

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

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

11 November 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 19 November 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, Democratic Services Officer on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

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

Chief Executive

Planning Committee Membership:

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

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

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

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

4 **MINUTES**

To confirm the minutes of the meetings of the Committee held on 24 September and 29 October 2020 (to follow).

5 **ITEMS DEFERRED** (Page 5)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 6-11)

6 **APPLICATION NO DOV/20/00304 - LAND FRONTING CHAPEL HILL, EYTHORNE** (Pages 12-19)

Erection of a detached dwelling, car parking, new vehicle access and associated landscaping

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

7 **APPLICATION NO DOV/20/00566 - DELFBRIDGE MANOR, 10 DOVER ROAD, SANDWICH** (Pages 20-33)

Erection of 4 semi-detached and 4 terraced dwellings, new vehicular access, parking and associated works including the erection of cycle and bin stores and 3-metre high fencing

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

8 **APPLICATION NO DOV/19/01260 - LAND OFF CHURCH LANE, DEAL** (Pages 34-74)

Outline application for the erection of up to 14 dwellings (appearance, landscaping and scale to be reserved)

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

9 **APPLICATION NO DOV/20/00544 - MEADOW COTTAGE AND LAND REAR OF MEADOW COTTAGE, THE STREET, PRESTON** (Pages 75-92)

Erection of 5 detached dwellings, new vehicular access, associated car parking and landscaping (existing dwelling to be demolished)

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

Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **PLANNING FEES AND CHARGES 2021/22** (Pages 93-110)

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

11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

- 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, democraticservices@dover.gov.uk, 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.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 19 NOVEMBER 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)**

This application is dealt with elsewhere on the agenda

Background Papers:

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

LOIS JARRETT

Head of Planning, Regeneration and Development

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



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.

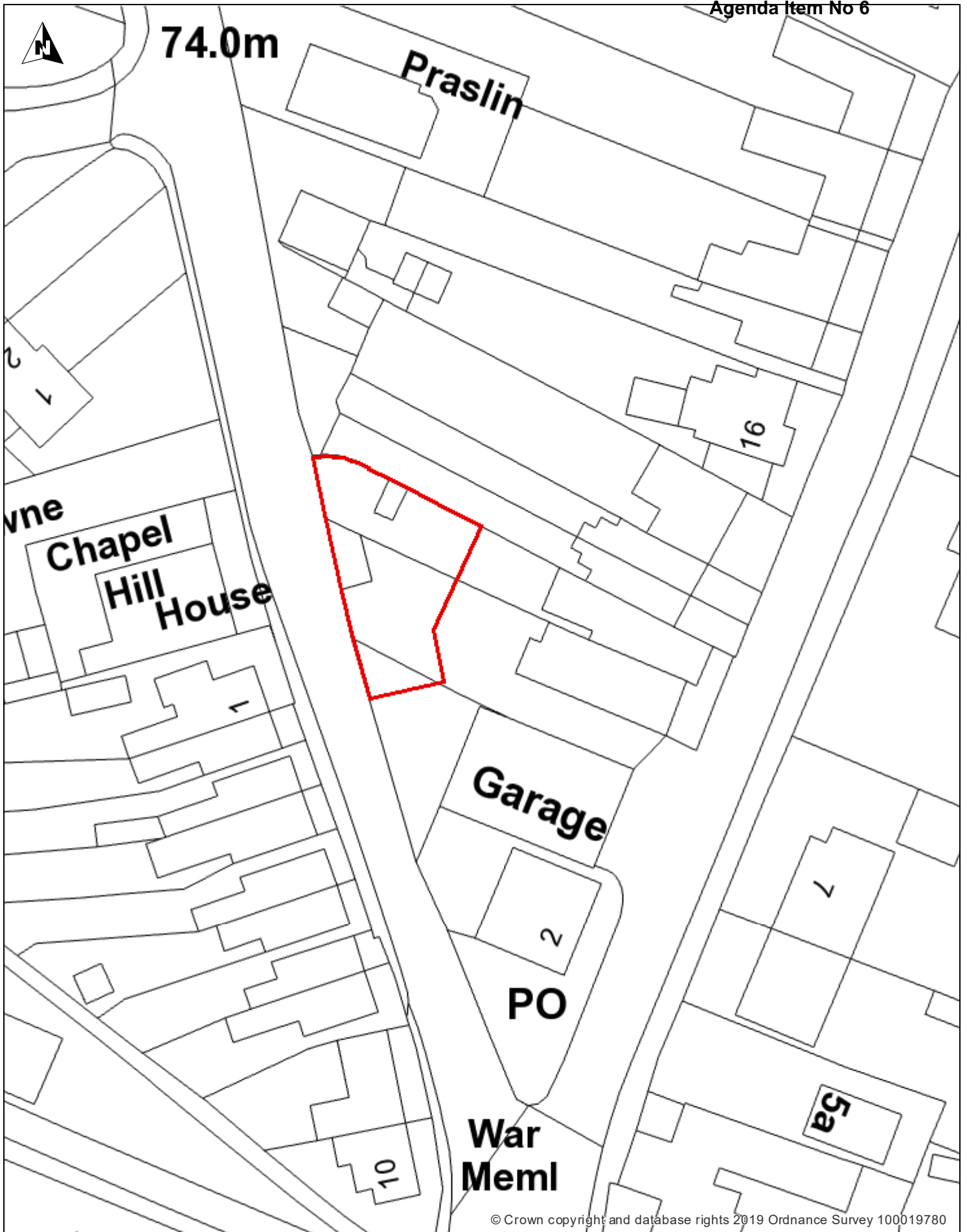
Article 14 - Prohibition of discrimination.

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.



DOV/20/00304

Fronting Chapel Hill
Eythorne
CT15 4AA

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/20/00304 – Erection of a detached dwelling, car parking, new vehicle access and associated landscaping - Land Fronting Chapel Hill, Eythorne**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be Refused.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Eythorne 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.
- 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.

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 9 promotes sustainable transport. Paragraph 108 of Section 9 seeks to achieve a safe and suitable means of access for all users.
- 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.

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**

Eythorne Parish Council: Objections are raised for the following reasons: There will be increased traffic on an already crowded and busy road. Visibility splays are not achievable, and the access is unsafe. There is concern regarding disruption to the traffic flow while building takes place. There is restricted sighting of vehicles coming down from the Eythorne roundabout direction due to heavy parking and narrowing of the road. This is a main road through the village.

Kent Highways: Raises objections - "the visibility splays shown do not appear to be achievable over land within the control of the applicant and/or the highway authority, particularly as the existing highway boundary is at the edge of the road. The length of the splay to the north has also not been specified and this splay is the most critical, as vehicles are approaching on the near side of the road." Kent Highways maintain their objections to information being further submitted by the applicant on speed surveys and sightlines.

Public Representations: There have been 21 other responses received from the public consultation exercise, 12 support the application and 9 oppose it. The objections raised can be summarised as follows:

- There is existing congestion and parking on the highway which will be exacerbated by the development
- The proposed access and its lack of visibility would prejudice highway safety
- There would be disruption and inconvenience during building works
- The proposal amounts to overdevelopment and visual harm

Those that support the application consider there to be a visual improvement, the removal of the wall at the front of the site would make the access and use of the road safer and the proposal has its own on-site parking spaces.

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

1.1 The application site falls within Eythorne village confines. It occupies the rear gardens of Nos. 6 and 8 Sandwich Road and a small section of the parking area that serves the garage at No.4 Sandwich Road, which has a frontage onto Chapel Hill. The rear gardens of Nos. 6 and 8 are elevated above the level of the highway behind a block and render wall which forms the boundary with the highway. The land within the curtilage of the garage is occupied by vehicle parking and has an existing access onto Chapel Hill.

1.2 Chapel Hill comprises mostly Victorian, two storey semi-detached cottages on its western side, leading from the roundabout at the top of the hill to No.1, opposite the site, which is a differently designed and slightly older detached two storey building called Chapel Hill House. Leading northwards from Chapel Hill House, the buildings on the western side of the road are more modern and sit further back from the highway. On the same side of the road as the application site, leading northwards, there are rear boundaries of Sandwich Road properties, some parking areas, outbuildings/garages and houses. This section of the street has a more sporadic development pattern, where buildings have

been erected in a more un-planned, ad hoc way, in the rear garden of properties to form a more loose knit and varied form of development.

- 1.3 The Victorian properties along the western side of Chapel Hill are two storeys and have ground floor bay windows. Their front elevations and fenestrations have been changed such that although the form and pattern of development is uniform, their appearance and use of facing materials have changed. The building opposite the site, No.1, is double fronted with a central doorway. It has red facing brick on the ground floor with a 'stucco' style finish to the first floor elevation.
- 1.4 The garage building located to the south is a converted industrial building and does not make a positive contribution to the mostly residential street scene.
- 1.5 Further north of the application site, the buildings have an eclectic design and appearance.
- 1.6 The proposal has been amended from its original submission, to lower the ground level and to provide additional details. However, in effect, the scheme remains the same. It comprises a two storey house that has a frontage onto Chapel Hill with a combined pedestrian/vehicle access that leads to the front of the new dwelling and to the side where two car parking spaces and bin storage are proposed.
- 1.7 A private garden area is proposed to the rear of the dwelling, with a further garden area to the side, in front of the north facing elevation of the building.
- 1.8 The house has been designed to have a main section having a square form, with a two storey 'addition' which is designed to have a subordinate appearance - having a smaller scale and being set in from the front and rear elevations and with a lower ridge line.
- 1.9 The front elevation has a two storey bay projection located centrally within the elevation with a gabled roof design, whilst the main building would also have gabled end roof designs. The windows are mostly aligned; with the ground floor windows having cills and headers and the first floor windows rising to the eaves. The building would be constructed using mainly yellow facing brickwork under a slate roof. The central bay would have its upper section rendered and coloured white.
- 1.10 The accommodation comprises a living/dining room, kitchen, study and WC on the ground floor, with 4 bedrooms and bathrooms on the first floor.
- 1.11 The building is angled on its plot to avoid its rear elevation facing directly towards Nos 6-8 Sandwich Road. The site levels will be lowered by some 1.5m, to reduce the overall height of the building.

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

- The impact upon highway safety

Principle of Development

- 2.2 The application site falls within the village confines of Eythorne. 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

- 2.6 The proposed development has a simple form with the central bay and northern 'addition' designed to reduce the overall massing of the building and to provide some visual interest.
- 2.7 The building will sit within its plot to allow separation to each boundary and garden space to the rear and side. The site levels will be lowered to ensure that the building does not appear too dominant or overbearing within the context of surrounding buildings.
- 2.8 The central bay projection is a modern design interpretation of the bay windows in the buildings along Chapel Hill. The design detail around the openings also reflects the detail around the openings in those buildings. The use of yellow facing brick and some render also draws on the use of these materials in some of these nearby buildings. The proposed building's double frontage reflects the double frontage of Chapel Hill House, whilst the two storey 'addition' has a subservient impact on the design of the main house – and is presented to appear as an extension. This has the overall impact of reducing the scale and massing of the proposal.

- 2.9 Whilst the proposed building sits on an individual, isolated plot (on the eastern side of this section of Chapel Hill), it has a simplicity in its form and design detail that reflects the properties on the west side of Chapel Hill. The height of the proposed house (on the lowered site levels) should also ensure that the building would not visually dominate the street scene.
- 2.10 In conclusion, it is considered that the application building is well-designed and its proposed articulation through the provision of cills, headers, sliding sash windows and use of materials would add visual interest to the front elevation. The existing appearance of the existing garden wall along this section of the road is undistinguished whilst the proposal provides an opportunity to enhance the prevailing character and appearance of this part of the street scene.
- 2.11 As such, it is considered that the design of the new house and its impact upon the immediate area would meet the requirements for good design as set on in the NPPF.

Residential Amenity

- 2.12 The proposed house is designed to have its principal windows in its front elevation, with the exception of Bedroom 1 on the first floor which has its principal window facing south (along Chapel Hill). The windows in the rear elevation are secondary windows and with the angle to the properties to the rear, this arrangement would not give rise to unacceptable levels of overlooking of those properties.
- 2.13 The key impact to consider under this issue is the impact upon the residential amenity of the occupiers of Chapel Hill House – because the buildings will face each other. The first floor bedroom windows in the front elevation of the proposed house would look toward the front windows in Chapel Hill House. There would be an approximate 13m separation between buildings. The proposal has been amended to take into account this particular concern and to reduce this impact. The primary windows to two of the bedrooms have been relocated to the side elevations of the new house, whilst their previous openings have been 'bricked up' to retain some form of uniformity in the design of the front of the building. The window in the projecting bay will serve a hallway and is now proposed to be obscure glazed. This leaves one window at first floor level serving proposed bedroom 3, which would provide clear glazing and a view towards the front elevation of Chapel Hill House.
- 2.14 It is considered that as only one first floor window in the proposed house will allow clear views towards Chapel Hill House, there is a 13m separation between buildings and the front elevation of Chapel Hill House already faces onto the highway – allowing passers-by views to and through windows in that property, that the proposal would not materially impact the living conditions of the occupiers of Chapel Hill House, and therefore their living conditions would not be unduly harmed.
- 2.15 In other respects, due to the height of the proposed building and its separation from other properties, the proposal would not be overbearing or give rise to any material impact upon the living conditions of the occupiers of nearby properties.
- 2.16 In conclusion, it is considered that overall, the living conditions of the occupiers of nearby dwellings would not be unduly harmed by the proposal.

Highway Impact

- 2.17 The proposed development will accommodate two parking spaces on the site, which is in a location central to the village. This provision of on-site parking is considered to be acceptable, according with the requirements of policy DM13.
- 2.18 The proposal uses part of an existing access that serves the garage, where the visibility of vehicles coming from the north is hindered by the height of the rear garden wall currently on the application site. Notwithstanding, the applicant does not control land that is required for suitable visibility splays to serve the new dwelling and as such has failed to demonstrate that the proposed access arrangements would not be harmful to highway safety.
- 2.19 The NPPF advises, at paragraph 109, that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. As it has been concluded that the development would harm highway safety, and given that there is no solution which could be secured (including by conditions), it is considered that the development is contrary to the NPPF and must be refused.

Other Matters

- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 Overall Conclusions

By virtue of the relevant Development Plan policies not being up-to-date, it is considered that the ‘tilted balance’ (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.

- 2.24 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the village confines within reasonable walking and cycling distances of the village's facilities and amenities. Its location would meet the requirements of the Development Plan and is supported by the NPPF. With regard to the objective of achieving good design, it is considered that the proposed development would not have an adverse impact – rather, it would make a positive contribution to the quality of the street scene. Its location within the village, close to existing amenities and facilities, would be 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.
- 2.25 Set against the above, the proposal is unable to secure or provide adequate visibility splays for the proposed access arrangements and there is a concern that this would result in harm to highway safety. This harm, which is supported by an objection from KCC Highways, is considered to significantly and demonstrably outweigh the other benefits arising from the scheme with the conclusion being that planning permission should be refused.

g)

Recommendation

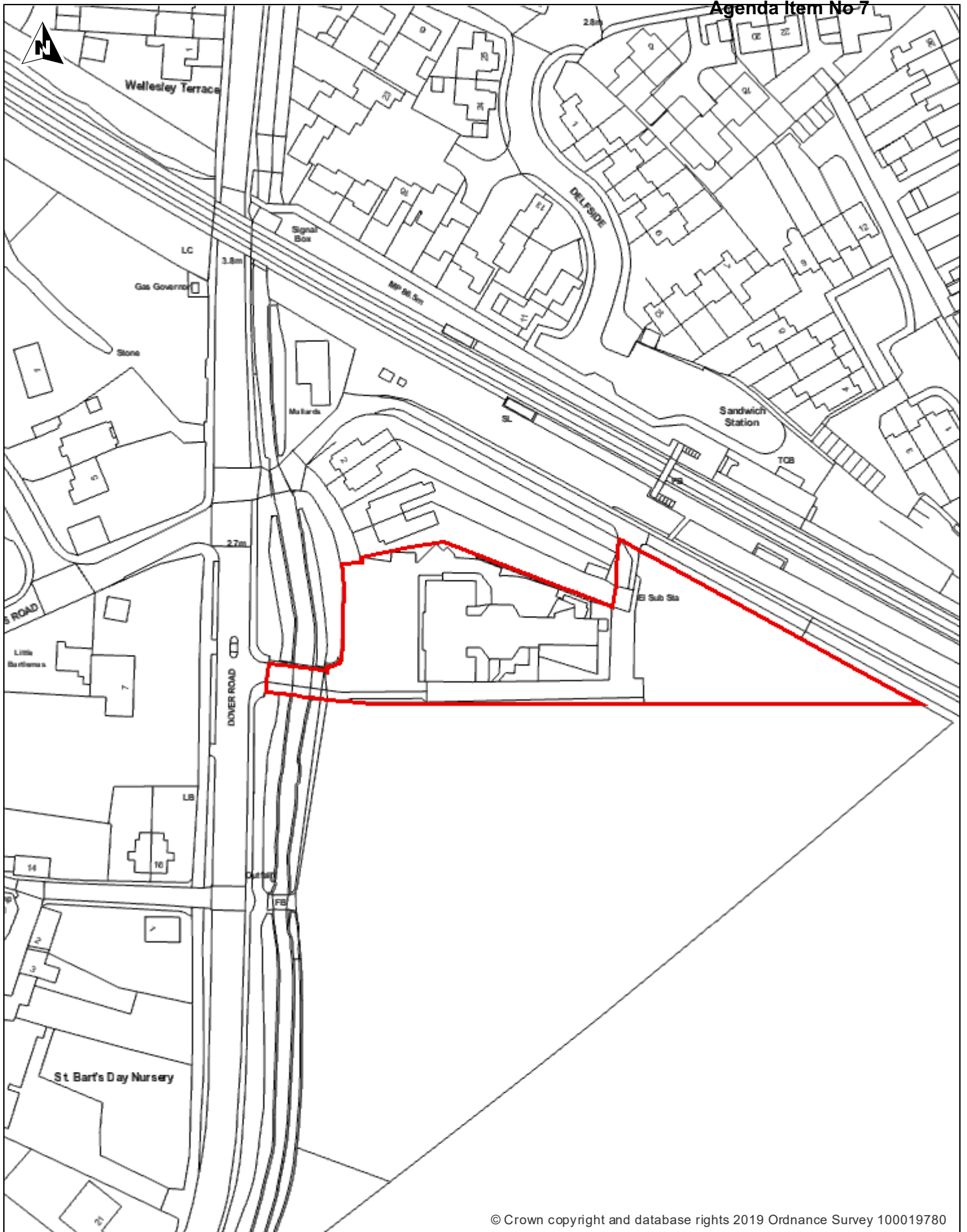
- I PERMISSION BE REFUSED for the following reason:

The proposed development is unable to secure or provide suitable visibility splays to serve the development and as a result the proposed access to the site would not achieve a safe or suitable means of access for all users, contrary to Paragraph 108 of the National Planning Policy Framework.

- 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



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DOV/20/00566
Delfridge Manor, 10 Dover Road
Sandwich
CT13 0BN

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/20/00566 – Erection of 4 semi-detached and 4 terraced dwellings, new vehicular access, parking and associated works including the erection of cycle and bin stores and 3-metre high fencing - Delfbridge Manor, 10 Dover Road, Sandwich**

Reason for report – Number of contrary views (6)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

CP6 – Infrastructure

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 – Protection of the Countryside

DM16 – Landscape Character

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 states 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) seeks 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/12/00700 – Change of use and conversion to 10 flats – Granted
DOV/15/00344 – Erection of three no. one bedroom flats and five no. two bedroom flats in two blocks with associated vehicular access – Refused
DOV/15/00992 – Erection of 2no. two storey linked buildings incorporating 8no. flats with associated car parking – Refused – Appeal Allowed
DOV/19/00733 – Erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing – Granted

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

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

Sandwich Town Council – No response received.

