

Public Document Pack



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16 March 2021

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 25 March 2021 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 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 25 February 2021 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6-11)

5 **APPLICATION NO DOV/20/01407 - LAND BETWEEN SOUTH VIEW AND DEAN HOLME, FLAX COURT LANE, SHEPHERDSWELL** (Pages 12-20)

Erection of a detached dwelling, cycle shed, recycle store, electrical vehicle charging unit and associated parking

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

6 **APPLICATION NO DOV/20/01533 - 48 THE MARINA, DEAL** (Pages 21-26)

Erection of garage and annexe for ancillary use (existing garage and lean-to to be demolished)

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

7 **APPLICATION NO DOV/20/01369 - THE MANOR, 22 THE STREET, WEST HOUGHAM** (Pages 27-40)

Outline application for the erection of two detached dwellings (with all matters reserved except access)

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

8 **APPLICATION NO DOV/20/00936 - 53A WESTCOURT LANE, SHEPHERDSWELL** (Pages 41-56)

Erection of a detached dwelling (amended plans)

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

9 **APPLICATION NO DOV/20/01303 - PARSONAGE FARM, COLDRED HILL, COLDRED** (Pages 57-74)

Erection of two dwellings, and conversion of existing agricultural building to form two dwellings with associated gardens and parking (existing agricultural building to be demolished)

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

10 **APPLICATION NO DOV/20/01245 - SITE SOUTH OF MARLBOROUGH ROAD, DEAL** (Pages 75-92)

Outline application for the erection of up to nine residential dwellings (with all matters reserved)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

- 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.



Remote Meetings

Planning Committee

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

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

Joining a Remote Meeting

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

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

Public Speaking

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

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

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

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

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

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

Feedback

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

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

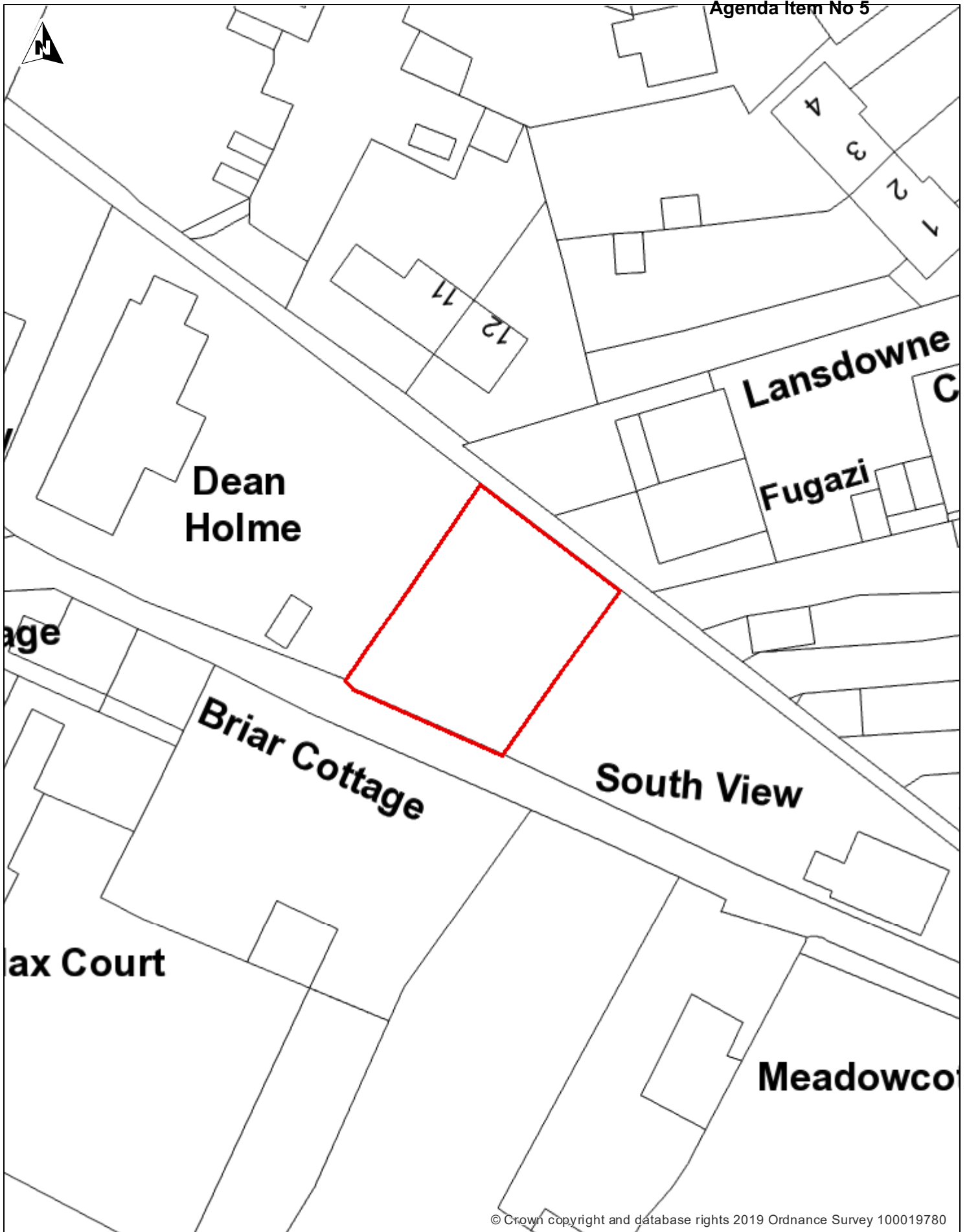
Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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20/01407

