramid hipped and gable (side to side) roofs, finished in slate, concrete or red tiles. Several of the nearby properties have been extended, with both flat roofed and hipped roof dormer roof extensions on the

front, side or rear roof slopes. All dwellings are set back from the public highway behind lawned gardens or block paved driveways.

- 2.4 The proposed dwellings would be finished in rustic brick, with charcoal grey aluminium windows and slate roofs. Subject to a condition requiring samples of materials to be submitted, the dwellings are considered to be in keeping with the materials of other dwellings in the street scene. They would be set back from the highway behind paved driveways, which would retain the building line of this section of Canterbury Road. Furthermore, the use of barn hipped roofs, together with the flat roofed dormer windows, would reduce the visual impact on the street scene and given their scale and siting, the dwellings are considered unlikely to unduly dominate or detract from the varied character of the street scene.
- 2.5 Consequently, the design, siting and scale of the proposals are considered to preserve the varied character and appearance of the streetscene in accordance with Paragraph 127 of the NPPF.

Impact on Residential Amenity

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

60 Canterbury Road

- 2.7 Located to the east of the site and set at a slightly lower ground level (by approximately 0.7m), this detached chalet bungalow has a number of windows at ground floor level (serving a bedroom and a kitchen with a larger window on the rear elevation), and at first floor level (serving a shower room and a high level bedroom window which has an additional window on the rear elevation), located on the flank elevation of the dwelling. There would be a separation distance of approximately 2.4m between the closest proposed dwelling and this neighbouring dwelling, an increase of approximately 0.2m from the existing scenario (the existing distance is approximately 2.2m). The proposed north elevation shows that an approximately 1.8m close-boarded fence would be installed along the boundary between the two dwellings, which would provide greater privacy between the two gardens than the current low level brick wall. Whilst there would be some views across the neighbouring garden due to the windows on the rear elevation and the slope of the site, due to the existing low level boundary and elevated positioning of the dwellings in relation to their gardens, on balance, this is considered unlikely to result in significant harm such that it would be reasonable to withhold permission. A raised terrace with balustrade and steps down to the garden level would be located to the rear of the dwelling, however due to the depth of this, approximately 1.1m, as well as its siting, being set away from No. 60, this is considered unlikely to result in undue harm to privacy. Only one window is proposed on the flank elevation (of Plot 1) facing towards the neighbouring dwelling. This would serve a bathroom and would be fitted with frosted glass such that it would not cause unacceptable overlooking into the neighbouring windows. A condition requiring bathroom windows to be obscure glazed and non-opening below 1.7m above internal floor level, in order to preserve the privacy of proposed and neighbouring occupants is proposed. Subject to this, the development is considered unlikely to result in undue harm to neighbouring privacy. The proposed dwellings would be directly visible from the windows on the flank elevation of No. 60 Canterbury Road and would result in an increase in height and massing compared to the existing scenario. However, due to design of the dwellings, boundary treatment, and as

the dwelling would be no closer than the existing bungalow, the proposals, which would not project beyond the rear elevation of No. 60, are considered unlikely to result in an unacceptably overbearing impact on neighbouring amenity. In respect of daylight and sunlight, due to its height, the development would result in some additional shadow being cast towards the neighbouring property during the evenings. However, due to the design of the barn hipped roofs, which would have low eaves at the front and rear, and in particular as Plot 1 would have a gully between the two roofs, this would allow light to pass over the dwellings towards the neighbouring property. On balance therefore, the development is considered unlikely to result in such overshadowing that it would warrant refusal.

64 Canterbury Road

- 2.8 Located to the east of the site, this 1 ½ storey dwelling has an attached garage to the west side which would be in closest proximity to the site. To the rear of this, and set further away from the proposals (by approximately 4.15m) the dwelling has two windows on the flank elevation from which the development would be visible. At first floor level there are rear dormer windows and to the rear of the dwelling is a raised decking with balustrade. Whilst the proposals would be visible from this neighbouring dwelling, due to the separation distance and tall boundary hedge (approximately 3m in height) which would be retained and would obscure views between the two gardens, the development is, on balance, considered unlikely to result in a significantly overbearing impact. The proposals would result in some additional shadow being cast towards the neighbouring property during the mornings, however due to the barn hipped roofs and low eaves levels, as well as orientation of the dwellings to the road which would allow additional light to pass above and across the dwellings towards No. 64, the development is considered unlikely to result in unacceptable overshadowing to neighbouring amenity. In respect of privacy, the development would have two windows; one at ground floor level and one at first floor level, on the flank elevation of Plot 2 (the proposed dwelling closest to No. 60 Canterbury Road). These windows would serve a WC and en-suite bathroom (non-habitable rooms). Again, a condition is suggested for bathroom windows to be fitted with obscured glazing and non-opening below 1.7m above internal floor level in order to preserve the privacy of the proposed and neighbouring occupants. To the rear of the dwelling would be a raised terrace with balustrade and steps down to garden level. However, due to the siting of this and positioning and height of the boundary hedge to the east, the development is considered unlikely to result in unacceptable harm to neighbouring privacy.

64 – 65 Stonehall Road

- 2.9 Located to the north of the application site and set at a lower ground level, these detached bungalows have windows on the rear elevation which face towards the site. A tall boundary hedge (approximately 3m in height), would obscure views between the gardens of the proposed dwellings and these neighbouring dwellings. A section through the site has been provided showing that views of the rear elevations of these dwellings would also be restricted by the hedge, and a condition for its retention is suggested accordingly. Whilst the development may result in perceived overlooking, the first floor level dormer windows proposed would serve bedrooms, which occupants would be most likely to look out of during the mornings and evenings, rather than for prolonged periods throughout the day (especially as a study and snug are already proposed at ground floor level). On balance therefore, the development is considered unlikely to result in significant harm to neighbouring privacy. Due to the siting and scale of the

proposals, as well as separation distance to these neighbouring properties, the development is considered unlikely to result in significant overshadowing or loss of light to neighbouring amenity. As such, it is considered that the proposals overcome the previous reasons for refusal (in respect of loss of privacy) and would accord with Paragraph 127 of the NPPF.

Other Dwellings

- 2.10 The proposals would be visible from a number of other dwellings, particularly those to the northeast and northwest of the site which are set at a lower ground level. However, due to the siting, scale and design of the proposals, as well as tall boundary planting which provides a level of screening and privacy between the site and nearby residents, the development is considered unlikely to result in undue harm to the residential amenities of other nearby occupants and would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity. Concerns have also been raised by third parties that the construction phase would cause noise and disturbance. Whilst the construction would, undoubtedly, cause some disruption, due to the scale of the development it is not considered that this would likely be unacceptably harmful or for a prolonged period. On balance it is not therefore considered that a construction management plan would be warranted in this instance.

Amenity of the Proposed Occupiers

- 2.11 The proposed dwellings would be of a good size and all habitable rooms would be naturally lit, with private rear gardens. Recycling and refuse storage to the front of the dwellings is shown on the proposed ground floor plan and there would be access paths to the rear gardens on both sides of each dwelling. Cycle storage has not been shown, however could be located within the rear garden and a condition for details of this storage is suggested accordingly. As such, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

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

- 2.12 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.
- 2.13 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.
- 2.14 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.

- 2.15 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.
- 2.16 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.17 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Impact on Parking/Highways

- 2.18 The proposals include the widening of the existing vehicular access and creation of a new access (from Canterbury Road). KCC Highways and Transportation have been consulted on the application and have no objection in respect of highway matters subject to conditions to secure: the provision and retention of car and cycle parking; completion of access, including its appropriate treatment so that the footway is maintained and so debris and water do not discharge onto the highway; the provision of a vehicular visibility strip and pedestrian visibility splays. The development is modest in scale such that it would not produce a significant number of additional vehicular journeys on the network. Subject to the conditions outlined by KCC, it is considered that the development would be provided with a safe access onto Canterbury Road, with adequate visibility in either direction, such that the operation of the highway or the footway would not be unacceptably impacted. KCC have also requested that electric vehicle charging points be provided. Whilst the provision of such infrastructure is desirable, at present the council do not have a policy to require such provision whilst, equally, the NPPF does not mandate such provision. It is not therefore considered that it would be reasonable to refuse the application in the absence of electric vehicle charging points.
- 2.19 In respect of parking space provision, each dwelling would contain four bedrooms and would have two off-road parking spaces. This would accord with the requirements set out in Policy DM13 and is therefore considered to be acceptable.