KCC Highways and Transportation – Have no objection in principle bearing in mind the extant permission for 8 dwellings on the site. Whilst I would prefer to see some additional parking for the three bedroom dwellings, the amount of parking proposed complies with policy DM13 in this edge of town centre location. Conditions for the following are suggested: provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including

only one space being provided at the rear of the site as shown; provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing; vehicular access to the rear of the site restricted to the user of the designated disabled parking space only; submission of a construction management plan before the commencement of any development on site to include: routing of construction and delivery vehicles to/from site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities, temporary traffic management/signage, access arrangements. Request that one of the proposed parking spaces is fully fitted out to enable charging of electric vehicles, with an additional space fitted with ducting etc to enable conversion for vehicle charging in the future. On receipt of amended plans, confirmed they had nothing to add to previous comments.

Environment Agency – Have assessed this application as having a low environmental risk and therefore have no comments to make. The applicant may be required to apply for other consents directly from the EA and is advised to contact the EA to establish whether a consent will be required (contact details to be included as an informative). On receipt of amended plans, commented they maintained their previous position.

Network Rail – have no comments to make in relation to any material planning considerations for this proposal. Network Rail would like to take this opportunity to make the applicant aware that the road proposed to access the site is within Network Rail's ownership and the applicant will need to contact Network Rail in relation to this and go through the clearance process (response to be included as an informative).

Southern Water – Requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. An informative in relation to SUDS (to be included on the decision notice should permission be granted) is recommended and a condition requiring details of the proposed means of foul and surface water sewerage disposal, to be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, prior to the commencement of the construction of the development is suggested. On receipt of amended plans, confirmed their original response remained valid and unchanged.

KCC Archaeology - The proposed development site is situated just outside the historic core of the medieval town of Sandwich alongside Dover Road. In the late twelfth or early thirteenth century the medieval hospital of St Bartholomew's was founded on the opposite side of Dover Road from the site in question. The site therefore lies outside the primary area of medieval development. That being said the site is still of archaeological potential. There may be evidence for road-side activity and rubbish dumping associated with the medieval town and archaeological works along the road frontage in 2005 revealed archaeological deposits of fifteenth and seventeenth century date alongside the Delf Stream. There is also the potential for presently unknown archaeological remains to be present that predate the medieval town and I note that significant numbers of Roman coins (as well as Bronze Age metalwork) have been recovered from fields to the south-east of the application site. It is possible that the proposed development works may impact upon remains of archaeological interest and a pre-commencement condition for a programme of archaeological work to be submitted is suggested (and included at the end of this report).

Environmental Health – Do not object to the development. Note the noise report (KP Acoustics Report 12286.NIA.01 Rev.C 03/03/2015) submitted in support of this application. Whilst the report was completed in 2015, an update has been provided by Daniel Green, Member of the Institute of Acoustics and the conclusions of the report are accepted both for the noise and vibration concerns.

Public Representations:

6 members of the public have objected to the proposals (as of 9th November 2020) and the material considerations are summarised below. Matters such as impact on an individuals' property value, loss of views etc are non-material considerations and are not included below.

- Access - access road proposed is owned by British Rail, used as a service road for the railway and as access for disabled and parents with prams who cannot cross the over line bridges. Concerns are raised regarding rights of access for the track, also used by two farms throughout the year. No passing places and single file (approximately 4m wide) with a blind bend before coming out on the Deal/Sandwich Road. Anyone coming down the track in a vehicle has to reverse roughly 150m past the footpath entrance to the railway and past the proposed exit/entrance to the new development. Large numbers of school children arrive by train between 8.00-8.30 and 15.00-16.00. Concerns regarding safety if farm vehicles had to reverse with school children, disabled users and parents with prams using track.
- Safety concerns regarding use of access track if more traffic were to use it and pedestrian safety
- Concerns the use of the track to serve 8 new properties would generate many more vehicle movements, including service vehicles, which may have difficulties turning within the development.
- Existing established trees provide a high degree of privacy, significant screening and landscaping are proposed to be removed. Tree survey should be undertaken
- Removal of trees, screening and privacy would be directly affected by the development
- Development site is affected by surface water flooding. Flood risk assessment should be undertaken accordingly
- Concern regarding disturbance and disruption of construction and delivery vehicles to and from site, including parking and turning areas for construction and deliveries, dust, dirt and timings of construction and deliveries
- Previous proposals at the site for fewer dwellings and further from neighbouring properties, not requiring removal of trees.
- Loss of outlook (would be looking out onto brick walls where currently there are lime trees)
- Trees are home to birds, squirrels and other wildlife
- Concerns regarding proximity to Delfbridge Manor
- Loss of trees that currently provide privacy and environmental issue of removing trees
- Maintenance implications have already been discussed at Residents Association meetings and it has been agreed to maintain them (the trees)
- Houses should be reconfigured to move them further away from the existing building and allow the retention of those trees and the screen it provides
- Provision in lease for additional parking for flats 9 and 20 at the northern rear ground area
- Only one parking area for disabled is provided, all other parking is designated at the front which will involve all the new residents having to carry all their shopping via the pedestrian access on our leases
- Other concerns regarding compliance with building regulations in 2014 plans (for another property)

1. The Site and the Proposal

- 1.1 The application site relates to a plot of land to the east of Dover Road. The site is located outside of the settlement confines identified in Policy DM1 and is therefore (technically) considered to be within the countryside (subject to DM15). It comprises a flat, triangular parcel of disused land to the rear of a large building (Delfbridge Manor) which contains residential flats (previously used as Council Offices and a Nursery). The site is bounded by agricultural fields to the south and a track to the north, which runs parallel to the railway track and leads to the fields to the rear (southeast) of the site.
- 1.2 This application seeks permission for the erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing. The design and positioning of the dwellings has been amended from that originally submitted, with the dwellings positioned further from the west site boundary in order to avoid the loss of a row of established lime trees which separate the site from Delfbridge Manor (to the west). The revised design has been re-advertised and subject to further consultation accordingly.
- 1.3 The proposed dwellings would be finished in facing brickwork with tile and slate roofs and painted timber windows and doors. Units 1, 2, 4 and 5 would be two and a half storeys in height and would contain three bedrooms (one in the attic) and house six people. Units 3, 7 and 8 would be two storeys in height, with two bedrooms for four people and unit 6 would be two storeys in height containing one bedroom for two people. Each dwelling would have a private garden to the rear (enclosed by fencing), would have off-street parking, shared secure cycle storage (for 12 cycles) and refuse storage. One disabled parking space would be provided (adjacent to unit 6).

2. Main Issues

- 2.1 The main issues for consideration are:
 - The principle of the development
 - Planning history of the site
 - 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 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development

should be restricted. It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.

- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out of-date and, as a result of this, should carry only limited weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. There is some tension with the NPPF which provides a more flexible approach, particularly at an edge of settlement location such as this. While the policy broadly accords with the NPPF's objective to actively manage patterns of growth to support the promotion of sustainable transport, the strict application of the policy in this context is inconsistent with the NPPF and as such the policy should attract significantly less weight.
- 2.6 Policy DM15 seeks to avoid development which would result in the loss of, or would adversely affect the character or appearance of the countryside, unless it is in accordance with allocations made in Development Plan Documents, justified by the needs of agriculture, justified by a need to sustain the rural economy or a rural community, or it cannot be accommodated elsewhere and would not result in the loss of ecological habitats (provided measures are incorporated to reduce any harmful effects on countryside character). Parts of DM15 can be regarded as being inconsistent with the NPPF (for example, the universal opposition to "loss of countryside"). DM15 also talks about the "character and appearance" of the countryside being important, whereas the NPPF seeks to protect "character and beauty". In the circumstances therefore, Policy DM15 should be afforded less than full weight.
- 2.7 Policy DM16 seeks to avoid development which would harm the character of the landscape as identified through the process of landscape character assessment, unless it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. This policy is also considered to be in line with the objectives of the NPPF and is therefore not considered out-of-date and should continue to attract significant weight.
- 2.8 From the foregoing, Policies DM1, DM11 and DM15 are to varying degrees not up to date. Together with Policy DM16, these are the most important policies for assessing the application. Taken together and given the importance in particular of Policy DM1, it is considered that the 'tilted balance' (paragraph 11, NPPF) is engaged. As such, the application should be assessed in the context of granting development unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 2.9 Whilst the site is located outside the settlement confines of Sandwich, it is in close proximity to the confines (approximately 50m from the settlement boundary identified in Policy DM1) and is not considered to be an isolated dwelling as identified in Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018]. In respect of Policy DM11, the site is within walking distance of the Town Centre and local services, which are accessible entirely via public pavement. The site benefits from good links to public transport, with bus services available on Dover Road to the west of the site and Sandwich Train Station is located on the opposite side of the access road to the north of the site and provides high speed train links to London. As such, the site is considered to be in a sustainable location, well served by a range of means of public transport and therefore in accordance with the objectives of Policy DM11 and the NPPF.
- 2.10 With regard to previous planning history, the application site is the subject of a previous planning application for the development of 8 flats which was allowed at appeal in May 2017. Whilst this permission has lapsed, more recently, planning permission was granted for the 'erection of 4no. semi-detached and 4no. terraced dwellings, new vehicular access, parking, associated works including the erection of cycle and bin stores and 3m high fencing' (planning reference DOV/19/00733 Granted 28th August 2019). This application is still extant and could reasonably be implemented. The appeal decision (to approve residential development on the site) is an important material consideration. More so, the current extant planning permission for 8 dwellings, which is considered to be a realistic fall-back position which must be afforded substantial weight as a material consideration.
- 2.11 The principle of residential development on the application site has therefore been established and is considered acceptable, subject to an assessment of the development of all other material respects, including impact on visual and residential amenity.

Planning History of the Site

- 2.12 As discussed, planning permission for the erection of 4no. semi-detached and 4no. terraced dwellings (and associated vehicular access, parking, cycle and bin stores, fencing and other associated works) was granted under application DOV/19/00733. The dwellings were to be constructed of facing brickwork, with tile and slate roofs and painted timber windows and doors. This accords with what is now proposed under the current application. There would have been four 3 bedroom (6 person) dwellings, three 2 bedroom (4 person) dwellings and one 1 bedroom (2 person) dwelling, which is the same housing mix as proposed under the current application. The access, parking, cycle storage and refuse/recycling storage arrangements proposed under the current application are also the same as previously approved. There would be a separation distance of approximately 7.1m between the closest proposed dwelling and Delfbridge Manor; the same distance as previously approved. The main change to the proposals is that the width of the dwellings has been increased and the depth has been decreased. Under the current scheme proposed, Units 1, 2, 3, 4, 5, 7 and 8 would measure approximately 11.1m in depth and Unit 6 would measure approximately 7.56m in depth. Units 1, 2 and 3 would be aligned. Units 4 and 5 would be set approximately 0.6m further forwards (north) of Units 1, 2 and 3, and Unit 6 would be set approximately 5.1m back from the front build line of Unit 5. Units 7 and 8 would be set at an oblique angle, with the rear elevations facing southeast. The width of the dwellings proposed under this application would vary from approximately 4.3m to 5m.

- 2.13 Due to the previous planning history of the site (where residential development had been considered acceptable at appeal by a Planning Inspector), the development was found to be acceptable in principle and due to the siting, scale and design of the dwellings, the development was considered acceptable in respect of visual and residential amenity.

Impact on Heritage Assets

- 2.14 The application site is to the south of Sandwich Railway station, which contains three Listed Buildings; Sandwich Railway Station, Footbridge and Passenger Shelter; all of which are Grade II Listed. On the opposite side of Dover Road, and a significant distance from the site of the proposed dwellings is St Barts Conservation Area, which contains several Grade II and II* Listed Buildings. A design and access and heritage statement has been submitted assessing the impact on these heritage assets in accordance with paragraph 189 of the NPPF.
- 2.15 In respect of the impact of the proposals on the significance of the setting of the St Barts Conservation Area and the Grade II and II* Listed Buildings on the west side of Dover Road, the proposed dwellings are not considered to affect the setting or significance of these heritage assets due to their siting (to the rear of the large detached Delfbridge Manor) and separation distance. Consequently, the proposals would preserve the character and appearance of the Conservation Area in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.16 With regard to the impact of the proposals on the Listed Buildings at Sandwich Railway Station, the site is separated from these by a private roadway (which would be used to access the site as well as fields to the rear of the site). This is bounded by a tall dense hedgerow of trees and shrubs which together provide a substantial level of screening. As identified in the Inspectors' Report for the allowed appeal against the refusal of DOV/15/00992 (APP/X2220/W/16/3166825), these heritage assets are understood and appreciated in the context of the linear railway line, rather than their wider surroundings. The proposals would be largely screened from view of the railway station throughout the year by intervening trees and as such, would be only glimpsed from the Grade II Listed Footbridge. The plans submitted indicate that these trees would be retained, and the siting of the proposed dwellings would not necessitate their removal. Given this screening, as well as the separation distance from the Listed Buildings, the proposals preserve the setting of the listed buildings and, consequently are not considered to result in harm (either substantial or less than substantial) to the significance of the heritage assets, in accordance with the NPPF. As such, the development is considered to preserve the settings of the Listed Buildings in accordance also with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the Countryside and Landscape Area

- 2.17 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'.

- 2.18 The proposed dwellings would be sited to the rear of Delfbridge Manor; a three storey detached building comprising 10 flats. Due to the location of the site and open fields to the south, there would be distant views of the development from the south of the site. The development has been designed to reflect the diverse nature of dwellings in this part of Sandwich and would be finished in facing brick with tiled roofs of varying heights. First floor rear balconies have also been incorporated to replicate the balconies on the south elevation of Delfbridge Manor. The development would be seen as a continuation of the existing buildings on the western part of the site, although significant planting and screening would be installed along the southern boundary of the site which would reduce the visual impact of the proposals. Subject to the imposition of conditions regarding the design and landscaping, which are required in the interests of visual amenity, the development is considered unlikely to result in significant harm to the character and appearance of the countryside and wider landscape area and would accord with Policies DM15, DM16 and with the aims and objectives of the NPPF.

Impact on Residential Amenity

- 2.19 Due to the siting and scale of the proposals, the new dwellings would be most visible from the flats within the rear (east) part of Delfbridge Manor. This building has several windows on the rear (east) elevation; however, it is separated from the site by fencing and a number of tall dense trees which would be retained. Unit 1, which is the westernmost dwelling proposed would have only two windows at first floor level on the flank elevation and would serve non-habitable rooms. Furthermore, views towards Delfbridge Manor from the proposed first floor rear balcony would be restricted by the line of trees, such that views would be of the adjacent communal garden. As such, the proposed development is considered unlikely to result in direct interlooking or overlooking and would therefore preserve the privacy of the occupiers of the adjacent flats within Delfbridge Manor.
- 2.20 Due to the separation distance from other nearby properties, the proposals are considered unlikely to result in significant harm to the privacy of other surrounding residents. For the same reasons, and due to the scale and design of the proposals, the development is considered unlikely to result in a significantly overbearing impact on the residential amenities of surrounding occupants. Furthermore, taking into consideration the scale of the proposed dwellings, distance to surrounding properties and trees and vegetation surrounding the site, the development is considered unlikely to result in significant overshadowing or loss of light to the amenities of surrounding residents. In this respect, the proposals would accord with Paragraph 127 of the NPPF which relates to amenity.

Amenity of the Proposed Occupiers

- 2.21 Each dwelling would have a private garden, off street parking and secure cycle storage. Whilst being at the edge of the Town and located outside of the settlement confines, the site is in a residential area and noise and vibration reports have been submitted demonstrating future occupants would be unlikely

to experience significant noise or disturbance from the nearby train station (discussed further below). The units would contain well-proportioned rooms, access to balconies, main living areas and south facing gardens benefitting from direct sunlight throughout the day. Consequently, in accordance with Paragraph 127 of the NPPF, the development is considered to provide a high standard of amenity for future occupants.

Other Material Considerations

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

- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Other Matters

Impact on Parking/Highways

- 2.28 Each dwelling would have one private parking space within the site. Whilst on-street parking in this section of Dover Road is not restricted, it is generally limited to the western side only, due to the width of the road and its heavy use, as the main route into Sandwich Town centre. Parking is available in some nearby roads to the west and north (on the other side of the railway line), however this is limited and near to existing saturation. Parking within Sandwich is generally subject to parking controls with either time restrictions or parking permit systems in place. As such, it is, on balance, considered that the parking requirements for the site should accord with the 'edge of centre' requirements set out in Policy DM13. Given that each dwelling would have one parking space and off-street visitor parking is available, the development is considered to accord with the requirements of Policy DM13. Furthermore, the site is within walking distance of the town centre and associated shops and amenities, as well as having excellent access to public transport with Sandwich Station located to the north of the site and bus services available from Dover Road (directly to the west of the site). Secured cycle storage would also be provided as part of the development and as such, it is reasonably considered that occupants would likely be less reliant on private motor vehicles for day to day journeys.
- 2.29 Seven parking spaces would be allocated to the proposed development within the car park to the front (west) of Delfbridge Manor. There would be three visitor parking spaces and ten parking spaces retained for residents of Delfbridge Manor. One disabled parking space is proposed within the eastern half of the site, which would be accessed via the shared track to the north. It is of note that this parking arrangement is the same as allowed at appeal under application DOV/15/00992 and under the more recent application DOV/19/00733 and that whilst parking spaces were required to be provided under condition 7 of DOV/12/00700, this did not specify the number or location of parking spaces, or that these should be restricted for occupants of Delfbridge Manor only. In respect of the access track which would give access to the disabled parking space, this track is used by vehicles to access the agricultural land to the rear (southeast) of the site, by network rail in relation to the adjacent train station and to access a garage to the rear of one of the properties to the northwest of the site. Whilst the use of the lane by one vehicle would generate additional movements it would be extremely limited. In order to prevent occupants from creating driveways or parking spaces adjacent to their properties, which would result in the increased use of the shared access road, a condition restricting this is suggested accordingly. KCC Highways and Transportation raises no objections to the proposals and therefore, subject to the suggested conditions, the development is considered unlikely to result in significant harm to highways and pedestrian safety.
- 2.30 KCC have requested that one of the proposed parking spaces is fully fitted out to enable charging of electric vehicles and an additional space is fitted out with ducting to enable conversion for vehicle charging in the future. 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. That said, in line with our emerging policy approach it is proposed that a condition be imposed requiring cabling to serve one of the spaces within the car park and the disabled parking space to enable the installation of vehicle charging points in the future.

Impact on Flood Risk

- 2.31 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 and the Environment Agency has been consulted, advising that the application has a low environmental risk. 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.

Drainage

- 2.32 Southern Water was consulted on the application and advises that a formal application for a connection to the public foul sewer would need to be made by the applicant or developer. They request a condition is imposed for details of surface water and foul sewerage drainage to be submitted should permission be granted, as well as an informative. Both conditions are included in the recommendations of this report.