Land Between South View And Dean Holme
Flax Court Lane, Eythorne

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/20/01407 – Erection of a detached dwelling, cycle shed, recycle store, electrical vehicle charging unit and associated parking - Land between South View and Dean Holme, Flax Court Lane, 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 – Settlement hierarchy
- DM1 - Development within the built confines.
- DM11 – Travel Demand
- DM15 – Countryside

National Planning Policy Framework 2019 (NPPF)

- Paragraph 8 - The three objectives of sustainability.
- Paragraph 11 - Presumption in favour of sustainable development.
- Paragraph 124 – Good design is a key aspect of sustainable development.
- Paragraph 127 - Achieving well-designed places.
- Paragraph 130 - Permission should be refused for poor design.
- Paragraph 170 - Development to contribute to and enhance the natural and local environment.

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.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan is undergoing its first public consultation exercise, which is due to expire in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

DOV/16/01198 – Refused, for “*Erection of a detached dwelling, associated parking and landscaping*”, on the following basis:

“1. The development, if permitted would be an unjustified, sporadic, intrusive form of development, beyond any settlement confines and would result in the loss of countryside which would be harmful to the appearance and character of the countryside and harmful to rural amenity and constitute an unsustainable form of

development, contrary to policies DM1 and DM15 of the Core Strategy and the aims and objectives of the NPPF in particular at paragraphs 7, 14 and 17.

2. The location of the 1st floor windows on the rear elevation of the dwelling proposed would lead to an unacceptable level of overlooking into the rear amenity spaces of 2no. single storey dwellings to the rear of the site. This is contrary to paragraph 17 of the NPPF which always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The subsequent appeal was dismissed on 7 September 2018. The Inspector considered that the appeal scheme would not form an appropriate location for residential development (being outside the settlement boundary - DM1), it would appear as a sporadic and intrusive form of development that would suburbanise the site, eroding the rural qualities of the area (harm to character and appearance of the area – DM15), and there would be unacceptable levels of overlooking – Paragraph 127 (f) of the NPPF).

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

Eythorne Parish Council: Objections are raised on the grounds that the development is overbearing, a very small plot and outside of the settlement confines.

Kent PROW: Public Right of Way EE345 passes adjacent to the proposed site. No objections are raised, but there is a concern that during the construction phase of the development the access to and use of the Right of Way should not be affected or hindered.

Public Representations: There have been 33 other responses received from the public consultation exercise, 12 support the application and 21 oppose it. The objections raised can be summarised as follows:

- Overlooking, overbearing and out of keeping.
- Loss of light/right to light, privacy and right to peace and quiet.
- Outside the village confines (contrary to DM1).
- Would affect designated heritage assets (proximity to Conservation Area and listed building).
- Harm to character and appearance (DM15), harm to rural lane.
- Would cause noise and disturbance.
- Harm to wildlife and ecology.
- Would cause obstructions to highway, harm to highway safety, hinder access for emergency vehicles and cause flooding onto the PROW.
- Would set a precedent.
- The proposal is contrary to the decision of the Inspector.