Impact on Flood Risk

- 2.20 The proposed dwellings would be located within Flood Zone 1, which has the lowest risk from flooding. No bedrooms or sleeping accommodation would be located on the ground floor level of the property. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwellings would be located within Flood Zone 1, a sequential test is not required. Nonetheless, a condition for details of surface water disposal to be

submitted is suggested. Subject to this, the development is considered acceptable in this regard.

Surface Water/Drainage

- 2.21 The application form identifies that surface water would be disposed to a soakaway and foul sewage would be disposed to a mains sewer. Southern Water have been consulted on the application and advise that a formal application for a connection to the foul sewer would need to be made by the applicant, and an informative is suggested accordingly. Concerns have been raised by third parties regarding the capacity of the sewage system, however no objection has been raised by Southern Water and this is a matter for the applicant to resolve directly. Nonetheless, pre-commencement conditions are suggested for details of site drainage works for the disposal of surface water and a detailed scheme for the disposal of foul sewage are recommended to ensure satisfactory arrangements.

Archaeology

- 2.22 The site is located in an area of archaeological potential surrounding an undated enclosure. KCC Archaeology has been consulted on the application and have advised that no measures are required.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of 2 detached dwellings, associated parking and creation of new and widening of existing vehicle access (existing bungalow and garage to be demolished) is considered acceptable in principle in this location. The proposed dwellings, due to their siting, scale and design are considered to preserve the varied character and appearance of the street scene. Furthermore, the proposals are considered, on balance, unlikely to result in significant harm to the residential amenities of surrounding residents. Subject to the conditions suggested below, that the development would accord with the aims and objectives of the NPPF.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions:

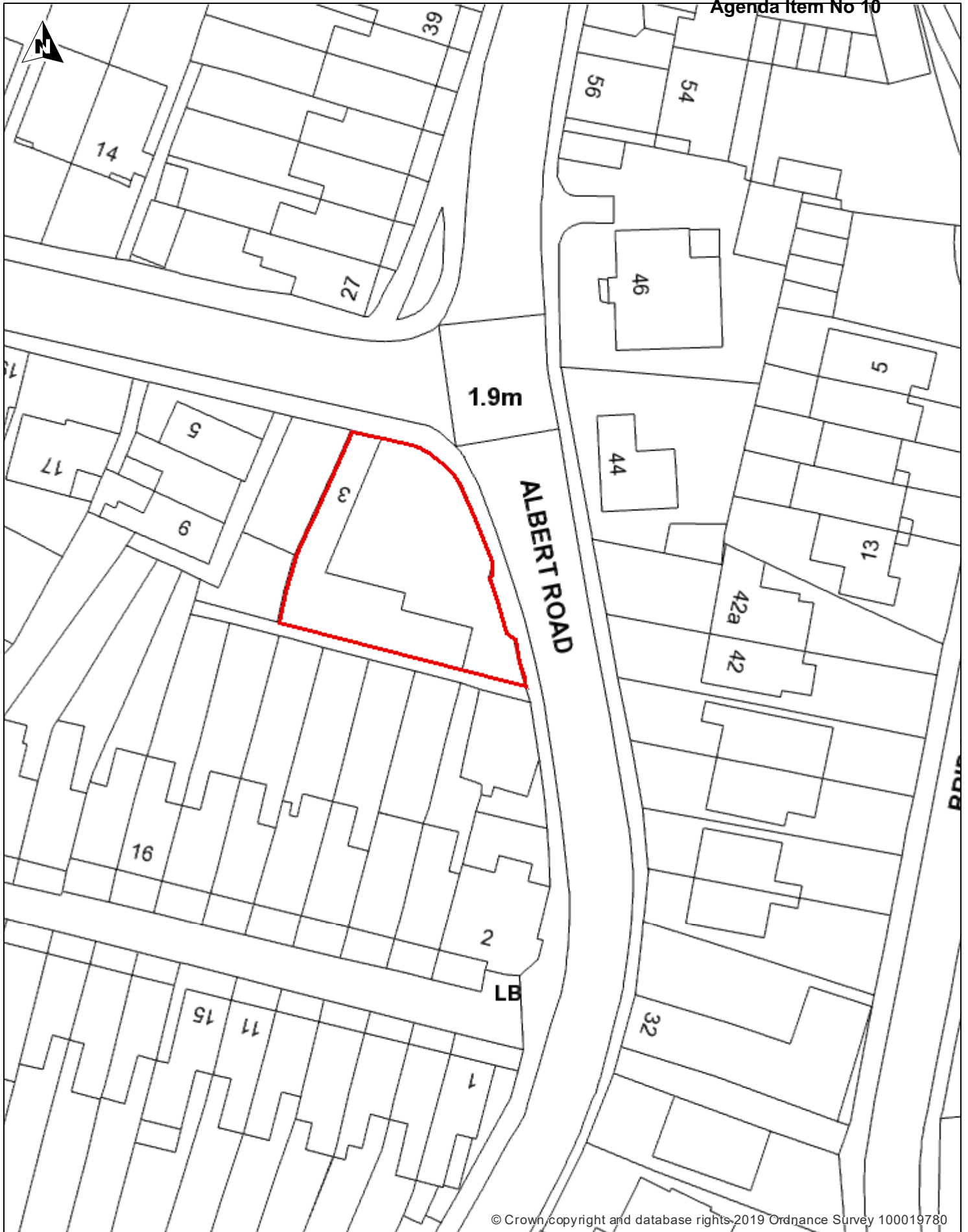
- (1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of measures to prevent discharge of surface water onto the highway (5) pre-commencement scheme for the disposal of foul sewage (6) pre-commencement details of site drainage works for the disposal of surface water (7) provision, surfacing and drainage and retention of vehicle parking space (8) bound surface of first 5m of vehicle access (9) completion of the access and vehicle crossing prior to use (10) provision and maintenance of a visibility strip measuring 2.4 metres in width from the edge of the carriageway along the site frontage with no obstructions over 1 metre above carriageway level within the splays (11) provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each access with no obstructions over 0.6m above footway level (12) retention of boundary hedgerows and replacement where damaged (within 5 years of completion of development) (13) completion of hard and soft landscaping (14) details of secured bicycle storage to be installed prior to first occupation (15) provision of refuse/recycling storage shown on plans (16) bathroom and WC windows

to be fitted with obscured glazing and be non-opening below 1.7m above internal floor level.

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

Case Officer

Rachel Morgan



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DOV/19/01339
3 Middle Deal Road
Deal
CT14 9RF

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/19/01339 – Erection of four attached dwellings with undercroft parking and bin stores (existing buildings to be demolished) - 3 Middle Deal Road, Deal**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

The Kent Design Guide (KDG)

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

The National Design Guide (NDG)

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

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

Deal Town Council – object to the planning application raising the following matters:

- Overdevelopment of the site
- Current access is inadequate and straight onto a blind bend
- Negative impact on the street scene
- Concerns over height of the building
- Building within flood risk area

Environment Agency – (response received on 07 January 2020) This site lies within Flood Zone 3a; this is an area considered to be at 'high risk' from flooding in the absence of tidal defences. Whilst we appreciate that this area is well defended from tidal flooding, there is always a 'residual' risk from inundation in such areas.

Accordingly we would request that your Authority initially considers whether the applicant has suitably addressed the requirements of the flood risk Sequential Test. In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has been applied and whether or not there are other sites available at lower flood risk. We are presently unable to determine whether there are other sites within the district where a development of this nature may be preferentially located.

If your Authority is satisfied with the principle of residential development at this site and are content that the Sequential Test has been passed, the Exception Test becomes applicable; the second part of this requires that the development and its occupants are safe from flooding.