Noise/Vibration

- 2.33 The site is within relatively close proximity to Sandwich Train Station, which has regular high-speed train services to London. Given its proximity, both noise and vibration studies have been submitted. These find that the proposed dwellings would be unlikely to experience significant/unacceptable levels of disturbance from noise or vibration, supported by the comments of Environmental Health. As such, the proposals are considered acceptable in this respect.

Trees

- 2.34 Concerns have been raised by third parties in respect of the loss of trees. As discussed at paragraph 1.2, the siting of the proposed dwellings has been amended from that originally advertised, such that the dwellings would be sited approximately 7.1m from the closest part of Delfbridge Manor and the line of trees between this building and the proposed development would now be retained. The amended design of the proposal has been re-advertised; however no further comments were received at this second advertisement stage. In order to ensure the protection of these trees and to enhance the character and appearance of the site, a condition for the development to be carried out in such a manner as to avoid damage to the existing trees is suggested. Subject to this, it is considered there would be no adverse impact on trees.

Contributions

- 2.35 The application proposes the erection of eight dwellings. The threshold for the provision of affordable housing required by Policy DM5 includes sites of more than 5 units; however, subsequent guidance within Planning Practice Guidance states that "Planning obligations for affordable housing should only be sought for residential developments that are major developments". Having regard for this advice, as the development is not a major development, it is considered unreasonable to require that the development provide affordable housing or a contribution towards off-site affordable housing. Likewise, this lower limit in the guidance also relates to other tariff style planning obligation (s106 obligations)

and as such, this application will not be required to make this contribution. No requests for contributions towards infrastructure have been received. In the absence of any evidence that specific infrastructure is required to make the development acceptable in planning terms, it is considered that the development complies with policies CP6 and DM27 of the Core Strategy.

3. Conclusion

- 3.1 The application site is located outside of the settlement confines, and the creation of residential development in this location is therefore contrary to Policy DM1. However, planning permission has previously been granted for residential development at the site. This permission is extant, could reasonably be implemented, and as such, is a fallback position and is a material consideration which is considered to attract significant weight. In light of the tilted balance approach applied under Paragraph 11 of the NPPF, and as discussed above, the development is considered to accord with Policies DM11, DM15 and DM16. The development is considered to accord with the sustainable development objectives of the NPPF and is acceptable in principle.
- 3.2 For the reasons outlined in this report, the development is considered acceptable in respect of impact on the countryside and landscape area, impact on the significance of the setting of designated heritage assets, and impact on the residential amenities of nearby residents. 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:

(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of soft and hard landscaping (including boundary treatments) and schedule of planting (5) development shall be carried out in such a manner as to avoid damage to the existing trees, their root systems and other planting (6) provision and retention of refuse and bicycle storage (7) provision and retention of vehicle access and parking space and restriction of access to the rear of the site to the user of the designated disabled parking space only (8) submission of a construction management plan (9) details of surface water disposal (10) details of foul sewerage disposal (11) programme of archaeological work (12) cables for EV charging points (13) removal of permitted development rights for Classes B and C of Schedule 2, Part 1 of GPDO (14) no vehicle hardstandings shall be created within front gardens to prevent use of the access by vehicles

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/19/01260
Land Off Church Lane
Deal

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/19/01260 – Outline application for the erection of up to 14 dwellings (appearance, landscaping and scale to be reserved) - Land Off Church Lane, Deal**

Reason for report: Report back following deferral at Planning Committee meeting on 3 September 2020.

b) **Summary of Recommendation**

Planning Permission be Granted subject to conditions and S106 agreement.

c) **Planning Policy and Guidance**

Please refer to the report attached as an annex.

In addition, the following are relevant:

Kent Minerals and Waste Local Plan 2012 -2030 Policies

DM7 – Safeguarding Mineral Resources:

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

1. the mineral is not of economic value or does not exist; or
2. that extraction of the mineral would not be viable or practicable; or
3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
6. it constitutes development that is exempt from mineral safeguarding policy, or
7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.

DM8 – Safeguarding Minerals Management, Transportation Production & Waste Management Facilities:

Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, in certain, specified circumstances.

Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced

to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed.

National Planning Policy Framework (NPPF)

In addition to the paragraphs listed in the previous report:

- Paragraph 206 says that LPAs should not normally permit other development proposals in Minerals Safeguarding Areas if it might constrain potential future use for mineral working.

d) Relevant Planning History

Please refer to the report attached as an annex.

e) Consultee and Third-Party Responses

Please refer to the report attached as an annex.

Additional comments received since publication of the previous Agenda:

Sholden PC – Objects.

Summary

1. The application should be refused on the grounds of policy and material considerations.

2. The applicant, after the deferral for further information at the planning committee on 03 September, has submitted various documents/correspondence providing the further information requested by Members of the Planning Committee.

3. Sholden Parish Council makes the following summary observations on the new submissions by the applicant (in particular on the Sustainability Note):

(i) the Objectives in the Sustainability Note seem to have been “cut and pasted” from a document created by Ashford Borough Council in 2018. Some of the wording bears a remarkable resemblance to the housing policies in the Ashford Local Plan – <https://www.ashford.gov.uk/media/jw3nbvq1/adopted-ashford-local-plan-2030.pdf>. Please see page 209. At the risk of stating the obvious, Sholden is not in the Borough of Ashford

(ii) the Sustainable Objectives submitted by the applicant are not based on the three overarching interdependent objectives/definitions detailed in paragraph 8 of the NPPF. Attached at Annex A are the Sholden Parish Council sustainability concerns based on the correct NPPF sustainable policies.

3. Even after this “new” information, the proposed development still breaches policies DM1, 12, 15 and 16 and, as already proven, the “tilted balance” is not engaged (for more detail on these breaches please see our letter of 27 November).

Detail

Sustainability

4. Notwithstanding that it seems as though the applicant has copied either partly or in full Housing Policies HOU5 (a), (c), (d) and (e) from the Borough of Ashford Local Plan (see above), Sholden Parish Council has the following comments:

Sustainable Objective 1 (Ashford Housing Policy 5 (a))

5. We note the applicant's statement that this proposed development represents an "infill" opportunity. It is the understanding of Sholden Parish Council that an infill is "the development of a relatively small gap between existing buildings". This is not the case here. The proposed development is not being built between existing buildings.

6. The applicant also states that the current available services will be able to accommodate the proposed development in conjunction with other planned and committed development. No evidence for this statement has been presented. Please also see paragraphs 8 and 9 below.

7. Section 106 contributions towards education and health do not necessarily go to health or educational establishments in the area.

Sustainable Objective 2 (Ashford Housing Policy 5 (c))

8. As above, unfortunately, the applicant has not dealt with the wider developments happening adjacent, nearby or proposed which will considerably impact on vehicle movements and road safety. Currently, there are two extant developments totalling nearly 100 more dwellings not including a 64bed care home. There is another outstanding planning application for over two hundred houses on the boundary of sholden parish.

9. Sholden Parish Council was informed on 14 October that a planning application for 250 dwellings would probably be submitted "before Christmas". Such a development will, as with this application, further exacerbate vehicle, road safety and sustainability issues.

Sustainable Objective 3 (Ashford Housing Policy 5 (d))

10. We note that it took the applicant three different attempts to get correct the three nearby primary schools. In their efforts to get that right, they have neglected to say that there is no capacity at these schools for any more children. Parents will have to drive to schools much further away for their children's education.

11. In today's modern age, people shop on the Internet and goods are delivered by vehicle – adding more traffic to roads. In addition, whilst the nearest two large supermarkets are 1.6km away, not many people are going to carry their weekly shopping that far back home. They will use their cars.

12. The applicant indicates that it is committed to a "sustainable travel plan". That has not been submitted. Readers of this objection will know what happened to the planned electrical charging points at Aldi's supermarket.

Sustainable Objective 4 (Ashford Housing Policy 5 (e))

13. Sholden Parish Council rejects the assertion that there will be biodiversity gains. The ecological appraisal submitted on 14 October does not appear to have been reviewed and agreed by Dover District Council. Our view is that the development, far from conserving the natural environment, is going to lead to the potential destruction of local biodiversity. Sholden Parish will lose more of its biodiversity in a time when nature is in a state of crisis. No amount of compensation can make up for its destruction.

14. In addition, the Deal/Sholden/Sandwich area will become more suburbanised with fewer 'wild' or 'natural' spaces. The issue of suburbanisation is important since the result will be an increase in car journeys, an increase in greenhouse gas emissions and decrease in air quality.

15. An important factor in any major development is its effect on greenhouse gas emissions and its contribution to meeting climate change targets. The destruction of natural habitat removes carbon sinks and building in an unsustainable location requires people living in the new development to travel to work, shops, schools, cultural activities, doctors' surgeries etc. etc. The more car journeys, the more greenhouse gas emissions. This Church Lane proposed development has three effects (i) the destruction of biodiversity (ii) the destruction of a carbon sink and (iii) an increase in greenhouse gas emissions. The National Planning Policy Framework paragraphs 103 and 149 are clear on the need for policies to mitigate climate change by both reducing the need to travel and also by not destroying carbon sinks. Just taken by themselves these paragraphs of the NPPF are sufficient grounds for refusing the application.

Access

14. At the time of writing, there has been no reply from the Kent Fire Service concerning access to the proposed development by Fire pumps.

15. There still appears to be confusion about access from the junction of Hancock's Field/Hyton Drive to the proposed development. It seems to be agreed that this will be a private road. KCC (Highways) are not adopting it. Private roads do not belong to the local authority and it is not their duty to maintain them, they are unadopted roads. Sholden Parish Council assumes that since KCC (Highways) will not maintain that part of Hyton Drive, that responsibility will fall to local residents. There appears to have been no consultation with those residents – the owners of properties which front that unadopted road will be responsible for paying for any repairs or maintenance required. If they do not want to do that, then there is a major problem with access to and from the proposed development.

Previous planning commitments

16. It has been brought to the attention of Sholden Parish Council that previous planning consents surrounding the major development of Timperley Place would maintain a clear view of St Nicholas Church (A Grade II* Listed Building). This proposed development will breach those previous commitments.

Comment and Conclusion

17. Sholden Parish Council finds the fact that the applicant appears to have used Housing Policies (their claimed Sustainable Objectives) from the Borough of Ashford Local Plan 2030 without referencing Ashford Council rather odd. But odder still, is why use objectives from a district which bears no relation to Sholden Parish.

18. Sholden Parish Council fully understands that Local Government can (and at times should) help central government deliver government policy – especially on housing. But in the case of housing, dwellings must be built in the right numbers, in the right places, to correct standards and in compliance with Core Strategies/Local Plans and Policies and/or the NPPF. In this case, the proposed development fails on both breaches of the Core Strategy and on NPPF sustainability criteria and other policies.

Annex A

NPPF Section 2: Achieving Sustainable Development: Paragraphs 8 and 9

The proposed development does not meet the requirements of these two paragraphs, namely

Economic – the applicant has not provided any evidence to substantiate their claim that the proposed development will have “significant benefits for the local and national economy” (paragraph 6.24 of their Planning Statement). It is quite preposterous to claim that a 14-dwelling development on the edge of Deal is going to impact the national economy! In addition, the jobs created during the construction will, by definition, be very temporary. Whilst the occupants of the 14 dwellings may well pay Council Tax, they are paying for services and thus are consumers of services that the Council must supply. That is not an economic benefit. It is quite simply a transaction. In effect the additional Council Tax will not economically benefit Dover District Council.

Social – the applicant has not provided any evidence to substantiate their claim that the households will contribute to the social fabric of the area. Sholden Parish Council would argue that, to the contrary, slotting in a small, but major, development on the proposed site could actually alienate those residents – being stuck between Hyton Ward, the proposed Churchfield Farm development and Sholden Village could lead to isolationism and create the problems linked to isolated communities. This isolation is an adverse effect of the proposed development and further breaches NPPF paragraphs 91 a) and 92 e).

Environment - there is nothing in the Planning Statement that indicates that this proposed development will help mitigate the effects of climate change or assist DDC in its quest reduce carbon emissions. Indeed, the applicant themselves have stated that some recently planted tree saplings will have to be uprooted if the proposed development goes ahead.

Deal TC – No further response received to date.

Environment Agency – No further comments to make.

KCC Flood and Water Management – Having reviewed the latest information submitted we are satisfied that the principles proposed, namely infiltration to ground where possible and where not possible to discharge to neighbouring drainage network, do not increase the risk flooding from surface water. Should you as LPA be minded to grant permission we would recommend the following conditions are applied:

Condition: No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition: Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Charles & Associates Technical Note Ref: 19-015-03 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site where reasonably possible via infiltration techniques and were this is not proven to be possible discharge from site must not exceed 2l/s without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details. Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition: No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: 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 ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Condition: Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Condition: Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

Southern Water – The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers 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. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

All other comments in our response dated 06/11/2019 remain unchanged and valid for the amended and additional details.

Southern Water has been requested to comment further on the issues raised in recent consultation responses from members of the public, relating to the impact of foul drainage from this development and the suggestion that this might increase the risk or propensity of flooding in the Albert Road area of the town. A further response is awaited.

River Stour IDB – No further response received to date.

KCC Highways – I refer to the Technical Note submitted for the above and would comment as follows:

1. The details submitted show that access is available for a fire service vehicle, however you may wish to confirm the views of the Fire Service in this regard.
2. As previously advised the existing road leading to the site (Hyton Drive) is to remain private from its junction with Hancocks Field, and is not included in the road adoption

agreement for the wider Hyton Drive site already completed. It will therefore not be possible to adopt the proposed road within the application site as it does not connect to the existing public highway.

3. Although not a highway matter it appears rights of access are available over the existing private road to reach the site.

4. The existing roads leading to the site are constructed to accommodate refuse vehicles and buses, so are suitable to accommodate temporary construction traffic associated with the application site. If necessary the Construction Management Plan for the site can include a requirement for pre and post conditions photos/surveys, and a requirement for repairs to be undertaken if it can be demonstrated that damage has been caused by construction vehicles.

I therefore confirm I have no objections in respect of highway matters as per my previous comments dated 25 October 2019.

KCC Minerals and Waste Planning –

(Comments received 27 October 2020): I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposit, that being Brickearth (Other Areas) – Ashford, Canterbury, Dover, Shepway.

Therefore, the application details should include a Minerals Assessment to determine if the safeguarded mineral deposit is an economic and viable deposit for prior extraction, and if not whether an exemption pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30. The submitted Planning Statement does not have any reference to safeguarded minerals in the form of a Minerals Assessment. Therefore, the application is deficient in information for its determination. The County Council object to the application in its present form. However, the County Council is interested in cooperating with the determining authority and wishes to extend any advice to address the above, so that the applicant can also address this matter enabling the application to be determined.

(Comments received 30 October 2020): I have looked at the applicant's submission in this regard (from icene of the 29th October 2020).

They cite an exemption on grounds that exemption criteria 1, 2, 3 and 5 can be invoked. The policy only requires one criterion to be successfully argued in order for the proposed development being exempt from the presumption to safeguard as set out in Policy CSM 5: Land-won Mineral Safeguarding of the adopted Kent Minerals and Waste Local Plan 2013-30 (as partially reviewed in 2020).

Of the arguments put forward, that for criterion 1 appears to be the most compelling, in evidential terms. It states:

Exception 1: Mineral is not of economic value

7. Exception 1 states that planning permission can be granted if the mineral is not of economic value or does not exist.

8. In May 2018, the applicant for Planning Permission DOV/17/01345 for Land at Churchfield Farm, The Street, Sholden, CT14 0AL1, adjacent to the subject site, concluded that “there are no brickworks close to the reserves around Deal and Sholden, so little likelihood that they will ever be worked”. In response to this submission, KCC Minerals and Waste Planning Team confirmed that there have not been any recent historic mineral works to supply a brick making facility in the locality, such that it was “unlikely that the safeguarded deposit is of economic importance to the brick making industry currently” and that Exception 1 was met.

9. Since the granting of planning permission for application ref: DOV/17/01345, no plans have come forward for the creation of brick making facility within the local area. As such, the conclusions made for Planning Permission DOV/17/01345 remain relevant and up to date, and the mineral in this location is considered to remain of low economic value to the brickmaking industry. Therefore, Exception 1 of Policy DM7 is relevant to the current planning application.

The brickearth in this locality is considered as of probable limited viability, the following is an extract from the County Council’s geological area note (soon to be part of an updated SPD on mineral and waste safeguarding):

In the Dover District Council area deposits of the material are found on Chalk dip slopes both as isolated deposits and as ‘spreads’ often closely associated with the Sub-Alluvial River Terrace deposits in this area. Many show down slope slumping by the process of solifluction that occurred when the Chalk was still frozen, as a permafrost at the end of the last glaciation (Pleistocene epoch), forming a the low friction plain for the windblown brickearth deposits to move under gravity down slope. There are no records of recent extraction of this mineral for modern brick making. It may have occurred in the past as isolated and temporary localised extraction and kilning for use in close proximity to the point of production. It would appear that the material is currently economically marginal or that any economic status is now historic and unrelated to present day industrial minerals requirements. However, this does not mean that their use in historic restoration will not be needed at some juncture, or that the brickearth using brick manufacturing industry will not consider their use with the depletion of ‘Stock Brick’ brickearth supplies in other areas of Kent, and for that reason are considered important to be safeguarded at this time.

The area of mineral affected with potential sterilisation is 0.47ha. This is a relatively insignificant area and that, combined with the absence of any brickmaking industry in the area using this mineral at this time (or in recent times) demonstrates that the relevant affected mineral deposit can reasonably be considered as being of no economic value.

Therefore, on the information submitted at this time, it can be concluded that an exemption from the presumption to safeguard this mineral deposit, as detailed in criterion 1 of Policy DM 7 can be invoked. The County Council, therefore, has no objection to the proposal on mineral and waste safeguarding grounds.

Kent Fire and Rescue Service – I can confirm that on this occasion it is my opinion that the off-site access requirements for the Fire Service, shown in plan drawing 19-015-013 have been met.

On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

Public representations –

A further 10 objections have been received since preparation of the 3 September Planning Committee Agenda (including those reported orally at the meeting). This brings the total number of objections to 37, plus the seven representations in support reported previously.

The additional objections raise the following issues:

- Additional traffic;
- Damage to the roads;
- Loss of view;
- Too close to existing houses;
- Disruption during construction;
- Loss of an open area, including damage to wildlife;
- Strain on infrastructure;
- There is a long-standing and ongoing problem with adequacy of the wastewater drainage system in Deal. This, combined with unchecked new developments being permitted by the council without due consideration to the drainage system, has resulted in an ever-wider area of Deal being flooded whenever there is heavy rain;
- Although new developments have separate wastewater and surface water drains, these feed into older combined sewers that become inundated and discharge foul water onto roads and eventually into homes;
- The proposed new development is upstream of Albert Road and will feed into the already inundated Albert Road sewer as it is the main route for transport of wastewater towards the treatment plant. Albert Road has suffered from foul water flooding in 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016 and, finally, on 28th August 2020. As a resident of Albert Road, I strongly object to the application for reasons outlined here;
- This planning application for 14 additional properties would further burden an already inadequate wastewater drainage system and increase the occurrence of floods. The drainage requirements for this proposed major development is going to be substantial, and will be routed and feed into a network that continually fails to cope with even the current requirements that it serves;
- It is not only the risk of flooding to properties; it is also the obvious risk to health and safety of residents, and members of the public who are unfortunate enough to be in the immediate vicinity when capacity breaches occur. Manhole covers are displaced with force and roads and paths are quickly submerged by untreated sewage water;
- As this serious problem is currently under investigation by the relevant authorities, I strongly urge the planning department to refuse this application at this present time. I must remind the planning department that it has given an undertaking not to permit new developments until the cause of flooding is resolved for the long term.