Those that support the application consider there to be:

- A visual improvement.
- Good use of land.
- The development would attract families to the village.
- An additional dwelling would help ease the housing need.
- The dwelling would be affordable to local people.
- The development would be in keeping and sympathetic.

- There would be no harm to the environment and access and disruption during construction could be controlled.

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

- 1.1 The application site falls outside Eythorne village confines. The confines of the village are located to the north of the site beyond a Public Footpath (EE345A) which runs immediately north of the boundary of the application site. Access to and from the site and the village would be along Flax Court Lane - the Public Bridleway EE345), which serves other properties and the open countryside. The application site is located between these two public rights of way.
- 1.2 The site is an almost square parcel of land that has been cleared. Beyond the Footpath to the north are the boundary fences and enclosures of the rear gardens of properties that are accessed from Church Hill.
- 1.3 The rear boundaries of the properties to the north of the appeal site provide a physical/definitive urban edge to the settlement. To the west of this, including across the appeal site, the area has more of a semi-rural, open and transitional character and appearance leading to the more open countryside to the west and south. The appeal site relates to this semi-rural character more so than the urban, village confines.
- 1.4 To the north of the appeal site are two sets of semi detached single storey dwellings – Nos. 11 and 12 The Crescent and Landsdowne and Fugazi. These are modest sized dwellings located behind the general line and pattern of development that fronts onto Church Hill.
- 1.5 The public bridleway runs in an east-west direction. It is an unmade, narrow track that serves some 7 dwellings for its first stretch and a further 3 dwellings further west where it meets two public footpaths running in a north-south direction. The footpath that runs immediately to the north of the appeal site stretches from Coldred Road and leads to one of these other footpaths – running behind the Church Hill properties and between paddocks.
- 1.6 Flax Court is located some 30m from the appeal site located behind two modest sized cottages (Flax Cottage and Briar Cottage). Flax Court is a Grade II listed building. It is a two storey dwelling, with rendered walls and with a hipped plain tiled roof and central stack. It dates back to the 17th Century and has been extended in the early 18th Century and 20th Century.
- 1.7 The edge of the Conservation Area is located some 15m to the east of the appeal site. The Conservation Area comprises the historic village settlement of Eythorne, mainly set around the junction of Coldred Road and The Street. It has a number of Georgian and Victorian houses, set close to the back edge of the highway with its hinterland and farmsteads to the south and east forming part of the original settlement.
- 1.8 The Appeal Inspector described the area around the site as being close to the boundary of Eythorne, but having a verdant and distinct open and rural quality that is reinforced by the presence of mature landscaping within this countryside setting. The site forms part of a scattering of dwellings, but it nonetheless better relates to its rural surroundings.

- 1.9 The proposal is for a single storey dwelling, and would be finished in facing brickwork, under a slate roof. The building would be mostly rectangular in form with pitched roofs. It would accommodate two bedrooms and an open plan lounge/kitchen and dining area. It would have a lobby and kitchen window and two parking spaces fronting onto Flax Court Lane. The building would be located on the western side of the site. Its principal elevation would face into a garden area on the eastern side of the site. The garden would have 1.8m high boundary fences.
- 1.10 The building is designed to include measures to promote energy efficiency and the reduction in carbon emissions.

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

Principle of Development

- 2.2 The application site is outside the village confines of Eythorne, within the countryside. Policy DM1 states that development will not be permitted outside the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.3 Policy 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. As such, the application is contrary to Policy DM11.
- 2.4 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 it meets one of its exceptions criteria. The degree to which the development affects the character or appearance of the countryside will be considered further in this Report; however, the development does not meet any of the exceptions criteria set out in the Policy.
- 2.5 Whilst the development is contrary to Policies DM1, DM11 and potentially Policy DM15 and notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has delivered less than 75% of the Housing Delivery Test requirement over the previous three years) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