The submitted Flood Risk Assessment (FRA) interrogates the most pertinent flood modelling for the area and proposes a 'design' flood level, above which all living and sleeping accommodation will be provided.

Environment Agency position: The proposed development will only be acceptable if the following measures, as partially detailed within the Flood Risk Assessment submitted with this application, are implemented and secured by way of a planning condition on any planning permission granted.

Reconsultation response received on 28th February 2020

Further conditions have been recommended in relation to groundwater protection. No further concerns have been raised.

Environmental Health – views not received.

KCC Highways – this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Waste Officer – no objections raised.

Southern Water – no objection subject to conditions requiring submission of details for a SUDS scheme (surface water disposal) and foul water drainage.

Public Representations

9 letters of objection received raising the following matters:

- Overdevelopment of a small site
- Design is not in keeping with the local area
- Access to the rear on a blind bend – accident waiting to happen
- Lack of sufficient parking
- Poor access and insufficient visibility
- Will further drain the very limited on-road parking spaces available in this double yellow lined area

- Considerable loss of light
- Out of proportion
- Traffic on Albert Road will increase with the construction of nearly 200 homes in Pottery Grove – will increase risk of an accident due to the blind bend
- Area prone to flooding

9 letters of support received making the following comments:

- Improve the aesthetics of the area
- It will be good for the area to go back to being totally residential and being more pleasant to look at
- Nice design
- Great asset to the local community
- Get rid of heavy vehicles
- Close to railway station
- Close to all amenities

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

1.1 The application site comprises an existing single storey building which lies within the settlement confines of Deal. The site also lies within the flood risk zone 3. The site is used as a yard and offices for a paving/hard landscaping company. The site covers approximately 395 sqm. The site lies at the junction formed by Albert Road and Middle Deal Road.

1.2 The proposal involves demolition of the existing single storey building and erection of a three storey building comprising 4 2-bed attached dwellings with rooms within the mansard roof and undercroft parking. The proposed dwellings would be sited abutting the edge of the footpath and would turn the corner. The proposed dwellings would be finished in multi-stock brickwork and yellow brick detailing with feature band and sprung arches over windows and doors and stone cills. It would have white UPVC fenestration and would artificial slate tiled roof. It is proposed to erect a 1.8m high close boarded wooden fence along the northern boundary of the site.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- Character and Appearance
- The impact on the highway network
- The impact on residential amenity
- Drainage and flooding
- Ecology

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 such plans, unless material considerations indicate otherwise.

- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with 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. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Deal and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 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. The NPPF takes a more nuanced approach regarding the location of development. 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. Notwithstanding this, However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location..
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. Whilst there is some tension between DM11 and the NPPF, they are broadly consistent (save for the blanket restriction of travel generating uses outside of confines). The NPPF 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.
- 2.7 It is considered that policy DM1 is out-of-date and DM11 is in tension with the NPPF. These 'most important' policies for determining this application taken together, are considered to be out-of-date and carry reduced weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged.

Character and Appearance

- 2.8 The proposal involves demolition of an existing single storey building and erection of four three-storey attached dwellings under a mansard roof with 3 undercroft parking spaces on the ground floor. The proposed dwellings would abut Middle Deal Road to the north and Albert Road to the east. The site is surrounded by residential properties. The existing building on the site is of no architectural merit and in this respect does not contribute to the townscape or enhance the existing surroundings. In addition to this, the commercial paraphernalia including the industrial metal fencing and concrete hardstanding are highly prominent in the street and as such they are considered to be visual detractors.
- 2.9 The area comprises terraced, semi-detached and detached houses of varying scale and design. Whilst there is no consistency in terms of design features in Middle Deal Road

or Albert Road, it is worth noting that the dwellings in the street are predominantly two storeys in height, finished in brick/render and have pitched roofs with gable ends. One feature of the area (particularly along a stretch of Albert Road) is window detailing, with windows set back in reveals, bay windows, arched brick headers and window cills. Having reviewed the design and access statement accompanied with the application, it is noted that the design of the proposed dwellings has been carefully considered. The character of the building would lack some of the more interesting detail found on the terraces in the area (for example the attractive bay windows to the buildings to the north) and whilst the overall design of the dwellings is not identical to the existing properties in the vicinity, by virtue of the overall scale, roof form, choice of materials, proportions of the fenestration, header and cill detailing, it is considered to respond to the prevailing architectural detailing in the vicinity and is therefore considered acceptable.

- 2.10 In conclusion, it is considered that the proposed development is reasonably designed and sited and would enhance the character and appearance of the street scene. Therefore, the proposal would be in accordance with the paragraphs 127 and 130 of the NPPF.

Highways/Travel Impacts

- 2.11 The application site is within the settlement confines of Deal. The site lies at the junction formed by Middle Deal Road and Albert Road. The road is well-lit and is served by public footpaths and bus stops which provide services, linking to the centre of Dover and Canterbury. It also lies in close proximity to Deal Train Station. The site is relatively close to the facilities and services within Deal Town Centre. Having regard to these factors, it is considered that the site is in a sustainable location and would allow for a variety of modes of transport to be used, including more sustainable modes.
- 2.12 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Table for Residential Parking (Table 1.1 in the Core Strategy), and cycle provision informed by KCC Guidance SPG4. In line with Policy DM13 of the Core Strategy, the 2 bed dwellings would require a provision of 1 off-street car parking space each in an edge of town centre location. The proposed development proposes three undercroft car parking spaces and therefore lacks provision of one off-street parking space and a visitor parking space. It is noted that on-street car parking is prevalent in the street.
- 2.13 Third party representations raised concerns regarding the lack of parking, an increase in the pressure of parking in the street, traffic problems and dangerous access. Discussions were had with KCC Highways in respect of the proposed access. The proposed development would utilise the existing access. KCC Highways have advised that whilst the access is not considered to be ideal, it is necessary to draw a comparison of the existing frequency and nature of the use of the access (i.e. for commercial traffic) with the traffic that is likely to be generated as a result of low key residential use (4 cars). Having regard for the above, on balance, the proposed access is considered acceptable. In respect of the concerns regarding parking, whilst the development would be likely to increase the demand for on-street car parking, in light of the evidence submitted with the application, whilst the development would be likely to increase pressure for parking on-street this would be unlikely to cause severe harm to the local highway network or an unacceptable impact on the highway safety. As such, the lack of parking in this instance would not warrant a refusal on this basis.

Impact on Neighbours

- 2.14 The application site shares boundaries with properties no's 5, 7, 9 Middle Deal Road to the west and a row of terraced properties no's 2-16 to the south fronting Church Path. During the course of the application, concerns were raised in respect of overbearing impacts on no.5 Middle Deal Road to the immediate west. Concerns were also raised in respect of unacceptable loss of privacy to the neighbouring occupiers. The applicant was forthcoming and the amended drawings were received which included amendments to the internal layout of the proposed dwellings to facilitate obscure glazed windows to non-habitable rooms facing the neighbouring properties to the west and south. The properties fronting Church Path have deep private gardens measuring approximately 15-20m. Having reviewed the amended drawings, it is considered that the proposal would not result in unacceptable loss of privacy to the occupants of properties fronting Church Path or Middle Deal Road whilst a degree of perception of overlooking may persist particularly to the neighbouring properties no's 5, 7, 9 Middle Deal Road. Notwithstanding the above, having regard for the separation distances with the dividing boundary (approximately 8-9m), it is not considered that the perception of overlooking would be so severe to warrant a refusal on this basis.
- 2.15 In respect of sense of enclosure, whilst attempts were made by the applicant to amend the massing of the roof to reduce its bulk, by virtue of the proximity, scale and height of the proposed dwellings, the concerns in relation to the severe sense of enclosure to the private amenity area of no.5 still remain unaddressed. The proposed single storey extension which would accommodate the bin store would lie on the dividing boundary with no.5 whilst the three storey side elevation of the dwelling would lie at a distance of approximately 2.5m from the dividing boundary with no.5. It is considered that the proposal would result in a severe sense of enclosure to the private amenity area such that the living conditions of the existing occupants would be unduly prejudiced. It would therefore be contrary to paragraph 127 of the NPPF which requires the developments to 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.
- 2.16 A daylight/sunlight assessment has been submitted with the planning application. It is noted that habitable rooms in the following residential buildings were identified as potential sensitive receptors and have therefore been tested. The properties include (Church Path) no's 4, 6, 8, 10, 12, 14, 16, no.44 Albert Road and (Middle Deal Road) no's 5, 7 and 9. The daylight impacts assessment includes tests to ascertain Vertical Sky Component and No Sky Line Assessment. It is apparent that the results were below the aspirational value of 0.8 recommended by the BRE Guidelines. Therefore, the impact on the daylight distribution within the assessed rooms is concluded to be negligible. Finally, the report concludes that it would have an acceptable degree of change and, whilst this represents that the reduction in daylight distribution would be noticeable by the occupants, it is unlikely to have any significant impacts.
- 2.17 Further to this, sunlight and overshadowing analysis has been carried out. The methods of assessment include Annual Probable Sunlight Hours Assessment (APSH) and Sun on the Ground. The BRE guidelines require three sunlight tests to be carried out. At paragraph 7.1 page 18, it states, "The BRE Guidelines clearly state that for the proposed development to be considered to have an adverse effect on the available sunlight to neighbouring windows, all three tests would need to have been failed". The results of the tests showed that each property passed 1/3 tests. The BRE guidelines deem such an approach as acceptable. Further to this, the results from the test 'Sun on the Ground' have been satisfactory. Therefore, this has been assessed to have no adverse impact.
- 2.18 Having regard to the conclusions of the assessment, it is considered that the proposed development would not result in a significant loss of light or overshadowing to the occupiers of the neighbouring properties.