(These last six bullet points are reiterated, more or less verbatim, in five of the most recently received representations.)

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

1.1 Please refer to the report attached as an annex.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for housing;
- The impact on the countryside and the landscape setting at the edge of the built-up area;
- Impact on residential amenity;
- Parking and highways considerations;
- Contamination and drainage;
- Archaeology and heritage issues;
- Habitats and ecology;
- Viability and developer contributions.

Assessment

Update

2.2 This application was reported to the meeting of the Planning Committee on 3 September 2020; a copy of that report is attached as an annex to this report, and Members are asked to refer to that report for a discussion of those issues where there has been no substantial change since its publication.

2.3 Members resolved to defer consideration of the application 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.

2.4 Since then, the applicants have submitted further information, including:

- A Technical note on surface water drainage proposals, in response to the previous comments from KCC as LLFA; copies of further correspondence between the applicants and Southern Water has also been submitted;
- A Technical Note on highway matters, appended to which is a plan showing the access route for fire tenders;
- A Sustainability Note, appended to which is an Accessibility Plan.

2.5 Following that, targeted re-consultation was carried out with the technical consultees and the two Parish Councils. The submitted documents broadly mirror the reasons for deferral, and each is discussed as a separate topic below.

2.6 A further issue has arisen in relation to minerals safeguarding. Upon receipt of the initial comments from KCC Minerals and Waste Team, the applicants submitted a technical note to address this issue, which has now been followed up by a further response from KCC. This is discussed as a separate topic below.

Principle

- 2.7 This is discussed in detail in the appended report.
- 2.8 However, there was some discussion at the previous meeting regarding the weight to be given to some of the Core Strategy policies and further clarification on this point is required. 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, DM1, DM11, and DM15) 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.
- 2.9 It is also relevant to note that, since the publication of the report for the 3 September Committee, the Council has published the Housing Supply Technical Paper (October 2020). This confirms that, using updated data and based upon the Government's standard methodology, as at 1 April 2020 the Objectively Assessed Housing Need for Dover district was 596 dwellings per year. Set against this, at that date the Council could demonstrate 6.16 years' worth of housing supply.
- 2.10 I return to these issues in the Conclusion to this report.

Drainage issues

- 2.11 At the time of the previous meeting there was an outstanding objection to the application from KCC as Lead Local Flood Authority. In the absence of further information they were not satisfied that disposing of surface water by infiltration into the ground (which is at the top of the hierarchy of preferences) was not a practical option; with regard to the suggested alternative of discharging to a watercourse to the north of the site, via the drainage network of the adjacent site (Persimmon), KCC required more information regarding the capacity and condition of the receiving network; there was also a question as to whether surface water from the current application site already drains to this same watercourse.
- 2.12 In response to topographical details submitted by the applicants, KCC subsequently accepted that the fall of the land is in the direction of the neighbouring site to the east, but remained unconvinced that the site actually drained that way (as opposed to infiltrating directly into the ground) and, although they believed that a drainage outfall is possible, further information was still needed in relation to infiltration feasibility, and with respect to the capacity of the adjacent network, if it is utilised, the final discharge rate from that network. The Technical Report that has now been submitted is in response to these outstanding issues.
- 2.13 Using information from the planning application for the Persimmon development, the existing system was modelled and drainage flows from the current proposal were added. This concluded that the downstream pipe network has sufficient capacity to carry an additional flow of 2.0 litres per second without any surcharge

for all rainfall events up to the 1 in 30 year return period and without incurring any flooding for more extreme events of 1 in 100 years +40% climate change allowance. It was also concluded that the final SUDS pond located within the Persimmon development has sufficient capacity to cater for the volume discharged from the application site. With regard to infiltration, it was reiterated that the underlying geology has very low infiltration characteristics, but that further investigation could take place at the detailed design stage to see to what extent this might be feasible.

- 2.14 The further comments from KCC are set out above in the Consultee Responses section of this report. Having reviewed the latest information submitted, they are satisfied that the principles proposed, namely infiltration to ground where possible and where not possible, to discharge to the neighbouring drainage network, do not increase the risk of flooding from surface water. Detailed conditions are recommended regarding the design of the proposed drainage network and the level of detail that needs to be provided. These matters are capable of being dealt with by condition and the previous objection from the Flood Authority has been withdrawn. The detailed requirements from Southern Water regarding the use of SUDS can also be dealt with through conditions. However, the crucial point is that surface water drainage from this development can be accommodated without increasing the risk of flooding. This satisfies the relevant tests in NPPF paragraphs 163 and 165.
- 2.15 However, as Members will see from the latest consultation responses from members of the public, a further issue has now arisen to do with foul water drainage. Southern Water has been requested to comment specifically on the matters raised; their further views are awaited and will be reported orally at Committee.
- 2.16 Other issues relating to contamination and drainage are discussed in detail in the appended report.

Highways and Access Issues

- 2.17 Several issues to do with highways arose during Members' previous discussion. These included concerns over the legal status of the existing access roads outside but leading to the site (including whether they will be adopted by KCC), the physical capacity of these roads, who would be responsible for making good any damage caused by construction traffic, rights of access, and suitability for access by fire engines. The Technical Note submitted by the applicants attempts to address these issues.
- 2.18 Dealing first with the issue of adoption, the applicants say that the access road has been designed in accordance with the KCC design standards and is anticipated to meet the requirements for adoption under a S38 agreement. Kent Highways has responded by clarifying that the existing road leading to the site (Hyton Drive) is to remain private from its junction with Hancocks Field, and is not included in the road adoption agreement for the wider Hyton Drive site already completed. It will therefore not be possible to adopt the proposed road within the application site as it does not connect to the existing public highway.
- 2.19 Nevertheless, the applicants have asserted that they have access rights over the roads in the Timperley Place development and have provided a Solicitor's letter to confirm this. KCC comments that, although not a highway matter, it appears rights of access are available over the existing private road to reach the site. The applicants also say that the Land Registry transfer (as referred to in the Solicitor's

letter) includes obligations to make good damage resulting from the works, and the right of way also includes as a matter of general law the necessary rights of maintenance. On this issue, Kent Highways has clarified that the existing roads leading to the site are constructed to accommodate refuse vehicles and buses, so are suitable to accommodate temporary construction traffic associated with the application site. KCC also advises that, if necessary, the Construction Management Plan for the site can include a requirement for pre and post conditions photos/surveys, and a requirement for repairs to be undertaken if it can be demonstrated that damage has been caused by construction vehicles. The applicants say that they do not expect the types of construction vehicles they will use to exceed 10m in length and they will likely be smaller than the refuse vehicles currently accessing the estate roads. They also confirm their intention to submit a construction management plan showing vehicle types and routes, to be secured by condition.

- 2.20 The impact of construction traffic on existing residents' amenity is a material planning consideration. In the light of the further information that has been provided, it remains the case that this is something that can be adequately addressed through a condition requiring submission of and adherence to a construction management plan.
- 2.21 The question of responsibility for maintenance and repair of roads (either within or outside the site) is not normally regarded as a material planning consideration; what matters is that the roads are of adequate width, construction and so on to satisfactorily serve the purposes they are intended for, in terms of safety and other considerations. KCC Highways has confirmed that this is the case here. The construction of the new roads within the site in accordance with the submitted plans can be secured by condition. Furthermore, given that part of the off-site access route is over roads that it appears are not proposed for adoption by the Highway Authority (at least for the time being), it would not be unreasonable (in terms of material planning considerations) to include a clause in the construction management plan along the lines suggested by KCC with regard to making good any damage caused during construction, as this engages both amenity and highway safety considerations.
- 2.22 The other issue that Members expressed concern about was fire access. The Technical Note includes a plan showing the route that a fire tender would take via Hunters Walk and Hyton Drive. Kent Highways has confirmed that this does show that access is available, and KFRS has also confirmed that the off-site access requirements for the Fire Service, shown in plan drawing 19-015-013 have been met. Access to individual properties within the site will be dealt with under the Building Regulations.
- 2.23 Other issues relating to parking and highways are discussed in detail in the appended report.

Sustainability Issues

- 2.24 Members questioned the extent to which the proposed development can be said to be sustainable development; the three strands of sustainable development as set out in NPPF paragraph 8 – an economic objective, a social objective and an environmental objective – were referred to.
- 2.25 The applicants have responded to this by providing a Sustainability Note, which attempts to address this issue by responding to a series of specific questions

(described as “sustainable objectives”). The questions they have chosen to deal with, and their responses are summarised below:

- 2.26 *Sustainable Objective 1: The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available within easy distance. Available services should be capable of accommodating the development in combination with other planned and committed development.* Applicants’ response: The scale of the development is commensurate with Deal’s status as a District Centre and proportionate to the size of the settlement and service provision currently available within easy walking and cycling distance as well as benefitting from public transport connectivity. The edge-of-settlement location provides an infill opportunity to deliver vital housing supply. It has been the subject of a detailed viability process and contributions will be secured through S106 to ensure the ability of services to absorb the level of development proposed; this includes a contribution to off-site affordable housing provision.
- 2.27 *Sustainable Objective 2: The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.* Applicants’ response: Safe access arrangements have been demonstrated and Kent Highways concurs that the proposals are unlikely to have a severe impact on the highway network (which is the test applied under NPPF paragraph 109).
- 2.28 *Sustainable Objective 3: The development is located where it is possible to maximise the use of public transport, cycling and walking to access services.* Applicants’ response: An accessibility plan has been provided showing that the site is within 1 mile of the train station and has easy access to various bus stops; it also shows that Primary Schools, shops and key services are within walking and cycling distance.
- 2.29 *Sustainable Objective 4: The development conserves and enhances the natural environment and preserves or enhances any heritage assets in the locality.* Applicants’ response: The ecological appraisal confirms that there are no statutory or non-statutory nature conservation designations within or adjacent to the site and none of the designations further afield would be adversely affected. Habitats at the site are of low ecological value. Precautionary safeguards relating to nesting birds and other wildlife are recommended along with ecological enhancements which will provide a net biodiversity gain.
- 2.30 As has been noted in some consultation responses, these objectives do not directly correspond to the three sustainability objectives set out in NPPF paragraph 8:

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

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

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.

2.31 The NPPF says that these overarching objectives are interdependent and need to be pursued in mutually supportive ways; it also says that they are not criteria against which every decision can or should be judged. Seen on this light, the four objectives that the applicants have selected can be said to address a range of issues that stretch across the three NPPF objectives. Whilst it may be true (as suggested by Sholden PC) that they have been drawn from a policy document that applies to somewhere other than Dover district, they do nevertheless encompass a range of sustainability considerations that could be said to apply nationwide. Although they focus largely on locational characteristics which broadly come under the NPPF environmental objective – such as making effective use of land, minimising waste and pollution and moving to a low carbon economy – the provision of homes to meet identified need accessible to local services in a well-designed and safe built environment, and the contributions offsetting the impact of the development on public services (such as health and education) contribute to meeting the NPPF social objective. Whilst the contribution to NPPF economic objective is somewhat less tangible and easy to identify, this does not necessarily make it incompatible with the overall concept of sustainable development as envisaged in the NPPF.

2.32 Whilst any conclusion on this particular issue is necessarily a matter of judgement, seen in the context of NPPF policies overall, it would be reasonable to conclude that the sustainable characteristics of the proposed development outweigh those that might be seen as less sustainable.

Impact on Countryside and Landscape Setting

2.33 This is discussed in detail in the appended report. For clarification, though, and despite what is said in paragraphs 2.21 – 2.24 of that report, it would not be correct to describe this as “infill” development. It is more a question of how the site is seen, and would be seen, in the broader landscape and in the context of existing and already consented development.

Impact on Residential Amenity

2.34 This is discussed in detail in the appended report.

Archaeology and Heritage Issues

2.35 This is discussed in detail in the appended report.

Ecology and Habitats

2.36 This is discussed in detail in the appended report.

Viability and Developer Contributions

2.37 This is discussed in detail in the appended report.

Minerals Safeguarding

- 2.38 A Partial Review of the Kent Minerals and Waste Local Plan (KMWLP) has recently been adopted by KCC; this highlighted the need to consult further with KCC, as the site lies within an area where underlying brickearth deposits are safeguarded pursuant to KMWLP policy DM7. This requires that, where non-minerals related development is proposed, an assessment be carried out to determine if the safeguarded mineral deposit is an economic and viable deposit for prior extraction and, if not, whether one of the exemptions set out in the policy can be applied.
- 2.39 The applicants have provided such an assessment, which concludes that several of the potential exemptions to the policy apply, namely that the mineral is of low economic value to the brickmaking industry, its extraction would not be viable or practical, it could not be extracted prior to carrying out the non-minerals development without affecting the viability or deliverability of that development, and that material considerations indicate that the need for the proposed development overrides the presumption of safeguarding the mineral deposits.
- 2.40 KCC notes that only one of the various exemptions needs to be met. They consider that the most compelling is that relating to the lack of economic value in the minerals. This they accept and KCC has no objection to the current application on the grounds of minerals safeguarding; the detailed rationale for this conclusion is set out in the “Consultee Responses” section of this report.

3. Conclusion and Sustainability

- 3.1 This is an application for the erection of 14 dwellings on a site that is in countryside, outside the defined urban confines of Deal. The most important Development Plan policies are considered to be CP1, DM1, DM11 and DM15. Although, for various reasons, some or all of these policies may be considered to be out of date and/or in conflict with the NPPF to some degree, they are still the starting point for consideration of the application under Section 38. Although, depending on the context provided by the particular development proposal and the location of the site, these policies may be afforded less than full weight, the degree of any reduction in weight will depend upon that context.
- 3.2 Both Development Plan policies and NPPF policies can (and should) be taken into account; it is for the decision-maker to decide what weight is to be given to the various policies, subject to this being within the bounds of reasonableness and not *ultra vires*. **The “tilted balance” as set out in NPPF paragraph 11 therefore does apply.** This means that the judgement that has to be reached is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.3 Looking at the specific Development Plan policies, CP1 identifies Deal as a District Centre. CP1 is broadly consistent with the NPPF and development that is well-located relative to urban areas is broadly in accordance with the NPPF. This application site is immediately adjacent to the settlement boundary, and well-related to the facilities and services that Deal has to offer. To that extent it is a sustainable location and therefore in accordance with the relevant parts of the NPPF.
- 3.4 DM1 and DM11 both seek to place blanket restrictions on development outside settlement confines. This approach is not consistent with the NPPF, notably paragraphs 77, 78 and 103. It would therefore be appropriate to afford these policies less than full weight; this applies especially on sites that are close to or adjacent to existing settlements, as here. DM11, in particular, might attract more

weight in relation to development that is well beyond settlement boundaries than those close to. This is a separate issue from whether the boundaries themselves are out of date because they are based on an outdated housing needs requirement.

- 3.5 With regard to DM15, although development of this site would result in the loss of countryside, the detailed assessment that has been provided shows that, in terms of impact on the character and appearance of the local countryside, and the wider landscape, this would cause limited harm because of the specific location of the site, its visual relationship to neighbouring land and, in particular, the limited impact it would have on reducing the physical gap between the built-up areas of Deal and Sholden. Moreover, parts of DM15 can also be regarded as being inconsistent with the NPPF (for example, the universal opposition to “loss of countryside”) for similar reasons to those set out above. It’s also worth repeating that DM15 talks about the “character and appearance” of the countryside being important, whereas the NPPF seeks to protect “character and beauty”. Therefore, notwithstanding the site-specific appraisal that has been undertaken, DM15 should be afforded less than full weight.
- 3.6 The various issues that prompted deferral of this application at the previous Committee are discussed in detail in the body of this report. KCC no longer objects on flooding grounds. Although further information is still awaited from Southern Water relating to the proposed means of disposal of foul sewage, it is anticipated that this will be available and can be relayed to Members orally at the Committee meeting. Further technical information has been provided with regard to the status and capacity of the access roads and the responsibility for making good any damage caused by construction traffic; so far as this is capable of being a material planning consideration, this can be addressed through a condition relating to the Construction Management Plan. The applicants have put forward a case relating to the sustainability of the development (in the broadest sense); this is essentially a matter of judgement. The proposal is acceptable in terms of its impact on the setting of heritage assets, ecology, the residential amenity of existing residents and in terms of other technical considerations. All other matters can be addressed through conditions.
- 3.7 The overarching aim behind the judgement in paragraph 11 is to foster sustainable development. This has three objectives – economic, social and environmental; despite being outside the confines, this is a sustainable location for residential development, being within close proximity to a range of services and access to public transport. The development would bring social and economic benefits by way of helping to meet the need for additional housing. All this analysis needs to be read in the context of the Government’s stated objective of significantly boosting the supply of homes (NPPF paragraph 59). Overall, therefore it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

g) Recommendation

- i. GRANT PLANNING PERMISSION subject to completion of a Section 106 Agreement to secure the developer contributions as set out in the report, and conditions to cover the following matters:
 - i. Standard Outline condition – Reserved Matters (appearance, landscape and scale) to be submitted
 - ii. Standard Outline condition – submit Reserved Matters within three years

- iii. Standard Outline condition - commencement
- iv. List of approved plans
- v. Submission of details of external materials
- vi. Submission of landscaping scheme
- vii. Provision of car parking
- viii. Provision of cycle parking
- ix. Provision of refuse facilities
- x. Unforeseen contamination
- xi. Submission of a detailed scheme for the disposal of foul drainage (pre-commencement condition)
- xii. Submission of details to confirm that the surface water drainage system can accommodate storm events (as required by KCC) (pre-commencement condition)
- xiii. 13. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
- xiv. Verification of installation and effectiveness of drainage scheme
- xv. Limitation and control over extent and location of infiltration into the ground (as required by KCC)
- xvi. Securing and protection of off-site drainage works (as required by KCC)
- xvii. Submission of, and adherence to, Construction Management Plan, including a requirement for pre- and post-construction condition surveys/photographs of access roads (pre-commencement condition)
- xviii. Provision of access to highway and construction of visibility splays, before occupation
- xix. Archaeological investigation (pre-commencement condition)
- xx. Submission of ecological management and monitoring plan
- xxi. Provision of electric vehicle charging points
- xxii. Broadband provision
- xxiii. Scheme of ecological mitigation (pre-commencement condition)
- xxiv. Scheme in relation to secured by design principles
- xxv. Cabling to secure opportunity for future electric vehicle charging points

Informatives

1. Need for consent to connect to sewer (SW)
2. Other sewers running through site (SW)

3. Advice on biodiversity measures to be incorporated into the landscaping scheme and ecological management plan
 4. Incorporation of technical design measures regarding Secured by Design
 5. Provision of infrastructure to facilitate broadband
 6. Disposal of waste arising from excavation/construction (EA)
 7. Protection of existing water infrastructure (SW)
 8. Matters to be included in detailed SUDS scheme (SW)
- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett

a) **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**

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

b) **Summary of Recommendation**

Planning Permission be Granted subject to conditions and S106 agreement.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

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

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Deal is identified as a District Centre and the secondary focus for development in the District, suitable for urban scale development.
- CP4 – Sets out strategic considerations for housing development, including the need to reflect the local housing market and provide an appropriate housing mix. Density should wherever possible exceed 40 dwellings per hectare.
- DM1 – Development will not be permitted outside the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of homes as affordable homes in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing.
- 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.
- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent.
- DM13 – Parking provision should be design-led, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations, justified by the needs of agriculture or a need to sustain the rural economy, it cannot be accommodated elsewhere and it does not result in a loss of ecological habitats. Measures are to be incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with Development Plan allocations and incorporates any necessary avoidance and mitigation measures, or it can be sited to avoid or

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

Land Allocations Local Plan

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

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 59 says that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- Paragraph 98 says that planning policies and decisions should protect and enhance public rights of way and access.
- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to

local character and design standards; and allow for the efficient delivery of goods, and access by service and emergency vehicles.