- 2.6 Having regard to the most recent Annual Monitoring Report, the Council is currently able to demonstrate a five-year supply of housing, which further demonstrates that the development strategy for the District under Policy DM1 is still able to deliver the current housing need requirements. However, as Policies DM1 and DM11 were devised to deliver housing need on the basis of the Council's Core Strategy 2010, it is considered as a matter of judgement that to some extent these Policies are out of date and should carry less weight. The 'tilted balance' approach as set out paragraph 11 of the NPPF therefore applies.
- 2.7 The location of the proposed dwelling, outside but close to the village confines is not considered to be isolated within the countryside, for the purposes of Paragraph 79 of the NPPF. It is also recognised that under Paragraph 78 of the NPPF the proposed dwelling could be considered to help enhance or maintain the vitality of the rural community and assist its support of local services.
- 2.8 As such, whilst the proposal would be contrary to Policy DM1, and this is the starting position for the determination of the application, Paragraphs 78-79 of the NPPF would appear to support a new dwelling in the proposed location under certain circumstances.
- 2.9 Policy DM11 seeks to locate travel generating development within settlement confines and to restrict development that would generate high levels of travel outside confines. This blanket approach to resist development which is outside the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport.
- 2.10 Given the fact that the future occupiers of the proposed dwelling would be able to walk along a bridleway to the centre of the village, and there is a reasonable range of amenities and facilities within walking and cycling distance, it is considered that there are reasonable alternatives to travel available to the future occupiers. The blanket 'in principle' objection to the scheme as a result of the restrictive wording of Policy DM11 renders the policy out-of-date with the NPPF which reduces the weight that can be afforded to this Policy. In view of the realistic alternatives to the use of the private car to travel into the village, it is considered that there is no overriding conflict with the NPPF.
- 2.11 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- 2.12 Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this Policy and the NPPF. In this instance, the site's appearance within the open countryside does afford a contribution to its intrinsic beauty and character. This assessment was supported by the Appeal Inspector in 2018, and this is a material planning

consideration. Consequently, it is concluded that Policy DM15 should attract significant weight for the reasons set out in the Report section below.

Impact Upon Character and Appearance

- 2.13 The conclusions of the Appeal Inspector are material planning considerations in the determination of this application. In particular, due to the decision being made relatively recently (2018) and as there has been no material shift in policy or significant change to the appearance of the site and the character and appearance of the surrounding area.
- 2.14 The Appeal proposal was for the erection of a three bedroom dwelling house on the land. The Inspector recognised the importance of directing development to within settlement boundaries and found conflict with policy DM1. Secondly, the Inspector considered that even with the scattering of dwellings in this part of Eythorne, the site better related to its rural surroundings to which it makes a positive contribution.
- 2.15 The proposed development would comprise a detached, single storey building and hard standing located on the western side of the site, with a garden on its eastern side. It does not have the same height as the Appeal proposal, but the location of the building and most of the frontage hardstanding would not be discreet; it would be visible from the bridleway (the rural lane) and the amount of development would be perceived as a sporadic form of development within the area, un-related to its prevailing open character and appearance. Furthermore, the additional vehicle movements associated with the residential use, the use of the garden and the erection of boundary fencing (1.8m high close boarded fencing) would lead to a domestication of the appearance of the land and harm the rural qualities of the area. The Appeal Inspector also expressed concern over this “suburbanising effect”.
- 2.16 It is considered that the proposed development would harm the character, appearance and intrinsic beauty of the countryside and would be in conflict with Policy DM15 and Paragraph 170 of the NPPF.

Residential Amenity

- 2.17 The Appeal proposal had living accommodation within its roof space that the Inspector considered would lead to overlooking into the gardens and properties located to the north.
- 2.18 The current proposal is for a single storey building, with a relatively low pitched roof. It is not considered that the proposed building would have an overbearing impact upon adjacent properties and it is not considered that the proposal would give rise to overlooking and loss of privacy – as the windows in the proposed dwelling are at ground floor level only. If the proposal was acceptable in other respects, a planning condition could be imposed to secure boundary treatment and a landscape scheme to further reduce the likelihood of overlooking and loss of privacy for those occupiers of properties nearby.

Other Matters

- 2.19 The Appeal Inspector did not raise highway safety, loss of wildlife and those other matters raised through the response to the consultation of this application, as reasons to justify dismissal of the previous proposal. As such, refusal of planning permission on the other matters raised is considered to be unjustified.
- 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, predominantly 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.