Living Conditions of Future Occupiers

- 2.19 Regard has been had to the paragraph 127 of the NPPF requires the developments to 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. The proposed dwellings, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It is noted that given the restrictive nature of the site, provision of amenity space has not been achieved. Whilst this is not considered ideal, by virtue of its location in a tight knit urban area, the lack of amenity space in this instance is considered acceptable.

Ecology

- 2.20 Having regard for Natural England's Standing Advice, it is not considered that the site includes any features likely to provide habitat for protected or notable species.

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

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

Drainage and Flooding

- 2.26 The application site lies within Flood Zone 3 which is considered to be an area at 'highest risk' from flooding. Where development within areas at risk of flooding is proposed, paragraph 158 of the NPPF requires that the Sequential Test is applied and, if necessary, that the Exception Test is applied. The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. However, development may be permitted where there are no reasonably available sites which are appropriate for the development in areas with a lower probability of flooding.

- 2.27 The application has been supported by a site-specific flood risk assessment (FRA) and a sequential test. The sequential test has been carried out in accordance with the methodology prescribed within the Council's SFRA Site Specific Guidance for Managing Flood Risk. The methodology within the guidance for the search of comparator sites refers to a number of sources of information available within DDC's evidence base for applicants which include the following:
1. Authority Monitoring Report (AMR) – this report provides information on sites with 'extant planning permission' and allocated sites.
 2. Economic Development Needs Assessment (EDNA) – This report provides information on strategic scale employment sites.
 3. Housing Economic Land Availability Assessment (HELAA)
 4. Brownfield Register
- 2.28 The SFRA also states that if it is not possible to identify a minimum of 2 sites for comparison from the sources above, applicants should approach local land/property agents. Land for sale is often advertised by size not capacity, and therefore in this circumstance applicants should request information on available sites which are $\pm 10\%$ the size of the application site (in sqm).
- 2.29 The sequential test has been carried out in accordance with the methodology within the SFRA. The submitted sequential test demonstrates that no sequentially preferable sites have been found in Deal which are available. As such, the sequential test is considered to have been passed. By virtue of the site being in flood zone 3, the application would qualify to be assessed against the exception test as set out in the NPPF.
- 2.30 Paragraph 160 of the NPPF sets out that for the exception test to be passed it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 2.31 The proposed development would provide a short term and modest economic benefit, by providing employment during the construction phase. With regards to the social role, it is considered that the proposal would enhance the urban setting together with providing 4 additional dwellings in a sustainable location within settlement confines. It has good access to the public transport and facilities and services in Deal such that it would be likely to provide additional support for those facilities and services. The council can currently demonstrate a five-year housing land supply (having 6.16 years' worth of supply). It is considered that, on balance, the proposal would provide wider sustainability benefits to the community that outweigh the flood risk.
- 2.32 The FRA includes recommendations of appropriate flood mitigation measures to be incorporated in the proposed development which includes the following:
- The walls are to be built as cavity brick/blockwork to mitigate against potential flood impact.
 - The construction of the new building would utilise flood resilient construction methods and include a solid concrete ground slab to avoid potential flood water ingress below suspended floor voids.
 - The types of materials used in the construction of the development would be chosen to prevent or reduce the risk of structural damage caused by flood or surface water runoff to prevent the growth of wet rot spores.
- 2.33 The EA recommends that the finished floor levels should be set at a minimum of 600mm above the design flood level of sleeping arrangements are provided at ground floor level

or 300mm above the design flood level for habitable accommodation. Having regard for the detailed design of the proposed dwellings which seek to incorporate the above-mentioned flood mitigation measures, it is considered that the proposal is acceptable in terms of meeting the flood resilience criteria as outlined within EA's standing advice on flood risk. Environment Agency have raised no objections in relation to the proposal and have recommended a condition (which relate to the flood mitigation measures) to be attached in the event of grant of planning permission.

- 2.34 Further to the above, 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.
- 2.35 Whilst Southern Water have raised no objection in this instance, it is considered that in the event of grant of planning permission, pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal would be attached to the permission.
- 2.36 It is noted that there have been numerous flood events on Albert Road and consequently understandable concerns have been raised by third parties. In assessing this application, particular care has been taken to understand the potential implications of this development on flooding. Whilst the development would provide four new dwellings on the site, it would replace an existing commercial operation which would have created its own outflows and run-off. The development would reduce the amount of impermeable surfacing on the site, improving surface water drainage (which could be secured by condition), whilst a condition would also be attached (should permission be granted contrary to the recommendation) requiring a purpose designed foul water drainage. As such, it is considered that the development would not increase the risk of flooding on site or elsewhere.

3. Conclusion

- 3.1 By virtue of the limited separation distance, scale and height of the proposed development, it would cause unacceptable harm from severe sense of enclosure to the residential amenity of the neighbouring occupiers of no.5 Middle Deal Road. The proposal would therefore be contrary to paragraph 127 of the NPPF. Whilst it is acknowledged that the loss of light to neighbours would not be so harmful as to warrant refusal, It is considered that the harm caused by the severe sense of enclosure would be significant and demonstrable, and would outweigh the benefits of the proposed development.
- 3.2 In respect of other matters, it is concluded that no harm would arise in respect of the character and appearance of the street scene or the wider area. It is considered acceptable in terms of highways impact and drainage.
- 3.3 In conclusion, by virtue of the significant harm arising from the sense of enclosure to the occupiers of no.5 Middle Deal Road, the application is recommended to be refused.