- Paragraph 117 states that decisions should promote an efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 123 states that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and create places that promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 158 says that development should be steered towards areas with the lowest risk of flooding, using the sequential test.
- Paragraph 163 says that, in determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- Paragraph 165: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- Paragraph 175 says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, planning permission should be refused. Development which is likely to have an adverse effect on a SSSI or other designated habitats site should not normally be permitted. The only exception is where the benefits of the development clearly outweigh its likely impact on the features for which the site is designated.
- Paragraph 177: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Paragraph 178: Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- Paragraph 193 says that, when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.

The National Design Guide and Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/10/01012 and DOV/13/00945 – (Adjoining site to the east) Outline planning application and Reserved Matters for residential development of up to 230 dwellings and public open space, with access from Hancocks Field, Hunters Walk, and Hyton Drive, including roads, cycle paths, footpaths, ancillary works incorporating landscaping, a pond, and alterations to existing public rights of way – Permission granted.

DOV/17/01345 – (Adjoining site to the west) Outline planning application for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), up to 64 bedroom care home (C2 Use), publicly accessible open space (including children's play area), attenuation pond, and creation of vehicular access, with the demolition of two dwellings – Permission granted at appeal.

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

Sholden PC – Objects. The reasons for objection may be summarised as follows:

- Does not accept the applicants' assertion that the provision of additional housing should be given substantial weight because DDC cannot demonstrate a five-year supply of housing. DDC has provided 131% of its housing need over the past three years and in August 2019 it was stated that a 5.56 years' supply existed.
- Disagrees that the presumption in favour of sustainable development is active. But even if it was, the presumption is not conclusive (that is, just having the presumption does not in itself mean that granting permission is a foregone conclusion). Although the Core Strategy is in need of revision, this does not make all the policies redundant. In particular CP1, CP2, CP3, DM1, DM12, DM15 and DM16 should form the basis of DDC's decision.
- The site is outside the confines and the application should be refused under DM1, as there are no other policies that justify the development.
- The development needs to use a private road for access and local residents should be considered experts in their local area.
- It will breach DM15 because of a loss of countryside; there will also be a loss of ecological habitat.
- There will be harm to the character of the landscape (DM16) without any avoidance or mitigation measures, and the development could be accommodated elsewhere.
- There is no evidence that the development would bring economic, social and environmental benefits and thus justify being considered "sustainable".
- There are numerous other breaches of NPPF policies, such as in relation to traffic congestion, air quality, poor design, climate change and flood risk. Disagrees with the statement that the Timperley Place development has a hard urban edge; but this development would create one. This proposal will close the gap between Sholden and Deal. The harmful effects far outweigh the benefits and the application should be refused.

This is a summary of a detailed and lengthy response; Members may wish to read the full response on the Council's website.

Deal TC – Object as over development of area and not part of allocation of land.

Environment Agency – No objection in principle. It is assumed foul drainage will be connected to the main sewer; an appropriate condition should be imposed. Also requests a condition to address any unforeseen land contamination and informatives relating to the treatment and disposal of construction wastes.

KCC Flood and Water Management – We are aware from the Flood Risk Assessment that infiltration SuDS have been disregarded from this site due to groundwater being 8-9m below ground and insufficient unsaturated zone available (10m), as per the requirements of the Environment Agency. BGS's infiltration SuDS Map indicates that the site has opportunities for bespoke infiltration as there is freely draining bedrock geology, however the superficial head deposits are poorly drained and ground instability is indicated.

Whilst soakage testing has been undertaken, the report including infiltration test results has not been submitted. We would recommend that results are provided to confirm why infiltration is not suitable at this site. The depth of groundwater needs to be confirmed. We would only permit off site discharge until it is proven that infiltration is not viable.

We are aware that the proposed drainage approach is a surface water connection into the adjacent sites network before discharging into the watercourse north of the site. Unfortunately, no details have been provided regarding the receiving networks capacity and condition. This information should be provided at the earliest opportunity.

Please be aware that the half drain time of the permeable paving system should not exceed 24 hours. A half drain time of 7 days is not acceptable.

Although this is an outline application with some matters reserved, unfortunately insufficient information regarding infiltration viability and capacity of the receiving network has been provided. It is imperative that the principles of surface water drainage are demonstrated to be appropriate at the earliest opportunity, avoiding later complications. Unfortunately we currently object to the development pending receipt of further information as discussed above.

Re-consultation has been carried out with KCC in respect of the additional information on drainage submitted by the applicant and a response is awaited. Any further comments received in advance of the Committee meeting will be reported to Members orally.

Southern Water – Has provided details of nearby water infrastructure, but caveats that the exact position should be ascertained in advance of any work and sets out the limitations with regard to work in the vicinity of such assets. Advises that there may be other sewers deemed to be public crossing the site. A formal application for connection to the foul sewer is required and an informative is requested in this regard. Southern Water has also set out the level of detail required when SUDS are proposed, and the prescribed hierarchy in terms of preferred final means of disposal from SUDS. Has requested a condition requiring details of foul and surface water drainage to be submitted and approved prior to commencement of the development.

Re-consultation has been carried out in respect of the additional information provided by the applicant and any further response will be reported to Members orally.

River Stour IDB - I note that the applicant proposes to restrict surface water discharge into the adjacent network to the greenfield rate, Q_{bar} , but it is still not clear whether or not this area of land already drains to the SuDS (which is thought to be unlikely). It is therefore essential that this is clarified; does the site already drain to the adjacent SuDS and was that SuDS originally designed to accommodate this runoff? As previously stated, details of on-site drainage will need to be agreed with KCC's SuDS team to ensure that the existing SuDS (or any modification to it) can fully accommodate additional runoff. The final discharge rate from the SuDS into Southwall Road Dyke must not be increased, without the prior written agreement of the Stour IDB. Please note that due to the history of flooding at this location I doubt that the Board would agree to any increase in rate.

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

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

Kent Wildlife Trust – No response received.

KCC County Archaeologist – No response received.

KCC Highways – I concur with the Transport Statement that the proposals are unlikely to have a severe impact on the highway network, with around 7 two-way vehicle movements likely to be generated in the network peak hours.

I note the application form indicates that the new road is to be adopted by the highway authority, however the existing road leading to the site is a private road and the new road will therefore also have to remain private. Whilst not a highway matter due to the road staying private, I would point out that the layout shows tandem parking arrangements which are generally not accepted under Policy DM13 of the Local Plan.

No objection, subject to a condition requiring a Construction Management Plan. Conditions are also suggested relating to the provision of car and cycle parking, and the protection of visibility splays. Informative requested regarding the need for Highways Consents.

KCC PROW – Have no comments to make.

KCC Developer Contributions – Has requested the following contributions:

£46,536 towards expansion at Deal Primary School;
£57,610 towards expansion at Dover Grammar School for Girls;
£358.92 towards additional resources including IT equipment for the new Learners at Deal Adult Education Centre;
£917.00 towards additional resources for Deal Youth Service to mitigate the impact of the new attendees;
£776.30 towards additional services and stock at Deal Library to mitigate the impact of the new borrowers from this development;
£2,056.32 towards specialist care accommodation within Dover District;

£3,325.56 towards improvements at both WTS and HWRC to increase capacity to mitigate impact.

Has also requested that all new homes be wheelchair accessible and adaptable dwellings, and that an informative be added regarding provision of broadband to all new houses.

Designing Out Crime Officer – Layout and permeability should be safe and appropriate, especially alongside the footpath. Parking should be designed to minimise conflict and maximise surveillance. Technical measures suggested to meet Secured by Design standard.

NHS South Kent Coast CCG – There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Requests a developer contribution of £10,725 towards provision of capacity in the Deal and Sandwich Primary Care Network to provide primary care services for the additional patient numbers generated from new build developments.

DDC Environmental Health Officer – Accepts the conclusions of the submitted Desk Study regarding contaminated land. Requests a condition setting out how any unforeseen contamination is to be dealt with.

Public representations –

27 objections received raising the following issues:

- Site is outside the development area for Deal and this will result in the separation between Deal and Sholden being lost; rubbing salt into the wound after the Churchfield Farm decision;
- Overdevelopment; the site isn't big enough; cumulative impact with other development nearby;
- Development here will put greater pressure/bigger risk for development on the adjacent field, which would completely remove the gap between Deal and Sholden; risk that this would create a rat-run;
- Application site doesn't reflect boundaries; boundary is inaccurate;
- Loss of open space and nature/wildlife; wildlife is only just re-establishing here after the Timperley Place development; newly planted trees and verges would have to be removed;
- Hyton Drive is a private road and residents pay the cost of maintenance; it is not suitable for construction traffic and the developers should compensate residents for the damage that will inevitably be caused; speed humps, narrowness of road, and pedestrian-friendly design all make this unsuitable for large construction vehicles;
- Disturbance during construction; noise and traffic; this will prolong disturbance residents have endured during construction of Timperley Place;
- Danger from increased traffic and safety risk to children going to the play park, residents using the existing footpath and others; footpath used as a through route will be disrupted, meaning people have to walk in the road/cross the road;

- Construction traffic would damage the newly-built houses as they are built on rafts; need for repair and redecoration;
- Questions over the safety of the new junction onto Hyton Drive; on a bend where vehicles already speed and where people park;
- The traffic statement is totally unreasonable and underestimates the traffic that will be generated;
- All local access roads are at a standstill at peak times, even before the current development is finished;
- Overlooking and loss of privacy to existing houses; new houses are too close; design of new houses isn't clear;
- Loss of views of open countryside;
- Materials won't match and will look odd;
- Insufficient parking;
- Further demands on/lack of infrastructure (schools; dentist; doctors);
- Surface water drainage system is already overwhelmed and needs to be cleaned out frequently;
- Scheme is for large family houses with no affordable housing and will attract new people to the area rather than providing for local need.

7 representations in support, raising the following issues:

- Site is untidy and looks a mess; minimal environmental effect as the site is already damaged;
- There is a need to build more homes; this development will provide more houses and improve the area;
- Hyton Drive provides better access than Vicarage Lane; it is wide and with few houses;
- Happy for more development away from Sholden and towards the town;
- This is a modest increase on what has already been built and will have little effect on the local area;
- Surrounding roads still have more capacity.

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

1.1 This is an application for outline planning permission with access and layout to be determined at this stage, and appearance, landscape and scale to be dealt with as Reserved Matters. The site of 0.61ha is broadly triangular and lies to the west of houses in Hyton Drive, which is part of the recently-developed Timperley Place development. Hyton Drive and the public footpath leading to Church Lane form the eastern boundary. A narrow tongue of land extending to Church Lane is included within the site. Church Lane at this point is a footpath not used by vehicular traffic. To the north-west of the site is undeveloped agricultural land. To the south-west is a wooded area that is undeveloped but formed part of the

application site for development at Churchfield Farm, granted planning permission at appeal in 2019. The site itself has the appearance of overgrown scrub; it is understood that it was used for the storage of equipment and so on during the Timperley Place construction phase. The north-western boundary is not clearly defined on the ground and it appears that the current cropping regime in the adjacent field has encroached across the boundary into the application site.

- 1.2 It is proposed to erect three two-bedroom dwellings, eight three-bedroom dwellings and three four-bedroom dwellings (total 14), mostly detached but there are two pairs of semis. Access is taken off Hyton Drive in the north-east corner of the site, at the point where that road bends to the south. The access road runs close to the north-western and south-western boundaries, with a landscaped buffer between the road and the north-western boundary. The new houses mainly front onto the other side of the access road, with three arranged around a spur in the centre of the site. An amended layout plan has been submitted to address some of the concerns expressed by Kent Highways over tandem parking; only four of the properties now have tandem parking. As appearance and scale are to be treated as Reserved Matters, although a site layout has been provided, there are no details of the design or height of the proposed buildings at this stage. However, an illustrative street elevation has been provided which shows two-storey houses of conventional design, with pitched and gabled roofs, rustic style porches, featured lintels over the windows and some chimneys.
- 1.3 In terms of the policy context, the site lies in countryside outside, but adjacent to, the defined urban confines of Deal; that boundary follows the eastern boundary of the site. The outer edge of the built-up area of Sholden is about 120m away, across the field to the north-west. Public footpaths cross this field. There is a play area, associated with the Timperley Place development, within the open area to the north-west of that development and to the north-east of the current application site. The site is in Flood Zone 1.
- 1.4 The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement (amended), Heritage Statement, Archaeological desk-based Assessment, Landscape and Visual Appraisal, Ecological Appraisal, Flood Risk Assessment (including Drainage Strategy), and Phase I Contamination Assessment. A further statement on drainage issues has been provided in response to the consultation responses from technical consultees. A Viability Assessment has also been provided to address the capability of the development to provide Developer Contributions, this has been the subject of independent review.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for housing;
- The impact on the countryside and the landscape setting at the edge of the built-up area;
- Impact on residential amenity;
- Parking and highways considerations;
- Contamination and drainage;
- Archaeology and heritage issues;
- Habitats and ecology;
- Viability and developer contributions.

Assessment

Principle

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan; for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 The site lies outside the settlement boundaries, where Policy DM1 of the Core Strategy applies. This policy states that development will not be permitted on land outside the confines, unless it is specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. Having regard to the wording of this policy, the erection of dwellings in this location is by definition contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Although the site is outside the settlement confines, it is for a relatively modest number of dwellings, adjoining the confines and it is within walking distance of a number of local facilities, including access to public transport. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy, and also broadly consistent with NPPF paragraph 108 in this regard.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if they meet one of the exceptions; none of those exceptions applies directly in this case. The development would result in the loss of countryside, as the site is outside the confines. The applicants have provided a detailed Landscape and Visual Appraisal (LVA) which is discussed later in this report. Members will be aware that this site is more sensitive than some other sites to the issue of countryside loss, given that it might be perceived as narrowing the gap between the built-up areas of Deal and Sholden. However, in the light of the more detailed discussion later in this report, it is concluded that development of this site would not substantially reduce that gap and the impact on the wider countryside would be limited. It is therefore considered that the proposal is contrary to the first part of Policy DM15 (loss of countryside), but is in line with the second part of Policy DM15 (whether harm is caused).
- 2.6 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.7 Having regard to the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply. The Council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it

does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date. It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.

- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised, in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy, with the purpose of delivering 505 dwellings per annum. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and, as a result, should carry only limited weight. Whilst it is not considered that policies DM11 and DM15 are out-of-date (although the parts of these policies which place 'blanket' restrictions on development outside the confines are in tension with the NPPF), policy DM1 is now out-of-date. Given how important this policy is and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the 'basket of policies' which are most important for determining this application is out-of-date.
- 2.9 The 'tilted balance' identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be granted.
- 2.10 It is also worth noting at this point that, although the site is outside the confines of Deal, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy. Deal is identified as a District Centre and the secondary focus for development in the District, suitable for urban scale development.

Impact on Countryside and Landscape Setting

- 2.11 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location.
- 2.12 Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if:
- it is in accordance with allocations made in development plan documents and incorporates any necessary avoidance and mitigation measures; or
 - it can be sited to avoid or reduce the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.
- 2.13 The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its setting and character, and visual amenity is necessary to establish whether the proposed development would affect the character of the wider landscape and countryside. It is also necessary to consider

paragraph 170 of the NPPF which relates to the need to enhance the natural and local environment, protect and enhance biodiversity, and to recognise the intrinsic character and beauty of the countryside.

- 2.14 The Landscape and Visual Appraisal (LVA) submitted with the application looked at the historical map data and published landscape character assessments and undertook on-site field analysis to identify key viewpoints, analyse the landscape character and visual environment of the local area, and identify any potential landscape and visual effects. The particular setting is described, with open agricultural land to the north and recent residential development to the east. It comments that to the south west and west more established vegetation exists within a broadly square parcel of land and physically and visually encloses the site along this boundary. It is noted that the plot to the west of the site has been granted planning permission for 48 dwellings and a 64 bedroom care home and the approved layout plan shows that the built development will be separated from the current application site by an area of landscaped public open space, which wraps around the north eastern, eastern and south western parts of that site.
- 2.15 The LVA describes the site as being largely flat, reflecting the localised and wider landscape setting. The site and the urban areas to the east and west are located in the wider Stour floodplain and, as such, there is limited variation in topography. There are no landscape features within the site of any particular landscape value. The quality of the landscape within the application site is said to be of low value and because of the enclosed nature of the site within the urban fringe setting of Deal, the sensitivity of the site is also assessed as being low.
- 2.16 A number of viewpoints were identified in order to demonstrate the visibility of the site within the localised and wider setting. With regard to the effect of the proposals upon landscape character, it is considered that they can be integrated in this location without detriment to the localised or wider character. The design of the proposals in terms of their layout and appearance has been informed by the built form which characterises the immediate setting of the site. It is concluded that the proposed development will have a limited effect on the character of the wider landscape setting, and of Deal itself, due to the visually contained nature of the site and will provide a suitable continuation of the existing built form / environment that already characterises the immediate setting of the site. The design of the site also takes account of the recent residential development to the east and will reflect the scale and nature of the properties, maintaining a connection between the site and the existing settlement area. The northernmost properties have also been set back from the northern boundary to reflect a similar line of built form to that which currently exists to the east / north east. Reference is made to the neighbouring Churchfield Farm development and it is noted that the Inspector considered the effect of the proposals upon the separation between Sholden and Middle Deal. At para 24 the Inspector concluded that *“the relatively large amount of undeveloped land indicated in the masterplan provides an opportunity to maintain a substantial portion of the site as publicly available open space at the expense of some addition to the built-up area of Sholden. Therefore, I find limited harm from this proposal eroding the extent of unbuilt separation between Sholden and Deal, given the quite substantial public space offered in perpetuity.”*
- 2.17 The LVA concludes that, in relation to landscape character, the proposals can be integrated alongside the recently approved Churchfield Farm scheme without compromising the perceived gap between Deal and Sholden. The gap is not protected by any policy designations and the proposals will maintain the gap resulting from the Churchfield Farm development between the two settlements, which the Inspector considered acceptable and appropriate. As a result of the

surrounding vegetation cover and existing built form, it is considered that the proposals would only be perceived in the context of the existing built up area of Deal. It is concluded that the proposals can be integrated without harm to the perceived gap between Deal and Sholden and will not adversely affect the individual identities of the two settlements.

- 2.18 Having reviewed the LVA and its conclusions, it is considered to represent a reasonable assessment of the site and its broader visual context. The development will not encroach any further north into the agricultural land than the existing development at Hyton Drive. The site is relatively well enclosed in visual terms and does not feature significantly in longer distance views from the north and north-east, being visually somewhat separate from the more open agricultural land that forms the majority of the gap between the Timperley Place development and that part of Sholden to the north. Seen in the context of the future development on the Churchfield Farm site, this site appears almost as an indentation within what will become a clear boundary denoting the northern edge of the built-up area of Deal. The proposed layout of the site, with the houses set back from the northern boundary behind the road and a landscape planted buffer, which also assists in assimilating the development into the wider landscape setting. Bearing in mind all these factors, and also what the Inspector said about the impact of the Churchfield Farm proposal on the gap separating the two settlements, it is reasonable to accept the conclusion that development on this site would not unacceptably erode that gap.
- 2.19 Therefore, although the proposal would result in a loss of countryside and be contrary to part of DM15, no significant harm has been identified, and mitigation measures are incorporated, such that a reason for refusal based on DM15, DM16 and NPPF paragraph 170 could not be justified.