g) Recommendation

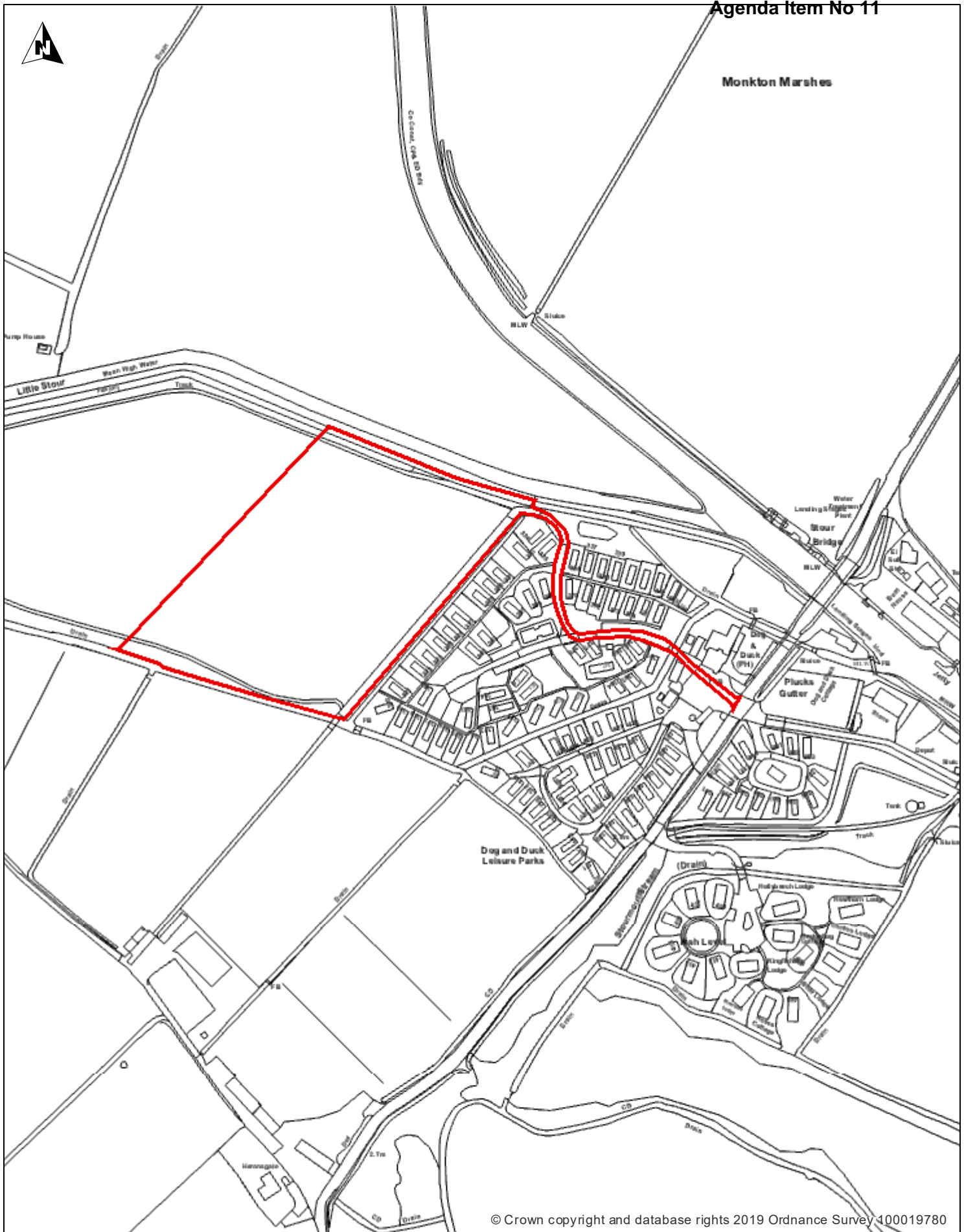
- I Planning permission be refused for the following reason:

1. By virtue of the limited separation distance, scale and massing of the proposed dwellings, the proposed would result in a severe sense of enclosure to the occupiers of no.5 Middle Deal Road such that the living conditions of the existing occupants would be unduly prejudiced. The proposed development would therefore be contrary to paragraph 127 of the NPPF.

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

Case Officer

Benazir Kachchhi



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DOV/19/00955

Land West Of Dog And Duck Leisure Park
Plucks Gutter, Stourmouth
CT3 1JB

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/19/00955 - Change of use of land to the west of the existing park to allow an increase in the area of the site to accommodate the same number of units currently authorised at the Park, at a lower density - Land West Of Dog And Duck Leisure Park, Plucks Gutter, Stourmouth**

Reason for report: Objection from a statutory consultee (potential Secretary of State call-in)

- b) **Summary of Recommendation**

Planning permission be Granted

- c) **Planning Policies and Guidance**

Statute

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

Core Strategy Policies

- CP1 - The location and scale of development in the District must comply with the settlement hierarchy. Plucks Gutter is a hamlet and is not suitable for further development unless it functionally requires a rural location.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- DM15 - Development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.
- DM16 - Development that would harm the character of the landscape will only be permitted if it incorporates any necessary mitigation measure.

National Planning Policy Framework 2019 (NPPF)

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

- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of granting permission doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 80-identifies that significant weight should be put on the need to support economic growth and productivity.
- Paragraph 83-supports a prosperous rural economy and states decisions should enable growth and expansion of all businesses through the conversion of existing buildings and well designed new buildings. The development of agriculture and other land based rural businesses should be enabled.
- Paragraph 85-recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. It is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- Paragraph 155 states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- Paragraph 156 states that local planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as lead local flood authorities and internal drainage boards. Lead local flood authorities (unitary authorities or county councils) are responsible for managing local flood risk,

including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies.

- Paragraphs 157-161 cover the sequential and exception tests to be applied to development in an area at risk of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. This approach should be used in areas known to be at risk now or in the future from any form of flooding. If it is not possible for development to be located in zones with lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.
- The application of the exception test should be informed by a site specific flood risk assessment. For this test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.
- Paragraph 163 states that when determining applications local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where it can be demonstrated that the proposal is appropriately flood resilient and resistant, incorporates sustainable drainage systems, where appropriate, any residual risk can be safely managed and safe access/escape routes are included as part of an agreed emergency plan.
- Paragraph 165 states that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority and ensure an acceptable standard of operation for the lifetime of the development.

Planning Practice Guidance-Flood risks and coastal change-this guidance advises how to take account of and address the risks associated with flooding and coastal change in the planning process.

Kent Design Guide

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

National Design Guide

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

d) **Relevant Planning History**

The planning records for the use of the site as a caravan park appear to date from the 1950s and there is a long and detailed planning history with a number of applications for the stationing of caravans between the 1960s and the 1990s.

In addition, over the years various other planning applications have been submitted to extend or improve the facilities at the site, the majority of which have been approved.

No recent planning applications.

It is understood that under the Caravan Sites and Control of Development Act 1960 there are site licenses covering different parts of the site, some relating to the caravan units and the others to the chalet structures on other parts of the applicants' site. These state that land to the south and opposite the Dog & Duck shall be for caravans with the sole use for holiday purposes and shall not be used for human habitation between 1st October each year and 31st March of the following year for periods of no longer than four weeks in total in any period of 8 consecutive. The land to the west of the Dog & Duck shall be for the sole use of caravans for holiday purposes and has no restrictions with regard to opening period.

The gross density shall not exceed 50 caravans to the hectare (20 caravans to the acre) making a total of 93 caravans on the land to the west of the Dog & Duck.

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

KCC Highways

Notes that the proposal does not meet the criteria to warrant involvement from the Highway Authority. A swept path analysis has been prepared to ensure that the site could be accessed by the fire and rescue service in the event of an emergency.

An Informative is recommended to ensure the applicant obtains any necessary highway approvals.

KCC PROW-Confirmed "no comments".

Kent Wildlife Trust-no comments received within the consultation period.

Environment Agency- Initial comments:

"As outlined within the accompanying submitted Flood Risk Assessment (FRA) prepared by Enzygo (February 2019), this site lies within the area shown by our flood modelling to be at risk from flooding during a defended 1 in 20 yr fluvial flood event. This means that the land in question lies within the 'functional floodplain'. Although the information obtained to inform the FRA states that there is a lower risk in the 'undefended' scenario, the area identified as functional floodplain should always take into account the effects of defences and other flood risk management infrastructure.

Only 'water compatible' and 'essential infrastructure' should be permitted in the functional floodplain.

The NPPF and its associated technical guidance states that the 'more vulnerable' land uses (such as that proposed) should not be permitted within such areas. Whilst we appreciate that there is already a caravan site on the adjoining land, we do not consider that this should set any kind of precedent for expansion into land that has an unacceptably high risk from flooding, particularly in light of the predicted increase in the severity and frequency of flooding as a result of climate change. The change of use of this presently unoccupied parcel of land to holiday use should not be permitted.

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework and its associated planning practice guidance.

Reason: The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and provides guidance on which developments are

appropriate within each flood zone. This site lies within flood zone 3b functional floodplain, which is land defined by the PPG as having a very high probability of flooding.