Impact on Residential Amenity

- 2.20 NPPF paragraph 117 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 122 supports development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places. Para 127 says that developments should add to the overall quality of the area, be visually attractive and sympathetic to local character.
- 2.21 In terms of residential amenity, the main issues to consider are the impact on the amenity of existing residents through any loss of privacy, overlooking, loss of daylight and sunlight, loss of outlook, or additional noise and disturbance. NPPF paragraph 127 advocates the achievement of a high standard of amenity for existing and future users.
- 2.22 Although details of the design and appearance of the buildings have not been submitted at this stage, the general pattern of development and the illustrative street scene indicate that the development would be compatible with the recent development to the east. The overall density is 23dph, which is below that sought through policy CP4. However, this is partly accounted for by the irregular shape of the site and the tongue of land at the southern end which could not satisfactorily accommodate any houses, and partly by the desire to provide a meaningful landscaped edge to the northern boundary.

- 2.23 The layout within the site should provide a satisfactory level of private amenity for future occupiers, with back gardens generally about 10m long and “back-to-back” distances (where they exist) generally in excess of 20m. In terms of the potential for overlooking into the dwellings and gardens in Hyton Drive, there are no obvious opportunities for a serious loss of privacy, with the new dwellings either presenting a flank elevation to the boundary, or being at a slight angle; in most instances the new houses are separated from those in Hyton Drive by roadway; the closest house (plot 11) is about 6m from the flank of 140 Hyton Drive and the public footpath passes between them. These relationships can be more readily assessed at the Reserved Matters stage.
- 2.24 On the basis of the submitted details, there is no reason to suppose that the objectives of NPPF paragraphs 117, 122 and 127 cannot be met. A number of local residents have expressed concern at the impact of traffic, including heavy vehicles, during the construction phase; this is discussed in the section that follows.

Parking and Highways

- 2.25 The development will be accessed through the Timperley Place development, via Hyton Drive and various other roads, eventually out onto Church Lane, Southwall Road and Middle Deal Road. There is more than one option for navigating through the Timperley Place development and not all traffic will necessarily go the same way. The submitted Transport Assessment concludes that an average of seven vehicle movements are likely to be generated in the peak hour, and this conclusion is endorsed by Kent Highways. On this basis no objection has been raised on strategic highways grounds. The network can accommodate this modest increase in traffic and the visibility and junction design are to standard. For clarification in relation to points raised by Sholden PC, this development does not propose a new access or increased use of an existing access onto a trunk or primary road, so that part of policy DM12 is not invoked.
- 2.26 The road within the site will be a 6m wide shared surface. The amended parking layout shows a reduction in the number of tandem parking spaces; each house has a minimum of two parking spaces (the four-bedroom houses have at least three) and there are two visitor spaces. Tracking diagrams have been provided to show adequate access for refuse freighters and the like.
- 2.27 In response to Kent Highways comments regarding the unadopted status of the access roads, the applicants have provided a Solicitor’s statement that confirms that the application site has the benefit of full rights of way and services over the Persimmon development at Timperley Place, and that these rights are referred to in Land Registry documents. Nevertheless, in order to comply with Planning Act requirements, the applicants have been requested to provide an amended site plan showing the “red line” extending to the adopted highway, and to serve formal notice on the owners of the intervening land.
- 2.28 A number of residents within the Timperley Place development have expressed concern over the impact of construction traffic on their living conditions during the construction phase, and the impact this might have on the road infrastructure itself. This raises a number of different issues. The impact of construction activity (including traffic) on amenity is a material planning consideration. Some residents complain that this is likely to be felt just as construction works elsewhere within that development are coming to an end; that, in itself, is not a material consideration. The impact on the living conditions of affected residents is something that would normally be dealt with through implementation and adherence to a Construction Management Plan. It is not uncommon for

construction traffic, including large machinery and so on, to have to pass through residential areas in order to reach the site; whilst local residents' concern is understandable, there is no reason why careful and thoughtful management, including for example minimising the number of trips such vehicles need to make and sensitive timing of delivery of construction materials, should not be able to provide adequate protection for residents' amenity. A condition can be imposed on any permission that might be granted, requiring a Construction Management Plan.

- 2.29 The question of potential damage to the road infrastructure (or indeed to individual properties along the way) is not normally regarded as a material planning consideration; this is a private matter between the operators of the machinery/traffic and the owners of the infrastructure, whether that be the Highway Authority or another party. If, as is suggested, there is a management company responsible for the upkeep of the roads, to which residents contribute, then recompense for any damage (should it occur) would be a matter to be resolved between that body and the alleged perpetrators.

Contamination and Drainage

- 2.30 With regard to potential ground contamination, EHO has accepted the conclusions of the submitted report that the site is suitable for development and has recommended a condition to address any unforeseen contamination becoming apparent during construction. The Environment Agency raises no objection and has asked for a similar condition, plus a number of informatives.
- 2.31 The proposed development is located in Flood Zone 1 (little to no risk of flooding). Therefore, the proposed development passes the Sequential Test and application of the Exception Test is not necessary. The submitted FRA says that all potential sources of flood risk to and from the site, as listed in NPPF, have been assessed and the risks of flooding occurring have all been assessed as low. In assessing the flood risk, the impacts of climate change have been considered for the lifetime of the proposed development and are also considered acceptable.
- 2.32 For foul drainage, it is proposed to connect into the existing system serving the Timperley Place development; this is likely to require some increase in pipe capacity, which the submitted Drainage Strategy says can be paid for through Southern Water's infrastructure charge.
- 2.33 The Drainage Strategy also includes an indicative approach to the disposal of surface water; it is proposed to install sustainable drainage systems to reduce surface water run-off flows from the site for storm return periods up to the 1-in-100-year storm event, plus an allowance for climate change. However the final design of the scheme has not been provided at this stage. The preferred option, in accordance with the normal hierarchy, would be infiltration to the ground. However, it is not clear whether this is a practical option here because of a high water table. Should further tests and groundwater monitoring demonstrate that there is a sufficient unsaturated zone, the strategy will be reviewed to incorporate this option. At this stage, though, the proposal is to discharge to a watercourse through connection to the existing drainage network for the Timperley Place site. This will involve the use of pervious paving and attenuation tanks and regulating devices to control the rate of run-off.
- 2.34 A further statement has been submitted in response to the issues raised by KCC Flood and Water Management. In this, the applicants say they will undertake further groundwater testing, but ask that this be dealt with through planning

conditions. They also argue that, because of the level of attenuation, the impact on the capacity of the existing system would be negligible and also, because that system has been fairly recently installed and is to be under the control of Southern Water, there should be no issue regarding its condition. A further response is awaited from Southern Water and KCC, which will be reported to Members orally.

Archaeology and Heritage Issues

- 2.35 The application is accompanied by both a Heritage Statement and an Archaeological Assessment. St Nicholas Church is Grade II* listed and is about 240m to the west of the application site. There are a number of Grade II listed tombs in the churchyard. As required by NPPF paragraph 189, the application describes the significance of these heritage assets and their setting, and the likely impact of the proposed development on this significance. Paragraph 193 requires lpas to give great weight to an asset's conservation in considering development proposals. Under paragraph 196, where a development would lead to "less than substantial harm" to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
- 2.36 The Heritage Statement concludes that the listed buildings do not have any direct historical or functional relationship with the current application site and the proposed development will not impact on their historic fabric. Any alteration to the setting of the Church as a result of the proposed Churchfield Farm development needs to be taken into account; the Inspector concluded that that development provided "no harm" due to the vegetation buffer being maintained at the southern end of the Churchfield Farm site. Due to the vegetation within and along the boundaries of the churchyard, there is little visual interaction to enable appreciation of the architectural or historic fabric of the Church, when looking from the east; therefore, the Statement concludes, the current proposed development does not affect the significance of the Church, as a heritage asset. This conclusion is accepted.
- 2.37 The Archaeological Assessment looks in detail at the potential for archaeological remains to exist on the application site. This includes a historical analysis of activity in the vicinity at different eras and the evidence from other finds nearby. It concludes that the site is of high archaeological interest and regional significance for the Prehistoric and Roman period, moderate for the Mediaeval period, and low for all other periods. This is an area with high archaeological potential, the potential for surviving remains is high, and the proposed development has the potential to have a high-level impact on any remains. In the light of this assessment, it is appropriate to impose a condition on any permission that might be granted, requiring a programme of archaeological field investigation, in advance of any development taking place; this is also the approach that was adopted by the Inspector in determining the Churchfield Farm appeal.

Ecology and Habitats

- 2.38 The submitted Ecological Appraisal concludes that the habitats at the site appear to be of low ecological value, and that none of the nature conservation designations in the area are likely to be affected. This conclusion is accepted. A limited number of measures are proposed for ecological enhancements to comply with the policy requirements of the NPPF to achieve biodiversity gain; these include bird boxes, use of native species and trees and shrubs of local provenance in the landscaping scheme, and establishment of a wildflower grassland strip. Although the site is fairly small, it is suggested that the applicant could consider further enhancement

measures, including providing habitat features to encourage species such as hedgehogs, reptiles and bats. These can be addressed through a condition requiring an ecological management and monitoring plan, together with an informative listing the features that might be considered.

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

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

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

Viability and Developer Contributions

- 2.46 KCC has requested contributions towards primary and secondary education, community learning, youth service, libraries, social care and waste and recycling facilities, as set out above in the "Consultee responses" section of this report. These all appear reasonable, apart from that requested for the enhancement of capacity at household waste and recycling sites. Further work is currently being

carried out to put together a strategy for enhancement of these sites County-wide and, until that has been satisfactorily concluded, there is no certainty over the level of justification for the requested contribution.

- 2.47 The remaining KCC requests amount to £108,254.54. In addition, the NHS CCG has asked for £10,725 on behalf of the NHS, to go towards enhancing general practice facilities in the Deal and Sandwich Primary Care Network. The resulting total is £118,979.54, which the applicants have agreed to pay, this to be secured through a S106 agreement subject to the grant of planning permission.
- 2.48 Under policy DM5, the Council is to seek a contribution towards the provision of affordable housing from developments of between five and 14 dwellings. For developments of this scale, provision can be made either on-site or through a broadly equivalent financial contribution, or a combination of both. Applying the normal 30% requirement would equate to four dwellings. However, given the relatively small number of units involved, experience has shown that it is often difficult to attract an affordable housing provider, as shared overheads and management costs are generally higher for such sites. The most practical way forward in this instance is therefore considered to be through a contribution to off-site provision. However, given the level of contributions already identified and other “unusual” costs associated with this development (such as the need for a full archaeological investigation), the applicants sought to argue that viability of the scheme would be threatened if the full amount of affordable housing contribution were to be required. A viability assessment has been provided by the applicants and this has been examined by specialist consultants on behalf of the Council. It is common ground between the consultants that the full level of affordable housing provision would not be viable. Negotiations have therefore taken place between Officers and the applicants and as a result of that the applicants have agreed a contribution of £100,000. This is a negotiated position and, in all the circumstances, is one that is commended to Members.
- 2.49 The total amount of developer contributions secured through the proposed S106 agreement would therefore be £218,979.54.

3. Conclusion and Sustainability

- 3.1 This is an application for the erection of 14 dwellings on a site that is in countryside outside the defined urban confines of Deal. Although this means that it is contrary to policies DM1, DM11 and, in some respects, DM15, those policies now carry reduced weight in the light of the NPPF and the need to provide increased numbers of homes within the District. Because the policies that are most important for the determination of the application are either out of date or otherwise in conflict with the NPPF, determination of the application rests on the application of NPPF paragraph 11. There are no considerations in respect of “assets of particular importance” that clearly point to refusal. Therefore the judgement that has to be reached is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.2 Although development of this site would result in the loss of countryside, the detailed assessment that has been provided shows that, in terms of impact on the character and appearance of the local countryside, and the wider landscape, this would cause limited harm because of the specific location of the site, its visual relationship to neighbouring land and, in particular, the limited impact it would have on reducing the physical gap between the built-up areas of Deal and Sholden. The proposed site layout assists in integrating the development with that to the east,

and that approved to the west, which further mitigates the impact on this visual gap and, indeed, will help to strengthen the northern boundary of the built-up area of Deal. The proposal is acceptable in terms of its impact on the setting of heritage assets, ecology, the residential amenity of existing residents and in terms of other technical considerations. All other matters can be addressed through conditions.

- 3.3 The overarching aim behind the judgement in paragraph 11 is to foster sustainable development. This has three objectives – economic, social and environmental; despite being outside the confines, this is a sustainable location for residential development, being within close proximity to a range of services and access to public transport. The development would bring social and economic benefits by way of helping to meet the need for additional housing. Overall, therefore it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

g) Recommendation

- I. GRANT PLANNING PERMISSION subject to completion of a Section 106 Agreement to secure the developer contributions as set out in the report, and conditions to cover the following matters:

- 1) Standard Outline condition – Reserved Matters (appearance, landscape and scale) to be submitted
- 2) Standard Outline condition – submit Reserved Matters within three years
- 3) Standard Outline condition - commencement
- 4) List of approved plans
- 5) Submission of details of external materials
- 6) Submission of landscaping scheme
- 7) Provision of car parking
- 8) Provision of cycle parking
- 9) Provision of refuse facilities
- 10) Unforeseen contamination
- 11) Submission of a detailed scheme for the disposal of foul drainage (pre-commencement condition)
- 12) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
- 13) Verification of installation and effectiveness of drainage scheme
- 14) Submission of, and adherence to, Construction Management Plan
- 15) Provision of access to highway and construction of visibility splays, before occupation
- 16) Archaeological investigation (pre-commencement condition)
- 17) Submission of ecological management and monitoring plan
- 18) Provision of electric vehicle charging points
- 19) Broadband provision
- 20) Scheme of ecological mitigation
- 21) Scheme in relation to secured by design principles

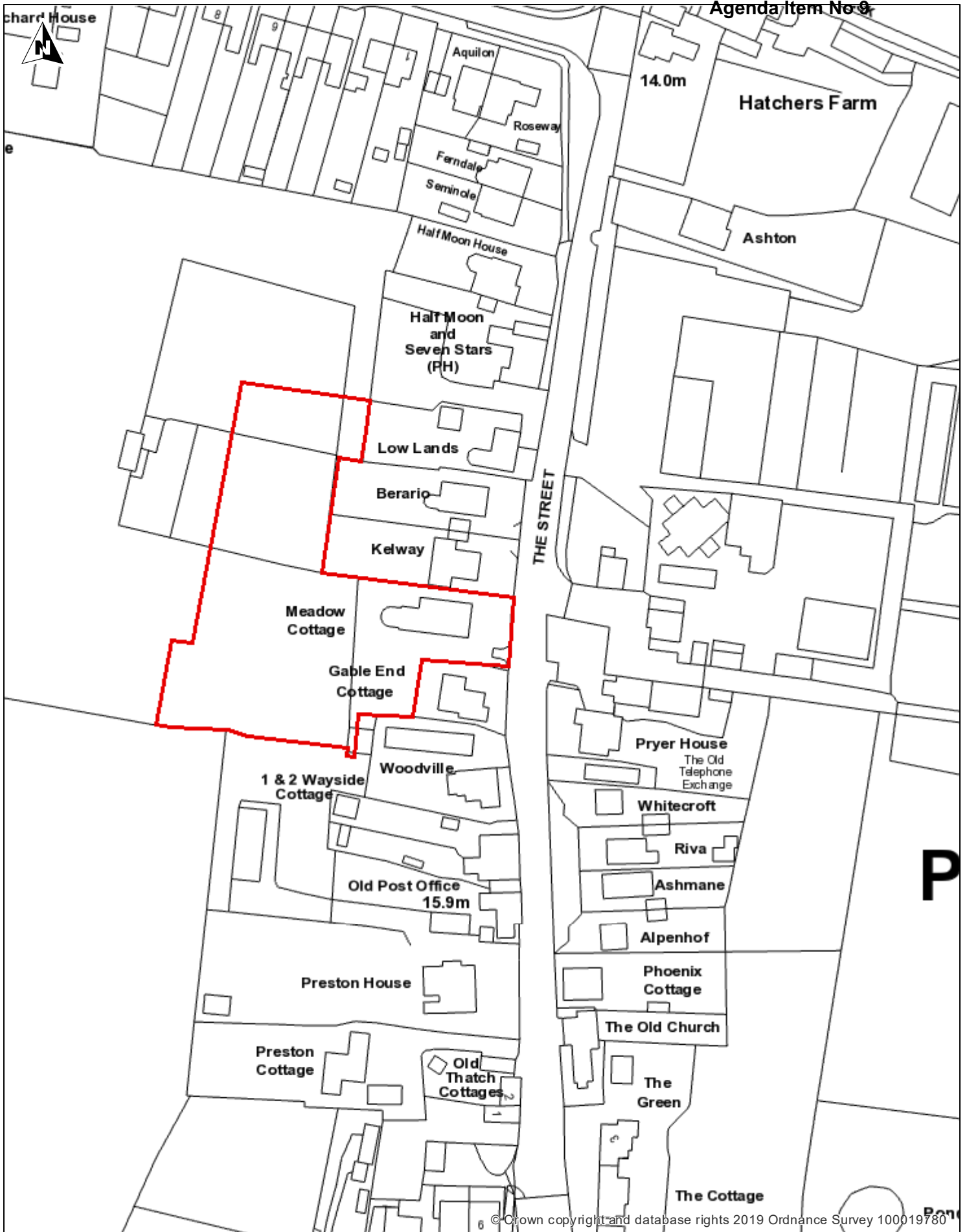
Informatives

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

- 5) Provision of infrastructure to facilitate broadband
 - 6) Disposal of waste arising from excavation/construction (EA)
 - 7) Protection of existing water infrastructure (SW)
 - 8) Matters to be included in detailed SUDS scheme (SW)
- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett



DOV/20/0544

Meadow Cottage And Land Rear Of The Street
Preston
CT3 1EB

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/20/00544 – Erection of 5 detached dwellings, new vehicle access, associated car parking and landscaping (existing dwelling to be demolished) - Meadow Cottage and Land Rear of, The Street, Preston

Reason for report: Number of contrary views (28).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- 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.
- 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.
- 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 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 nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'
- Sections 66(1) and 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990
Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

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

National Design Guide (2019)

Kent Design Guide

Preston Village Design Statement

d) Relevant Planning History

There is no relevant planning history for the site.

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

DDC Ecologist - I have reviewed the ECIA dated 31st of July 2020. I accept the conclusions of the report and support the recommendations for ecological enhancement of the site. In summary:

- Building 1 has been confirmed as supporting bat roosts for common pipistrelle and brown long eared bats.
- Demolition of this building will require an EPSM licence from Natural England post planning permission.
- No reptiles were found by the survey
- The priority habitat traditional orchard, will be retained

Mitigation measures include:

- Installation of bat access tiles within unit 1 and mounting of bat boxes on trees to provide roosting space during construction works
- An ecological watching brief during the demolition of building 1
- Use of only traditional non-breathable bitumen felt for the areas accessible to bats to prevent entanglement
- A bat sensitive lighting scheme following BCT guidelines
- Clearance of woody vegetation outside the bird nesting season (march to August inclusive)
- covering of excavations at night to prevent mammals becoming trapped
- Apparently the ecological enhancements will be provided within a landscape & ecological management plan (LEMP).

This should form a condition of consent. It will include:

- Hedgerow planting of native species
- Native nectar rich planting around the new buildings
- Gaps at the base of fences to allow mobility of species such as hedgehogs and amphibians.

DDC Waste Services – no objection.

KCC Highways

Response received on 11 June 2020

I refer to the above planning application and confirm the proposals are acceptable in highway capacity terms, the traffic from 5 additional dwellings being unlikely to have a severe impact on the highway network. However, the following matters need resolving:

1. Visibility splays of 43 metres x 2.4 metres x 43 metres are required at the proposed access over land within the control of the applicant and/or the highway authority, with no obstructions over 1 metre above carriageway level within the splays. These splays are not shown on the plans and it appears the proposed access location may need to be amended to achieve them. A detailed plan is therefore required showing how the necessary splays are to be achieved.
2. A minimum 1.8 metre-wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer's response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway.
3. The remote location of parking for Unit 1 is likely to lead to unacceptable parking on the highway and it should therefore be amended accordingly. Rotation/alteration of the dwelling layout so that the front door does not face The Street may also assist.
4. Part of the access appears to be outside the application red line and across third party land, and may therefore not be achievable. The length of the

access road and distance of some properties from the highway means that both the access and turning area should be able to accommodate a 10.7 metre rigid HGV delivery vehicle. Swept paths should be submitted to demonstrate that such a vehicle can suitably negotiate the access and turning area.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

The shared driveway within the site is to remain private and therefore, whilst the following matters are unlikely to have an unacceptable impact on the highway, you may wish to give them further consideration:

5. The size of refuse vehicle shown turning within the site appears considerably smaller than a typical refuse vehicle. Refuse collection vehicles also rarely enter shared private driveways.
6. Drivers using the car ports in unit 6 have to reverse an excessive distance.

Reconsultation response received on 27 August 2020

I refer to the amended plans submitted for the above and would comment as follows:

1. The visibility splays shown on the plans do not appear to be 43 metres x 2.4 metres x 43 metres as previously requested, over land within the control of the applicant and/or the highway authority.
2. As previously requested a minimum 1.8 metre-wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer's response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway.
3. The remote location of parking for Unit 1 is likely to lead to unacceptable parking on the highway and it should therefore be amended accordingly. Rotation/alteration of the dwelling layout so that the front door does not face The Street may also assist.

I wish to place a holding objection until the above matters have been satisfactorily resolved.

Subsequent response received on 23 September 2020

I refer to the amended plans and safety audit submitted for the above on 15th September and confirm the issues previously raised have been resolved. I note the issue raised in safety audit item A.4.1. regarding the need to taper the width of proposed footway to meet the existing, and this can be dealt with through the separate assessment process for the works within the highway.

The addition of four dwellings is unlikely to generate a significant level of traffic and will not have a severe impact on the capacity of the highway network. The access proposals are acceptable, providing adequate visibility and an improvement to pedestrian access and safety through provision of a length of footway along the site frontage. The footway will be provided at the developer's expense through an agreement under s.278 of the Highways Act.

Adequate parking is provided within the site for both residents and visitors. I therefore now have no objections in respect of highway matters subject to the following being secured by condition:

Submission of a Demolition and Construction Management Plan before the commencement

of any development on site to include the following:

- (a) Routing of demolition/construction and delivery vehicles to/from site
- (b) Parking and turning areas for demolition/construction and delivery vehicles and site personnel
- (c) Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Access arrangements

- 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.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access and proposed footway shown on the submitted plans or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Closure of the existing access prior to the use of the site 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.
- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

I would also request that each plot is fitted with at least one electric/hybrid vehicle charging point, 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>

Natural England – no objection.

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

Preston Parish Council – object to the planning application and raise the following matters:

1. The Village Design Statement (adopted by DDC as material consideration) clearly identifies the character of the village as being of relatively large houses on relatively large plots (as, indeed, this one is!) and the proposal to replace it with 6 units would be very cramped and out of character, it could lead to a dangerous precedent and erode the character of the village as defined in the VDS.

2. The rear part of the site (where 5 of the units would be sited) is outside the village confines where there is a presumption against development.
3. The cramped nature of the proposals would seriously affect the amenities of the neighbouring properties.
4. The site falls within a conservation area and the proposals would fail to preserve or enhance the area.
5. The access to the site would be directly opposite the butchers and not far from the entrance to the garden centre (and the recently approved entrance), and is considered to be unsuitable to support the additional traffic generated from the site.
6. The site was not put forward for consideration under the recent call for sites as part of the local plan review. If it had been, it is considered that it would have been rejected on similar grounds to other plots local to the application site.
7. There are already concerns with infrastructure capacity, and an additional 5 dwellings would considerably add to the problems.
8. Access onto the main road would be dangerous and would cross the virtual walkway. Especially in view of the recent permission on the other side of the road.

Public Representations:

28 letters of objection received raising the following matters:

- The site falls within a conservation area and the proposals would fail to 'preserve or enhance' the area.
- severely disrupt the species rich biodiversity of this land
- will set a precedent for further development of the site
- sewage problems
- unsafe access
- noise and light pollution
- loss of outlook
- loss of privacy to nearby properties
- cramped and out of character
- directly impact Gable End Cottage to front of the proposed dwellings causing a major loss of privacy
- Meadow Cottage even though not Listed could be an example of a Hall House. The open plan living area with originally one front door and central fireplace and Chimney. The Cottage has had numerous unsympathetic parts added which now disguise what is underneath. An application to Historic England for Listing ref 1465188 has been applied for and is under consideration.
- seriously affect the visual appearance of an already heavily populated part of the village.
- the entrance to the site will be dangerous for pedestrians, customers using the garden centre and butchers and the residents in the immediate area.
- will also add further traffic generation.
- will have a significant impact on our drainage and water supply.
- Preston requires starter homes and affordable housing and not large homes.
- the village also doesn't have the amenities to support any further development,
- will result in loss of privacy and increased noise surrounding the existing houses.
- presence of bats, slow worms and native reptiles
- pedestrian safety issues
- significant increase in traffic

2 letters of support received making the following comments:

- great for the prosperity of the local businesses and will assist in the long term viability of the local amenities.
- This will make a positive contribution to the village and should be supported.
- the houses are high standard and extremely good quality
- Due to recent construction works Preston is now becoming a thriving village which has a shop, pub, restaurant, butchers and garden centre all these business need the support of the local community and support surrounding areas.
- In the current post COVID economic climate creating work for local tradesmen is in everyone's best interest and houses of this quality and stature can only be beneficial for our village and outlying areas that rely on this community and local services and traders.

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

- 1.1 The application relates to a parcel of land associated with Meadow Cottage (existing dwelling) which fronts The Street. The part of the site lies within the Conservation Area and within settlement confines of Preston whilst a large portion of the site (to west) falls outside of these designations. The existing dwelling is not listed. The wider site (shown in blue line) comprises an area of neutral grassland with some clumps of mostly category U trees (i.e. trees classified as unsuitable for retention). The site shares boundaries with Kelway to the north and Gable End Cottage to the south whilst the site extends to the rear of adjoining properties Kelway, Berario and Low Lands to the north; Gable End Cottage and Woodville to the south.
- 1.2 The housing variety in Preston is diverse and rightly heterogenous. The scale of domestic buildings in Preston range from small single storey cottages and bungalows to substantial farmhouses, five bedroom family houses, a large vicarage and Preston Court, the manor house. The streetscene is predominantly characterised by detached, semi-detached dwellinghouses with short terraces of three or four. A few two storey houses have a further attic floor in the roof space lit by dormer windows, gable end windows or roof lights. There is prevalence of both shallow pitched and steep pitched roofs. Some early surviving dwellings (with steeply pitched roofs) comprise thatched roofs, kent peg tiled roofs whilst some older cottages feature a 'catslide' roof. Equally the use of shallow pitched concrete and slate tiled roofs is also evident.
- 1.3 The application seeks permission for the erection of four dwellings and one replacement dwelling with associated hardstanding and creation of a new vehicular access. The existing dwelling 'Meadow Cottage' would be demolished. The proposed would feature catslide, hipped and gable end roofs, chimneys and porches under pitched roofs, brick cills and headers. The dwellings would be finished in a combination of materials including hanging tiles, painted timber weatherboarding, red roof tiles and timber fenestration. A variety of fencing materials have been proposed. Post and rail fence would be installed in front of single native species hedgerow at the frontage of the site on the eastern boundary; post and wire mesh fencing would be installed between the rear gardens, the grassland and orchard area and will be reinforced with mixed native hedgerows; and a close boarded fence would be installed between the rear gardens.

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
- The impact on Highways
- The impact on Ecology
- Drainage

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. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.3 At the present time the Council is able to demonstrate a 5-year housing land supply (having 6.16 years supply). The council have not 'failed' the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years). It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF. This application is adjacent to the confines of a Village and so the development is contrary to DM11. The degree of harm arising from the infringement with Policy DM11 is considered to be limited. It is therefore considered that, for the purposes of this application, DM11 is partially out-of-date and should be afforded limited weight.

- 2.6 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. However, these policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. Whilst the blanket approach of refusing development which results in the loss of the countryside within DM15 is at odds with the NPPF, the policies are otherwise consistent with the NPPF, are not considered to be out-of-date and continue to attract significant weight in the assessment of this application. It is considered that the 'tilted balance' is engaged in this instance.

Impact on the Character and Appearance and Heritage

- 2.9 A large part of the site lies within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of four criteria is met, and the development does not result in the loss of ecological habitats.
- 2.10 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.11 Preston exhibits a distinctive settlement pattern, following a ribbon of mainly residential development along The Street, typically one plot deep. Outside the settlement envelope, the development pattern is more scattered, sparse and is characterised generally by clusters of development associated with agricultural complexes and single cottages.
- 2.12 The wider landscape is predominantly relatively flat open farmland, with arable and grazing pastures, fragmented by areas of woodland. These include an area of ancient woodland, orchards, windbreaks and areas of coppiced chestnut. The landscape is punctuated with ribbon/linear rural settlements and farmsteads along the rural roads. Settlement areas are characterised by a ribbon distribution of development in the village of Preston, with small farmsteads and hamlets scattered throughout the wider landscape, usually along the lanes.
- 2.13 The proposal involves demolition of the existing dwelling and erection of 5 dwellings with Units 2-5 (4 nos) arranged in a manner which would reflect courtyard type arrangement prevalent in rural areas. The initial submission involved erection of 6 dwellings (including one replacement dwelling) with extensive rear gardens. Concerns were raised in respect of the extensive domestication of the site which would be perceived as an encroachment into the countryside resulting in landscape impacts. Concerns were also raised in respect of the density of the dwellings proposed.
- 2.14 The applicant's agent was forthcoming and the scheme was amended which included reduction in the number of dwellings by 1 and re-siting and redesign of Unit 2. The garage associated with Unit 2 has been re-sited and aligned with the proposed dwelling (Unit 2). This arrangement gives a clear separation distance of 24m as opposed to the previous arrangement with a clear separation distance of 12m from the rear elevation of Gable End Cottage. A SUDS pond has also

been proposed. Further to this, the size of the private gardens were substantially reduced with a view of contain the visual impact arising from the proposed development. The amended layout resulted in the removal of a dwelling which would have otherwise been prominent from The Street. Following the review of the amended drawings, it was felt that whilst there was a reduction in the proposed built form, views of the proposed development would still be achievable from The Street particularly Units 3 and 4. Although the design of the dwellings was considered acceptable in its own right, it was felt that the overall development lacked rural appeal. Further discussions were had in respect of the provision of high quality landscaping to enable the desired rural transition. Subsequently, an amended landscaping plan was received which included a cluster of standard and heavy standard trees within the pocket between Units 3 and 4 with a view to extend the rural feel as is currently experienced by pedestrians in The Street.

- 2.15 The application is accompanied by a Landscape Visual Impact Assessment. It is noted that a wider area was selected for the assessment and 10 viewpoints (including long range and narrow range views) were identified from where the site is or may be visible and the impacts of development. The assessment considers the sensitivity to change, the magnitude of change and the significance of impacts (over the course of 10 years), having regard for potential mitigation. Of all the viewpoints, the most relevant viewpoints are considered to be viewpoints 4 (EE142), 6 and 7 (EE153) and viewpoints 9 and 10 (from The Street).
- 2.16 In respect of viewpoint 4 (EE142), the magnitude of change, sensitivity to the receptor and significance of the impacts has been assessed to be low. With regards to viewpoints 6 and 7, it is noted that the views achievable would be over a significant distance (i.e. over 100m). The magnitude of change, sensitivity to the receptor and significance of the impacts have been assessed to be moderate to high. Finally, the viewpoints 9 and 10 include views of the replacement dwelling. The magnitude of change has been assessed to be high, sensitivity to the receptor and significance of the impacts have been assessed as moderate. Therefore, whilst there would be some limited visual harm arising from the proposed development, it is also noteworthy that the significance of impacts with appropriate mitigation over the course of 10 years has been assessed to be low to neutral. Having regard to the above, it is considered that the conclusions drawn are reasonable. In the event of grant of permission, an appropriately worded condition could be attached requiring execution of the submitted landscaping scheme. For the foregoing reasons, it is not considered that the proposed development would cause harm to the character and appearance of the wider landscape or the street scene. As such, the proposal would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.17 Regard has also been had to the detailed design of the dwellings and its impact on the character and appearance of the Conservation Area and the setting of the listed buildings. The nearest listed buildings to the application site lie at a distance of approximately 51m to the south (Wayside Cottages) and 58m to the north (Half Moon and Seven Stars).
- 2.18 From the review of design and access statement and the submitted drawings, it is apparent that the site analysis has been carried out and regard has been had for the prevailing architectural styles in the vicinity of the application site. It is acknowledged that the properties in the street do not conform to a particular architectural style. A mix of exterior finishes to the properties in the immediate

area are noted which include plain render, painted brick, exposed brick work and timber weatherboarding. Also, the properties in the area incorporate a variety of fenestration materials although timber is prevalent. The proposed dwellings comprise a mix of catslide roofs and hipped gable ends with single storey integrated garages. It would utilise a mix of materials including red tile hanging, red stock brickwork, black weatherboarding, red tiled roof and timber doors and windows. Therefore, having regard to the siting, scale, separation distance and detailed design of the proposed dwellings, it is considered that the proposal would respond to the prevailing character of the existing buildings and the pattern of development within the locality. The proposed development is therefore considered acceptable subject to conditions and would comply with paragraphs 127 and 130 of the NPPF. To ensure the retention of the existing character of the street, a suitably worded condition could be attached to remove the permitted developments rights including Classes A (extensions), B (dormers/hip to gable extensions), D (Porches) and E (outbuildings) to allow further control of development on the site.

- 2.19 Concerns have been raised by Preston Parish Council in respect of the need for affordable housing in Preston stipulated by the Preston Village Design Statement. Whilst the need for affordable housing is recognised, it is necessary to consider the proposed scheme within the relevant context i.e. provision of high quality five family homes in the village in a sustainable location. Concerns have also been raised regarding the design of the dwellings, cramped nature of the proposal and the potential to set a 'dangerous precedent'. The design of the dwellings has been thoroughly assessed and following the amendments to the scheme which involved reduction in one residential unit, it is considered that it would sufficiently help retain the spaciousness and the rural appeal in the area. In respect of setting of a precedent, the proposed development has been assessed on its own merits. The 'Planning Policies and Guidance' section of the report sets out all the local and national planning policies that have been considered as part of the planning assessment. Therefore, it is not considered that the grant of permission would set a precedent in this instance.
- 2.20 Third party concerns have been raised in respect of the demolition of the existing dwelling. A discussion has been had with the Senior Heritage Officer in this regard. Meadow Cottage is in a state of disrepair and has been significantly altered over the years with much of original features and fabric lost. It is therefore considered unworthy of preservation on heritage grounds. Equally during the site visit, it was noted that there were a number of large diagonal cracks in the building walls which raise serious concerns regarding the structural integrity of the structure.
- 2.21 In conclusion, it is not considered that the proposal would cause harm to the character and appearance of the street scene, the Conservation Area or the setting of listed buildings in the vicinity of the site. Therefore, the proposal is considered to be in accordance with the Sections 66(1) and 72(1) of Planning (Listing Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development would cause no harm to the significance of the heritage assets or their settings.

Impact on Residential Amenity

- 2.22 The proposed dwellings would be well separated from their nearest neighbouring properties. The finished dwellings would lie at a distance of approximately 34.5m

from the rear elevation of Lowlands, 31m from Berario, 36.5m from Kelway and 24.5m from Gable End Cottage. It is considered that, given the substantial separation distances and relationships between properties, no unacceptable loss of light, sense of enclosure or overlooking would occur. Therefore, no harm to the residential amenity of the neighbouring occupiers is envisaged from the proposal.

- 2.23 Regard must also be had for the noise and disturbance which would be caused during demolition and construction. Given its proximity to the neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a demolition and construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; timing of HGV movements and hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.
- 2.24 Third parties have objected to the application on the grounds that the proposed development would result in harmful impact to the residential amenity. However, following the receipt of amended plans, it is felt that the concerns in relation to the loss of privacy and sense of enclosure have been satisfactorily overcome.
- 2.25 There are no other residential properties in the vicinity to be directly affected by the proposal. Therefore the proposed development complies with paragraphs 127 and 130 of the NPPF in this regard.

Living Conditions of Future Occupiers

- 2.26 The dwellings, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. The properties would be provided with private gardens and areas which could be used for refuse storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Impact on Parking/Highways

- 2.27 Policy DM13 of the Core Strategy (Table 1.1), requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a rural location, where 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 and 4 bedroom houses will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. The application proposes 15 car parking spaces and 3 visitor parking spaces and would accord with policy DM13 of the Core Strategy.
- 2.28 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwellings would give rise to additional travel in a location beyond settlement confines. However, given the siting of the proposed development directly adjacent the settlement confines, it is not considered that the harm caused by the proposal in this respect would be sufficient to warrant a refusal on this basis.

- 2.29 The proposal seeks to block the existing access and create a new vehicular access to the north of the replacement dwelling. KCC Highways have been formally consulted. A number of concerns were raised during the application process and further clarification/information was requested to be submitted including demonstration of visibility splays 43m x 2.4m x 43m within the area of land owned by the applicant. KCC also advised that a minimum of 1.8m wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer's response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway. Further to this, the remote location of parking for Unit 1 was considered unacceptable as it would increase the likelihood of inappropriate parking on the highway. Swept path diagrams were also requested. The applicant's agent was forthcoming and the requested information was submitted. On review of further information, KCC Highways withdrew their objection and concluded that the addition of four dwellings is unlikely to generate a significant level of traffic and will not have a severe impact on the capacity of the highway network. The access proposals are acceptable, providing adequate visibility and an improvement to pedestrian access and safety through provision of a length of footway along the site frontage. The footway will be provided at the developer's expense through an agreement under s.278 of the Highways Act.
- 2.30 KCC have advised that, should permission be granted, a demolition and construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points.
- 2.31 In accordance with the recommendations of the Kent Design Guide (inc. IGN 3) and the NPPF, and to encourage and facilitate the use of this sustainable forms of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.
- 2.32 In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraph 109 of the NPPF.