The development is classed as 'more vulnerable' in accordance with table 2 of the flood zones and flood risk tables of the PPG on flood risk and coastal change. Tables 1 and 3 make it clear that this type of development is not compatible with this flood zone and therefore should not be permitted."

Environment Agency - further comments:

"Whilst we appreciate the efforts of the site operators and their consultants in producing a flood warning and evacuation plan for the existing site and its proposed extension, we are unable to take a different stance to that laid out in the NPPF, as per our previous response.

Whilst we appreciate the reasoning behind the application and are aware of some of the benefits of 'spreading' the existing units out, the issue lies with the NPPF's stance on the COU of land that lies within the 'functional floodplain' (FZ3b). Land within FZ3b should not be used for the stationing of caravans, irrespective of residential or holiday use. We have to recognise this restriction from a land use and planning policy point of view.

The key concern is that this land lies within Flood Zone 3b, the functional floodplain. This is an area that would be prone to flooding during a present-day 1 in 20yr flood event. According to the NPPF and its technical guidance, only 'water compatible' land uses should be permitted in this area:

If this application is classified as 'major', we reserve the right to call it in, particularly in light of the potentially dangerous precedent it may set. We cannot confirm at this stage whether we definitely would, but we would prefer that the NPPF is adhered to and that this does not become an issue".

Environment Agency - latest comments

"Our FZ3b objection is an objection in principle on national planning policy grounds; there is no requirement for the EA to provide any further technical guidance when the NPPF is so clear on allowable land use in Flood Zone 3b. Although slightly misleading in its conclusions, the data within the applicant's own FRA confirms this flood risk.

Notwithstanding the above, if your Authority decides that there is no exacerbated flood risk through the expansion of the site into this presently vacant adjacent area, and that if permission were granted, the existing risk can be managed through suitable conditional and legal covenants ever preventing the placement of additional units across the site as a whole, we wouldn't necessarily want to have it called in for further review.

We are duty-bound to raise an objection to this development, as we would be for any inappropriate development in Flood Zone 3b. However, as ever, you are within your rights to grant against our advice.

There may be questions raised later on if the site floods as to why it was given the go ahead, and we would point to our over-ruled objection. If you do decide to grant against our advice, we would recommend that it be strongly conditioned and legally agreed that no additional units (overall) are ever allowed on this site to ensure the risk is minimised."

Southern Water

"The applicant has not stated details of means of disposal of foul drainage from the site.

There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness.

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

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.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.”

Lead Local Flood Authority

“The planning application is supported by a Flood Risk Assessment (FRA) report (reference SHF.256.001.HY.R.01.A, dated February 2019). The FRA proposes that the site drainage will be via French drain styled systems with final discharge into an existing ditch on the southern site boundary.

No further details of the surface water drainage strategy have been submitted to enable us to assess the viability of the drainage proposal. We would therefore recommend the application is not determined until a surface water drainage strategy has been provided for consultation.

At a minimum, a drainage strategy submission must comprise:

- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)
- Supporting calculations to demonstrate the drainage system’s operation and drainage model network schematic”

Further advice has been provided following a request from the applicant about pre-commencement conditions. Conditions recommended include the submission of a sustainable surface water drainage scheme with no resultant unacceptable increased risk to controlled waters and/or ground stability and the submission of a verification report. The reasons for the conditions are to ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems and to meet the requirements of paragraph 165 of the NPPF.

Internal Drainage Board (IDB) - Initial comments

“The site of the above proposal is within the River Stour (Kent) IDB’s district and has the potential to affect IDB interests, local drainage and flood risk in particular. Therefore, any works affecting any ordinary watercourse (non-Main River) requires the IDB’s prior written consent, in accordance with the Land Drainage Act 1991 and the Board’s own byelaws.

The main watercourse flowing through the site (other than the Little Stour which is to the north and under Environment Agency control) is the Preston & Deerson Main Stream (IDB52) which is managed and maintained by the IDB. Any works within 8m of this watercourse, measured from the top of bank, requires the IDB’s prior written consent. Surface water runoff rates from the site must also not be increased as a result of this development, as this could affect local drainage and flood risk.

Unfortunately the proposed layout appears to show an access road and tree planting within the 8m byelaw margin, which would affect the Board’s ability to maintain this watercourse, and although there is reference made to SuDS no detail has been provided on how runoff would be attenuated. In light of this I must **object** to the application as proposed.

Notwithstanding the above, the eastern end of the Preston & Deerson Main Stream is already very difficult to access and changing the layout of the site, with no increase in numbers, could provide an opportunity to improve the situation. If access to this watercourse could be reinstated, providing flood risks and mitigation measures are agreed with the Environment Agency and the details of on-site SuDS agreed with KCC’s SuDS Team, I would be able to remove my objection.

IDB - Further comments

“I also note that KCC has recommended conditions in relation to SuDS and its future maintenance, which I fully support, and that the Environment Agency has maintained its objection. If the Council is minded to approve this application, it is requested that the need for Land Drainage Consent is highlighted, in accordance with Section 23 of the Land Drainage Act and the IDBs Byelaws, for any works within 8m of this watercourse measured from the top of channel bank (including any fencing, planting construction or excavation). It should be made clear that Land Drainage Consent is separate to planning permission (one doesn’t guarantee the other).

The redevelopment of the site could be an opportunity to improve access to the eastern reaches of the Preston & Deerson Stream (currently obstructed by mobile homes).”

Natural Environment Officer

I have reviewed the most recent ecological report dated June 2020. Mitigation measures appear to include:

-Sensitive working practices to avoid runoff into the nearby ditch and river network

- Habitat manipulation to discourage the use of the land by reptile species
- A bat sensitive lighting scheme to protect commuting corridors including the freshwater channels

and hedgerows

- Retention of trees and hedgerows, with a 5metre buffer zone around them
- The above measure seems to be contradicted by the next line of table 6 which states that any works to trees with a low suitability to support bat roosts should only happen after further inspection of potential roost features. I'm therefore unclear about whether these trees will be retained.
- Clearance of woody vegetation outside of the bird nesting season.

Biodiversity enhancements appear to include:

- Planting of gaps and laying where necessary to promote dense A-shaped structure. Planting of additional lengths of hedgerow along the northern and western site boundaries, similar in species composition to existing (native species only).
- Installation of small hibernacula i.e. brash piles, at the base of boundary hedgerows for reptile species
- Creation of a new pond and ditch along the western boundary to provide additional aquatic habitats and SuDS feature.

Appropriate conditions are recommended to cover these matters.

Environmental Health-Confirmed "No observations".

Waste Officer

"I have looked at the planning application and can see that under point 14 removal of refuse/recycling under the Council's collection system is not being considered and the waste management facilities on the existing caravan park site will be used for this purpose. The Waste section has no further interest in the application if this is the arrangement that will be used but the Council should be checking with the owner that refuse / recycling is being removed by a licenced waste disposal company. The Waste section would be happy to discuss the removal of waste and recycling with the owner should they want to do so."

The applicants' agent has confirmed that they use a licensed waste disposal company to remove refuse from the site.

Tree & Horticultural Officer - The submitted tree survey and associated method statement and plan sufficiently address the constraints presented by the existing tree stock with a view to retaining those present. As such adherence to the Arboricultural Method Statement and Tree Protection Plan should be conditioned if the application is granted.

Parish Council- "confirmed no comments".

Third Party Representations

No representations from third parties were received within the consultation period which took place in September 2019.

In spring 2020 31 representations were received from addresses around east Kent, the majority of which simply state "Support". Reference has been made to the creation of

employment and bringing business into the area. It is stated that this is a well run site and the proposal would allow a higher standard of accommodation to be provided.

Given that the addresses of those making representations are generally not in close proximity to the application site and were received long after the application was advertised, reduced weight is given to the comments made.

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

1.1 The Dog and Duck Leisure Park is situated on the western side of the road running through Plucks Gutter, towards the northern boundary of the District. The site occupies a rural location outside any settlement confines and is adjoined by the Little Stour River to the north. The site falls within Flood Zones 2 and 3. The extreme south western corner of the site is an Area of Archaeological Potential.