Impact on Trees

- 2.33 There are several mature trees within the application site. A tree survey has been submitted with the application which also includes an arboricultural method statement and a tree protection plan. A number of trees are proposed to be removed which include Ash (T27), Sycamore (T22), Lawson Cypress (T2, T6, T8, T9, & T11), Holly (T12 & T14), Spruce (T7), Birch (T5) and Malus (T10) due to their proximity to the proposed development. These trees have been classed as Category C trees (low quality trees). Further to this, due to the poor physiological and structural condition of the Prunus (T4 & T24), Ash (T17) and Lawson Cypress (T13) are recommended to be removed on purely arboricultural grounds regardless of whether the development is permitted or not. For the purposes of the survey, these trees have been recorded as Category U (BS5837: 2012, Table 1) being in a condition where they cannot be retained as living trees

for longer than 10 years. These trees are extremely poor specimens with any remedial works considered unlikely to produce trees with any degree of longevity. There are also multiple dead stumps that require clearing. Finally, there is 1 Category B Yew (T3) that requires removal due to its proximity to the proposed development; however, this is a small tree not widely visible from the surrounding area and therefore its loss will have limited impact on the visual amenity of the area.

- 2.34 The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots. In the event of grant of planning permission, appropriately worded conditions be attached to the permission to secure the tree protection measures as detailed within the submitted tree survey.

Ecology

- 2.35 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey and a bat survey.

- 2.36 The key survey findings confirmed that there was evidence of bat roosts for common pipistrelle and brown long eared bats within the existing building. The demolition of this building will require an EPSM licence from Natural England post planning permission. No reptiles were found during the survey. The priority habitat traditional orchard be retained. It is relevant to note that whilst the orchard is within land in applicant's ownership, it lies outside of the red line site plan. The following mitigation measures have been proposed:

- Installation of bat access tiles within unit 1 and mounting of bat boxes on trees to provide roosting space during construction works
- An ecological watching brief during the demolition of building 1
- Use of only traditional non-breathable bitumen felt for the areas accessible to bats to prevent entanglement
- A bat sensitive lighting scheme following BCT guidelines
- Clearance of woody vegetation outside the bird nesting season (march to August inclusive) covering of excavations at night to prevent mammals becoming trapped
- Hedgerow planting of native species
- Native nectar rich planting around the new buildings
- Gaps at the base of fences to allow mobility of species such as hedgehogs and amphibians.

- 2.37 It is considered that the findings within the ecological appraisal are sound and that the recommendations are sufficient to ensure that the Council's duties in respect of habitats, protected species and ecology generally will be fulfilled. DDC's ecological officer is satisfied with the information provided and recommended that all the recommendations for the enhancements detailed within the ecological appraisals should be secured via suitably worded conditions.

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

- 2.38 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.
- 2.39 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.
- 2.40 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.
- 2.41 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.
- 2.42 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

- 2.43 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.44 Whilst Southern Water have raised no objection in this instance, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal.

Other Material Considerations

- 2.45 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.

- 2.46 The proposed development would support growth and would provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy. The development would also have a transitory economic benefit during the construction phase. The development would provide four additional dwellings which would provide a small boost to the supply of housing in the district.
- 2.47 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural character of the area. No wider landscape impact is envisaged from the proposal. The application site abuts the settlement confines of Preston and has fairly good access to the public transport and facilities and services in Preston such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objectives of the NPPF and objectives relating to supporting community facilities.
- 2.48 In conclusion, taking the above facts in the round, it is considered that the proposed dwelling would lie in a sustainable location and would not result in any adverse impacts. As such, the proposal would support the sustainability principles of the NPPF.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the area or wider countryside. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and drainage. Finally, whilst it is considered to cause less than substantial harm to the heritage asset, the benefit arising from the proposal (an additional family home) is considered to outweigh the harm identified. Having regard for the above, it is recommended that the application be approved, subject to conditions.

g) Recommendation

- I. PERMISSION BE GRANTED, subject to conditions which include:

(i) 3-year time limit (ii) Approved plans (iii) samples of materials (iv) provision of parking and turning facilities (v) measures to prevent the discharge of surface water onto the highway (vi) pre-commencement condition for Demolition and Construction Management Plan (vii) use of bound surface for the first 5m of the access from the edge of the highway (viii) cycle parking provision (ix) completion of the access and proposed footway prior to the use of the site commencing (x) Closure of the existing access prior to the use of the site commencing (xi) Provision and maintenance of visibility splays with no obstruction over 1 metre above carriageway level within the splay (xii) strip measuring 2.4m in width from the edge of carriageway along the site frontage with no obstructions over 1m above carriageway level within the strip, prior to use of the site commencing (xiii) Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing (xiv) bin storage (xv) completion of access prior to first use (xvi) removal of PD rights (classes A, B, D and E) (xvii) Surface water disposal scheme (xviii) foul water drainage scheme (xix) Landscaping scheme (xx) hand dug condition and tree protection measures including protective fencing (xxi) ecology – plantation of native species and

biodiversity enhancements and mitigation measures as detailed within the report (xxii) bat sensitive lighting scheme (xxiii) electric charging points.

- 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

Subject:	FEES AND CHARGES 2021/22
Meeting and Date:	Planning Committee (for information) – 19 November 2020 Cabinet – 11 January 2021 (part of larger report)
Report of:	Lois Jarrett, Head of Planning, Regeneration and Development
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report: This report has been prepared in order to bring the levels of fees and charges (F&Cs) for the financial year 2021/22 to Members' attention. These revised F&Cs will be included in the budget estimates for 2021/22.

Recommendation: Planning Committee

That Members note the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2.

Cabinet

That Members approve the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2.

Minor adjustments to the local fees and charges to be delegated to the Head of Planning, Regeneration and Development, in consultation with the Head of Housing and Finance.

1. Summary

The constitution specifies that the Council's F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2021/22. The fees and charges for planning are included in Appendices 5.1 and 5.3 for members to note. Members will also note the national fees for planning included in Appendix 5.2.

2. Introduction and Background

2.1 The Council's constitution specifies that F&Cs shall be reviewed annually.

2.2 The level of Member approval required is dependent upon the types of F&Cs raised and therefore reports have to be submitted to:

- Licensing Committee
- Regulatory Committee
- Planning Committee
- Cabinet

- 2.3 In order to meet this requirement the following reports are produced for setting the Planning fees:
- Planning Committee – Report to the meeting on 19 November 2020 of all F&Cs relevant to the Planning Committee.
 - Cabinet – Report to the meeting on 11 January 2021 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.
- 2.4 Members are reminded that a framework of broad guidelines to be considered in formulating proposals for F&Cs is in place. This includes a checklist which has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Appendix 1.
- 2.5 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Appendix 5.1.

Detail and Narrative

These give a brief summary of the type of service being provided.

Set by Government

This indicates whether a charge is statutory or not. If a charge is statutory then it is effectively set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

2020/21 Charge Inc VAT

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, car parking for example, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, having regard to relevant considerations including market level, where appropriate. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

2021/22 Proposed Charge Inc VAT

This is the recommended charge for 2021/22 and will, subject to Members' approval, be included in the 2021/22 budget.

2021/22 Total Expected Income Ex VAT

This gives a broad indication as to how much income DDC is expected to receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. The more significant income streams (generating over £3k) have been highlighted in **bold** type. In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

Comments (inc Reason for the Change in Charges)

This provides Members with a brief explanation for the change. This will often be due to inflation or "catch up" inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance is still awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level, Member's approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

3. **Basis for Setting of Fees**

3.1 Members should take into account the following matters referred when noting the fees and charges included in Appendices 5.1-5.3:

- The statutory basis for levying the charges.
- All relevant legal requirements and government guidance.
- The cost of providing the service.
- The need to maximise income at a time of grant cuts and council tax capping so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
- Comparable charges at neighbouring authorities.
- What the market can bear.
- The matters referred to in the checklist of issues to consider (at Appendix 1)

4. **Climate Change and Environmental Implications**

There are no climate change implications.

5. **Resource Implications**

See Appendices.

6. **Corporate Implications**

Comment from the Strategic Director (Corporate Resources) (linked to the MTFP): Finance have been involved in the production of this report and have no further comment to make (JS).

6.1 Comment from the Solicitor to the Council: "The Head of Governance has been consulted during the preparation of this report and has no further comment to make."

6.2 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

7. **Appendices**

- Appendix 1 – Fees and Charges checklist
- Appendix 5.1 – Schedule of recommended F&Cs
- Appendix 5.2 - A Guide to National Fees for Planning Applications in England
- Appendix 5.3 – Pre-application Planning Fees

Contact Officer: Lois Jarrett - Head of Planning, Regeneration and Development.

Fees and Charges Checklist

<p>Corporate and Service Objectives Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives?</p>
<p>Users of the Service Is there sufficient understanding of our service users and their needs and wishes? Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed? Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation. Ensure that you consider the potential climate change and environmental issues and where necessary consider and document any issues and mitigation.</p>
<p>Comparison with other providers Is there a complete picture of competition and providers of similar services – including other Local Authorities?</p>
<p>Consultation Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements? Is wider community consultation appropriate for any of your charges? Has it been undertaken?</p>
<p>Performance Management Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success?</p>
<p>Financial Considerations Is the charge at a level to fully recover all costs or if is subsidised - why? Have we considered all services for which we can / should charge a fee? Are there any fees that we charge, that have not been included in the schedule? Are we being radical in our approach to charging and are our charges cost effective?</p>
<p>Corporate Income Policy Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.</p>
<p>Legal Considerations and Other Guidance Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account?</p>
<p>Customer Access Review Consider whether the CAR for your service includes any issues for specific fees.</p>

			2020/21	2020/21		2020/21	2021/22	2021/22	2021/22		
Detail	Narrative	Set by Govt? Y/N	Charges inc VAT	Units / Comments	Vatable? Y/N	Total Expected Income ex VAT	Proposed Charges inc VAT	Units / Comments	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income and other information
Planning - R Walton - L Jarrett - Cllr Kenton											
1	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	N	£5.00		Y		£5.00		0%	
2	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.10	A4	N		£0.10	A4	0%	
3	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.20	A3	N	£750.00	£0.20	A3	0%	
4	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£5.00	Over A3	N		£5.00	Over A3	0%	
5	General	Research on Planning Histories, Permitted Development Rights and Use classes	N	£35.00	Per request	Y		£35.00	Per request	0%	
6	General	Planning Application Fees (see Appendix 5.2 - A Guide to the Fees for Planning Applications in England)	Y			N	£600,000		£840,000	0%	The previous year showed 'core' income, excluding the 2017/18 20% increase in planning fees - this being set aside for budgeting purposes. The 20% is now combined with core income. Larger applications have also increased fee income.
7	General	Pre-application advice (see Appendix 5.3)	N			Y	£60,000		£75,000	44%	Increase in fee following review of other Kent authority pre-application charge rates.
8	General	Details pursuant to conditions. (see Appendix 5.2 page 9)	Y			Y	£15,000		£20,000	0%	Income contributes to 'Planning Application Fee' income (line 6)
9	General	Advice on compliance of conditions information (see Appendix 5.2)	N			Y		£116.00		27%	Increased fee from £85 to £116 as per the regulations. Income contributes to 'Planning Application Fee' income (line 6)
10	General	S.106 Monitoring Fee	N	£236 (per trigger) or negotiated for more complex cases		Y	£6,000	£280 (per trigger) or negotiated for more complex cases		16%	The introduction of new CIL regulations in September 2019 confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements.
11	General	Registration & renewal fee for Self-Build Register	N	£30 (Registration) & £15 (Renewal)		Y	£675		N/A	0%	The Self-build and Custom Housebuilding Act 2015 (as amended) requires authorities to keep a register of individuals/associations seeking to acquire serviced plots for their own self-build/custom housebuilding. Related 2016 Regulations allow authorities to charge a fee for entry onto a self-build register and thereafter, charge an annual renewal fee to remain on that register. The income is shown as N/A as the responsibility for the registration process and managing the income will be moving out of Planning and into Housing.

A Guide to the Fees for Planning Applications in England

These fees apply from 17 January 2018 onwards.

This document is based upon [‘The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012’ \(as amended\)](#)

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

Outline Applications		
£462 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£462 per 0.1 hectare
£11,432 + £138 for each 0.1 in excess of 2.5 hectares to a maximum of £150,000	More than 2.5 hectares	£11,432 + £138 per 0.1 hectare

Householder Applications		
Alterations/extensions to a single dwellinghouse , including works within boundary	Single dwellinghouse	£206

Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent)		
Alterations/extensions to two or more dwellinghouses , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£407
New dwellinghouses (up to and including 50)	New dwellinghouses (not more than 50)	£462 per dwellinghouse
New dwellinghouses (for <i>more</i> than 50) £22,859 + £138 per additional dwellinghouse in excess of 50 up to a maximum fee of £300,000	New dwellinghouses (more than 50)	£22,859 + £138 per additional dwellinghouse

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of buildings (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£234
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£462
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£462 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£22,859 + £138 for each additional 75 sq m in excess of 3,750 sq m to a maximum of £300,000
The erection of buildings (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£462
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£462 for first 540 sq m + £462 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£22,859 + £138 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £300,000

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of glasshouses (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m	£2,580
Erection/alterations/replacement of plant and machinery		
Site area	Not more than 5 hectares	£462 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£22,859 + additional £138 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £300,000

Applications other than Building Works		
Car parks, service roads or other accesses	For existing uses	£234
Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + £138 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £78,000
Operations connected with exploratory drilling for oil or natural gas		
Site area	Not more than 7.5 hectares	£508 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£38,070 + additional £151 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £300,000

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Applications other than Building Works continued...		
Operations (other than exploratory drilling) for the winning and working of oil or natural gas		
Site area	Not more than 15 hectares	£257 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£38,520 + additional £151 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (winning and working of minerals) excluding oil and natural gas		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + additional £138 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (not coming within any of the above categories)		
Site area	Any site area	£234 for each 0.1 hectare (or part thereof) up to a maximum of £2,028

Lawful Development Certificate	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£234
Proposed use or operation	Half the normal planning fee.

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Prior Approval	
Agricultural and Forestry buildings & operations or demolition of buildings	£96
Communications (previously referred to as 'Telecommunications Code Systems Operators')	£462
Proposed Change of Use to State Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£206
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£96
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£206
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£96
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£96

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Prior Approval continued...	
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£96
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£96
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop	£96
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use	£96
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt	£96

Reserved Matters	
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £462 due

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Approval/Variation/discharge of condition	
Application for removal or variation of a condition following grant of planning permission	£234
Request for confirmation that one or more planning conditions have been complied with	£34 per request for Householder otherwise £116 per request

Change of Use of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellinghouses	Not more than 50 dwellinghouses	£462 for each
Number of dwellinghouses	More than 50 dwellinghouses	£22,859 + £138 for each in excess of 50 up to a maximum of £300,000
Other Changes of Use of a building or land		£462

Advertising	
Relating to the business on the premises	£132
Advance signs which are not situated on or visible from the site, directing the public to a business	£132
Other advertisements	£462

Application for a Non-material Amendment Following a Grant of Planning Permission	
Applications in respect of householder developments	£34
Applications in respect of other developments	£234

Application for Permission in Principle (valid from 1 June 2018)	
Site area	£402 for each 0.1 hectare (or part thereof)

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Concessions

Please note: Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

Exemptions from payment

An application solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing:

- Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or
- Facilities designed to secure that person's greater safety, health or comfort.

An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted.

Listed Building Consent

Planning permission for relevant demolition in a Conservation Area

Works to Trees covered by a Tree Preservation Order or in a Conservation Area
Hedgerow Removal

If the application is the first revision of an application for development of the same character or description on the same site by the same applicant:

- For a withdrawn application: Within 12 months of the date the application was received
- For a determined application: Within 12 months of the date the application was granted, refused or an appeal dismissed
- For an application where an appeal was made on the grounds of non-determination: Within 12 months of the period when the giving of notice of a decision on the earlier valid application expired

If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation

If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person

If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question

If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

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Concessions continued...

Please note: Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

Exemptions from payment continued...

If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area

If the application is for a Certificate of Lawfulness of Proposed Works to a listed building

Prior Approval for a Proposed Larger Home Extension

Reductions to payments

If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £462

If the application is being made on behalf of a parish or community council then the fee is 50%

If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%

In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £462

If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others

Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.

If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.

The fee should go to the authority that contains the larger part of the application site.

ENDS

Pre-application Advice

Why seek advice?

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent planning permission being granted.

Basic, free of charge advice on the planning process is available by visiting the main Council Offices at Whitfield or over the telephone. Useful guidance can also be found on the [Planning Portal](#). If you would prefer a specific review of your proposals and detailed guidance on the application process, we recommend that you obtain formal pre-application advice. This is a charged-for service and is available for any scale of development. We are happy to provide advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans.

Seeking our advice gives you an opportunity to understand how local and national policies will be applied to your development. We will identify at an early stage where there is a need for specialist input, for example about:

- Heritage assets (including listed buildings and conservation areas)
- trees
- landscape
- noise
- transport
- contaminated land
- ecology
- flood risk
- archaeology

We will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more smoothly and may lead to a reduction in time spent by your professional advisors in preparing proposals. Amendments or alternative forms of development may be suggested if a proposal is unlikely to be acceptable.

You can use the service just once or you may find it beneficial to obtain advice throughout the evolution of your scheme.

Our charges

We have established a menu of charging to reflect the size and complexity of particular schemes.

Hopefully your scheme will fit into these categories, but if not, do contact us for a quote.

Charge	Written £	Written + Meeting £
Householder	100	165
1-4 dwellings	250	350
1-4 dwellings follow-up advice*	150	250
5-9 dwellings	400	750
5-9 dwellings follow-up advice*	250	350
10-49 dwellings	-	1,200
10-49 dwellings follow-up advice*	300	600
50+ dwellings	-	2,300
50+ dwellings follow-up advice*	500	1,000
Commercial up to 250m ²	100	165
Commercial up to 500m ²	150	250
Follow-up advice*	85	150
Commercial up to 999m ²	-	600
Follow-up advice*	150	250
Commercial over 1000m ²	-	1200
Follow-up advice*	300	600
Listed Building Advice	185	285
Highways	Kent Highways	

Surface Water/Suds	KCC Coastal/River
Flooding/Water quality	Environment Agency

* This additional fee is applicable only if you require a formal review. It is not chargeable for matters of clarification

We also need the following information for schemes of 10 dwellings and above:

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development

Listed building advice

If you are considering carrying out works to a listed building you may wish to seek advice from the Heritage team before submission of a listed building consent application. If your question is brief and requires a general response you can telephone for free of charge advice. However, if your query requires research, a site visit or a written response from the Heritage team a fee will apply.

In order for the Officer to provide an appropriate and informed response you will need to provide the following information:

- Written details of the address
- Description of the works proposed. You may also be requested to submit an initial Heritage Statement.

- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details both of the existing Listed Building and the proposal alterations (to a recognised scale)
- Photographs of the Listed Building as relevant to your query
- Contact details including phone number and email address

There are exemptions to the fee for Listed Building pre-application advice for queries regarding alterations proposed to respond to disability issues such as access, for parish or town councils and for works that are classed as an emergency. Please contact us to discuss.

Listed building consent is free of charge.

What the costs cover

Our fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

How to apply

Please email preappadvice@dover.gov.uk

Telephone: 01304 872486

Pre-application advice cannot guarantee the final formal decision that will be made on your application. However, any pre-application advice that has been provided will be carefully considered in reaching a decision.