1.2 The application relates to a small parcel of land measuring just over 2 hectares, immediately to the west of the Leisure Park. This area comprises flat grassland that forms part of a larger enclosed field. It is stated that this land formed part of a former orchard and now comprises managed grassland. It is currently available to occupants of the park for amenity purposes.

1.3 The land is reached via an existing vehicle gate leading from the north western corner of the existing site. There are tall mature poplar trees along the northern and south western boundaries of the site. The southern and eastern sides of the land are adjoined by drainage ditches. There are some pollarded trees along the eastern boundary with the existing site. An unmade vehicle track runs around the land and it is understood that the land is used for dog walking and amenity purposes.

1.4 The application is to change the use of land immediately to the west of the existing park to allow an increase in the area of the site to accommodate the same number of units currently authorised at the Park, but at a lower density. Access to the new area would be via the existing site access and a field gate in the north western corner. No operational works are proposed to the existing site.

1.5 It has been indicated that the existing park area is 3.26 hectares and that it is proposed to add an additional 2.02 hectares, making a total site area of 5.28 hectares. It is stated that there are currently approximately 120 units on the existing site but that there is no intention to increase the number of units. The proposal would therefore involve re-arranging the existing units around the enlarged site area. This will facilitate a reduction in density of units on the existing site to enable a higher standard of accommodation to be provided.

1.6 The applicant states that by incorporating the additional land this would enable them to spread the units out to achieve a lower density across the enlarged site and help to create a more open and spacious feel to the site. The layout of the existing site would also be reconfigured as units are spread out. A new amenity area would be created in the south western corner of the application site with a small pond and ecological enhancements.

1.7 The application has been submitted with several other supporting documents including an Ecological Assessment, Arboricultural report, Landscape and Visual Impact Assessment and Flood Risk Assessment.

1.8 The applicants have outlined the economic benefits of enlarging the site area, which include the provision of a higher standard of accommodation and a general improvement to the overall feel of the site. It is anticipated that these measures to upgrade the standard of accommodation will attract higher fee paying visitors to the

park as well as the nearby tourist attractions and cafes/pubs to the benefit of the local economy. The measures will also provide some job opportunities at the site and ensure its longer time viability.

- 1.9 Members will be aware that as this application has been classed as “major” (being of more than 1 hectare in size), the Environment Agency has the right to “call it in” for consideration by the Secretary of State. For any major development within flood zones 2 or 3 which has a sustained objection by the Environment Agency on flood risk grounds, the local planning authority (and applicants) should bear in mind the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, if the authority is minded to grant permission for the development. In such cases, the authority, the Environment Agency and the applicant should try to agree what changes could be made to the application that would enable the Agency to withdraw its objection. If the Agency concludes that it is unable to withdraw its objection and the authority is still minded to grant permission, the Direction requires the authority to notify the Secretary of State.

2. Main Issues

- 2.1 The main issues to consider are:

- The principle of the development
- Highway Matters
- Flood Risk Assessment
- Visual Impact
- Impact on residential amenity
- Impact on Ecology
- Other Matters

Assessment

Principle of Development

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policy DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF. In the circumstances of this application therefore, with regard to the policies mentioned at the outset of this report, these are considered to remain generally consistent with the aims of the NPPF with regard to development associated with an existing caravan site in the countryside.

- 2.4 Policy CP1 of the Core Strategy identifies Plucks Gutter as a hamlet. The application site falls outside of any settlement confines as identified on the adopted Local Plan map. These areas are not suitable for further development unless the proposal functionally requires a rural location. Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or if it functionally requires such a location or it is ancillary to existing development or uses.
- 2.5 In this instance the Dog & Duck is a well established caravan park that has been at the site for several decades. Some of the attractions of the site are its rural location adjacent to the countryside, river and with access to the local footpath network. The proposed use will be in association with the existing business rather than a new stand alone caravan park. It could be argued therefore that the proposal functionally requires this rural location and is not in conflict with the aims of policies DM1 and CP1.
- 2.6 The application is also in accordance with paragraphs 80, 83 and 85 of the NPPF which as mentioned above outline that there is a need to support businesses including those in the rural areas beyond settlements, often in areas not well served by public transport. The proposals at the Dog & Duck site are in broad accordance with these aims.
- 2.7 The suitability of the site for the development is considered to turn on the detailed assessment of the merits of the scheme with particular regard to feedback from the Environment Agency as set out below and a consideration of its general compatibility with the requirements of the NPPF.

Highway Impacts

- 2.8 Policy DM11 states that development that would increase travel demand should be supported by an assessment of the amount and type of travel likely to be associated with the proposal. Development outside of rural or urban settlement boundaries will not be permitted unless justified by development plan policies.
- 2.9 It has been indicated that there would be no increase in the number of units at the Park and if this is the case there would be no change in the number of associated vehicle movements. As a result, and provided this situation remains the same, there would be no conflict with policy DM11.
- 2.10 Policy DM13 states that parking provision should be a design led process based upon the characteristics of the site and the locality. It is understood that parking requirements for caravan site are set out in the Caravan Site Licence. Generally, these require one space per unit with space for visitor parking. The applicant states that there is sufficient parking space for one or two cars with each plot which are all accessed off the internal roads. No new access arrangement will be required to the highway to reach the proposed area. There are no objections in terms of policy DM13.

Flood Risk Assessment

- 2.11 The starting points for considering development in a Flood Risk Area are the relevant paragraphs of the NPPF outlined above. These state that development in areas at risk of flooding should be avoided and should be directed away to areas of lowest risk (the Sequential Test) or should be made safe for its lifetime without increasing flood risk elsewhere. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to

areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. Within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of development.

- 2.12 Given that the application relates to the expansion in the area of an existing caravan park onto land under the applicants ownership, it is more difficult to apply the Sequential Test as it might be impractical to suggest that there are more suitable alternative sites. There is also a clear functional need for the land to be co-located with the existing site, such that the facilities of the park, and the management of the wider site, can be shared. Where it is not possible for development to be located in zones with lower risk of flooding, the Exception Test as set out in paragraph 160 of the NPPF may have to be applied. This will depend on the potential vulnerability of the site and the nature of the proposed development, in line with the Flood Risk Vulnerability Classification outlined in National Planning Guidance. Essentially, the two parts to the Exception Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 2.13 The application of the Exception Test should be informed by a site specific Flood Risk Assessment (FRA). A site specific FRA was submitted with the application which considered the risk of fluvial, tidal and surface water flooding. As mentioned above, for the Exception Test to be passed it should be demonstrated that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, whilst reducing flood risk overall where possible. The lifetime of a non-residential development depends on the characteristics of that development and will be assessed having regard to the characteristics of that development and the length of time it is anticipated it will be present at the site and the impact of climate change.
- 2.14 When determining an application, the Local Planning Authority should ensure that flood risk is not increased elsewhere as a result of the proposal. Development should only be permitted in areas at risk of flooding where it can be demonstrated that the proposal is a) appropriately flood resilient, b) incorporates sustainable drainage systems where appropriate, c) any residual risk can be safely managed and d) safe access/escape routes are included as part of an agreed emergency plan.
- 2.15 The Planning Practice Guidance classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate. With this in mind it is necessary to have regard to the consultation response from the Environment Agency who note that the application site is designated as Flood Zone 3 (the area of highest risk) and that the proposal involves development that is classified as “more vulnerable” than the current use (agriculture/open space) which is classed as “water compatible”. For information purposes the matter at hand is not the vulnerability of the existing site (for which a flood warning and evacuation plan should already be in place owing to its location), it is the change of use of the adjoining land to which the objection relates.
- 2.16 To summarise the flood risk issues, the EA has confirmed that the site falls within Flood Zone 3b which is the part of the floodplain that floods first even taking any flood defences into account. The defended flood zone 3b is actually the defended 1 in 20 year 5% Annual Exceedance Probability (AEP) flood extent. The AEP is the

probability of a flood of a particular magnitude or greater occurring in any given year. In this instance there is a 20% chance of the site flooding in any given year.

- 2.17 The applicants agent states that the increased flood risk at the site is a direct result of the EAs defences in the area. In response, the EA states that this is something of a moot point as it is noted that when updated climate change allowances are considered, the undefended scenario would create Class 3 “Danger for all” flood hazard level. So, whether or not the defences have made a marginal difference to present day flood levels, the impact of climate change will render the proposed development site at a significant risk from flooding, where more vulnerable development should not be permitted.
- 2.18 Based on the advice from the EA, the NPPF is clear that only water compatible development and essential infrastructure should be permitted in flood zone 3b. The proposed use as a caravan park does not fall within either of these categories and is in fact described as a “more vulnerable” land use. The EA does not consider that the existing caravan site which was formed many years ago should act as a precedent for expansion onto land that has an unacceptably high risk from flooding. This is especially important in the light of predicted increases in severity and frequency of flooding as a result of climate change.
- 2.19 The EA states that they appreciate the reasoning behind this application and the desire to spread out the units. They also appreciate the efforts of the site operators in producing a flood warning and evacuation plan for the existing site and its proposed extension. The fundamental issue however is the stance of the NPPF relating to the change of use of land that lies within the functional floodplain (FZ3b). The EA states that land within FZ3b should not be used for the stationing of caravans, irrespective of residential or holiday use.
- 2.20 In further feedback from the EA they confirm that they have an “in principle objection” having regard to the site falling within flood zone 3b. They would not necessarily call in the application for further review if the Council considers that there is no exacerbated flood risk through the expansion of the site area and the risk can be managed through suitable conditions and legal agreements preventing further units being introduced across the whole site. The EA is aware that the Council has the opportunity to grant planning permission contrary to their recommendation.
- 2.21 It is acknowledged that allowing development in Flood Risk Zone 3b, particularly a ‘more vulnerable’ use, should ordinarily be refused and would require a compelling case in order to be granted. In this case, the use of the existing site can accommodate 120 caravans within Flood Risk Zone 3b. The proposed development would allow 120 caravans to be located across the existing and proposed site, both of which fall within Flood Risk Zone 3b, such that there would be no increase in the number of caravans. This would need to be secured by legal agreement. Consequently, there does not appear to be a greater level of harm given that there would be no increase in the number of units and the level of risk of flooding for the existing and proposed site areas is the same. In addition, granting this permission would allow additional controls regarding flood management across the site to be secured (either by condition or legal agreement). Compared with the existing situation, it is considered that this represents a modest benefit. Regard must also be had for the potential economic benefits of the scheme, through enhancing the tourism offer and the public benefit which would result (albeit, again, this benefit is only considered to attract modest weight due to the number of caravans remaining static) This is a very balanced case and particular attention must be paid to the advice of the Environment Agency. However, on balance and as a matter of

judgement, it is considered that the particular circumstances of this case indicate that an exception to usual restraint in Flood Risk Zone 3.

Drainage Matters

- 2.22 The applicants recognise that the proposed development will increase the amount of impermeable surface at the site with a resultant increase in the level of runoff. A SuDS scheme is proposed comprising a French drain network to route water to the boundary drainage ditches. The foul sewer system and capacity are said to remain unchanged.

Visual Impact on the Landscape

- 2.23 Policy DM15 states that development which would result in the loss of or adversely affect the character of the countryside will only be permitted in certain circumstances including a need to sustain the rural economy, if it cannot be accommodated elsewhere and it would not result in the loss of ecological habitats. It is noted that the caravan site has some benefits to the rural economy and that the location is immediately adjacent to the existing park. It is not proposed to remove any boundary trees or hedges so that the existing and effective screening will ensure the character of the locality is not lost or adversely affected.
- 2.24 Policy DM16 states that development that would harm the wider character of the landscape will only be permitted if it is sited to avoid or reduce harm and incorporates any necessary mitigation measures. As mentioned above a Landscape and Visual Impact Assessment was submitted in support of the application. This identified the existing character of the landscape and the likely effects of the proposal and any residual impact on visual amenity.
- 2.25 The site falls within an area of low lying landforms separated by water courses or ditches. Whilst the adjacent countryside is open with far reaching views the application site is more self-contained being screened by mature trees and established hedging. As such the proposed siting of caravans on the adjoining land would not generally be seen from public vantage points or be obtrusive at a distance in the landscape. In terms of the impact of the proposal on the wider, generally flat land it is considered that the enlarged Park area would not have a detrimental impact on the character of the landscape.

Impact on Residential Amenity

- 2.26 The application site is not adjoined by any other permanent residential properties. There is currently landscaping along the existing western boundary of the site and this is shown as remaining which would maintain the amenities of those occupying plots on the current site. The proposals will not therefore have a detrimental impact on any residential amenities.

Impact on Ecology

- 2.27 A preliminary Ecological Appraisal has been conducted to establish ecological constraints and inform a suitable site layout. An 8m buffer has been left to the Little River Stour to the north. It is stated that there will be no impact on all mature trees or hedgerows to the site boundaries. Ecological enhancement measures will be incorporated, together with sensitive lighting. Overall, the applicants state there will be a net biodiversity gain as a result of the development.
- 2.28 The council's Senior Natural Environment Officer has noted that a series of ecological mitigation and enhancement measures have been identified, including

additional planting, the creation of a new pond, installing hibernacula for reptiles and bat sensitive lighting, and has advised that these measures should be secured by condition.

3. Conclusion

- 3.1 This application has required detailed consideration having regard to a) the proposed use and its classification in terms of its vulnerability to flooding as outlined in the Planning Practice Guidance and b) the classification of the land within which the site lies as designated by the Environment Agency and its probability of flooding. In the light of the above consideration of the Flood Risk Assessment, the key issue with this application is whether the benefits of the expansion of the size of the site outweigh the risks associated with allowing this change of use of an area of land clearly identified as being at high flood risk.
- 3.2 This application is acceptable having regard to highway and visual impact matters alone. Measures would be incorporated to enhance biodiversity at the site and further details would be needed to ensure satisfactory surface water drainage. It is recognised that the proposed enlargement of the site area will lead to an improvement in the overall feel of the caravan park and will enable the applicants to provide a higher standard of accommodation for its visitors. There will clearly be social improvements from the proposals for those staying at the site in addition to the economic benefits for the owners in terms of the possibility of attracting higher paying visitors. There could also be advantages to the local economy with visits to local businesses and tourist attractions. Some employment options will be available during the construction stage and additional jobs, such as extra gardeners would be employed. With regard to environmental aspects of the development it is recognised that the proposal would not result in harm to the visual amenity of the area or cause harm to the wider landscape.
- 3.3 Whilst it is recognised that the proposal will result in social, economic and some environmental improvements, there is an outstanding objection from the Environment Agency and the proposal remains contrary to paragraphs 160, 161 and 163 of the NPPF. The EA do not consider that they could withdraw their objection, but they do recognise that a legal agreement preventing an increase in the number of units and appropriate conditions is an option that the Council could take.
- 3.4 This application must be assessed in line with the “tilted balance” at paragraph 11 of the NPPF which in the circumstances of this case requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme. It is clear that this is a finely balanced case. It is recognised that, ordinarily, siting a caravan park in an area at high risk of flooding in Flood Zone 3b should be refused; however, it is considered that in this instance the ‘harm’ would be no greater than the existing situation whilst there are opportunities to provide a modest benefit by improvement flood management and mitigation. There would also be some modest social and economic benefits to the applicant and the wider community. On balance, it is considered that a recommendation for approval could be supported given the applicants confirmation that the number of units would not be increased and provided this is covered by a legal agreement, together with safeguarding conditions.

g) Recommendation

- I PERMISSION BE GRANTED subject to the applicants or their successors entering into a legal agreement to ensure there is no overall increase in the number of

caravan units at the enlarged site and a flood mitigation and management plan is provided for the site, and subject to the following safeguarding conditions:

(1) Time limits; (2) development in accordance with the approved plans; (3) landscaping scheme; (4) the use of caravans shall be for holiday accommodation only; (5) ecological mitigation and enhancement; (6) details of a sustainable surface water strategy, including verification of the completion of the works; (7) details of surface water infiltration.

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

Case Officer

H Johnson