3. **Conclusion**

- 3.1 To be weighed in the planning balance are the benefits of the provision of new housing against the harm arising from the development and specifically the conflict with the development plan, the harm to the character and appearance of the area.
- 3.2 The scheme would provide a dwelling which would be a modest public social benefit. The proposal would also provide economic benefits in the form of construction jobs as well as the benefits of additional residents in Eythorne and support for local facilities and services.
- 3.3 Whilst the benefits are recognised, it does not follow that the proposal is justified on the application site.
- 3.4 The harm arising from the application proposal significantly and demonstrably outweighs the benefits of this particular proposal, when assessed against the development plan policies and the policies of the Framework.
- 3.5 For the reasons stated above the proposal does not meet the requirements of achieving, and would not constitute, sustainable development.

g) Recommendation

I PERMISSION BE REFUSED for the following reasons:

The development, if permitted, would be an unjustified, sporadic, intrusive form of development, beyond the settlement confines and would result in the loss of countryside which would be harmful to the intrinsic character, appearance and beauty of the countryside and harmful to rural amenity and as such would constitute an unsustainable form of development, contrary to policies DM1 and DM15 of the Core Strategy and the aims and objectives of the NPPF in particular at paragraphs 124, 127, 130 and 170.

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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20/01533
48 The Marina
Deal
CT14 6NP

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) **20/01533 – Erection of garage and annexe for ancillary use (existing garage and lean-to to be demolished) - 48 The Marina, Deal**

Reason for Report: Eight contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Planning Policy Framework (NPPF)

NPPF 2019

Achieving sustainable development - Paras 7-14

Achieving well designed places - Paras 124-132

Dover District Core Strategy (CS)

Policy DM1 - supports development carried out within the urban confines or is ancillary to existing development.

d) **Relevant Planning History**

97/1047 Two storey detached dwelling with associated works – Refused

INF/06/0648 Informal Advice – two bungalows would not receive officer support

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

Deal Town Council - No objection

Archaeology – No Measures necessary

Public Representations - A total of twenty six representations were received as follows:

Eight **objections** were received summarised as follows:

- Not in keeping with the surrounding area
- Would set a precedent for similar development
- Potential use for residential purposes/holiday let
- Two storey building not necessary
- Inadequate sewage system
- Office use not appropriate to the area
- Would prefer a single storey development

Eighteen letters of support were received summarised as follows:

- Improvement on the existing run down garages in the area
- Good use of space
- Attractive development
- Improve street scene
- Needed for working at home accommodation
- Extra parking to be welcomed

1. The Site and the Proposal

The Site

- 1.1 The proposed development is situated at the end of the relatively long rear garden (about 35 metres) of number 48 The Marina and backing on to the East side of Sandown Road with a road frontage of about 11 metres.
- 1.2 The east side of Sandown Road comprises, in the main, the rear gardens of various properties on the Marina itself. These rear gardens are rather run down with an assortment of mainly flat roofed single storey garages which give a rather poor appearance to the area. These rear gardens comprise a 50 metre gap between two storey developments, some of which are fairly recent. On the opposite side of Sandown Road (the west side) there is an eclectic mix of original bungalows and modern two storey replacement dwelling. Overall, the impression of the area is one of slow gradual improvement

The Proposal

- 1.3 The proposed building is to replace the existing single story pitched roof single garage and would have an 'L' shaped footprint about 10 metres wide and 7 metres deep with a ground floor area of about 60 square metres. The building would be set back far enough from the road to accommodate two off road parking spaces.
- 1.4 The total height of the building would be about 6 metres to the ridge of its pitched and artificial slated roof. External walls would comprise vertical dark stained timber cladding. The garden facing elevation would contain deep windows up to mid-level of the mezzanine floor with double doors giving access to the garden. The road facing elevation would contain a garage door and three small windows at ground floor and a small square window at first floor. An entrance door would be on the side elevation. There would be rooflights in the road facing and side elevation. There would be a flue on the garden facing roof slope serving a small heating stove.
- 1.5 The northern wing of the building would comprise a single garage at ground floor level. The remainder of the ground floor would be used as 'garden room and a home gym. The first floor would accommodate a new home office and store.
- 1.6 The applicant describes the proposed use as follows:

"Garage - The proposed new building will accommodate a new single garage with workshop space. Its positioning will also allow the comfortable parking of 2 vehicles. These spaces will be independently accessible and make use of the existing dropped kerb. (There is no requirement for a new dropped kerb). The applicants already have one electric vehicle and intend to have a second electric car so provision will also be made for two car charging points

The Garden Room/Gym - The proposed new building will also provide a space at ground floor for a new "Garden Room" and home gym. The existing main house has no reception rooms with direct access to the garden due the change in levels resulting in the fact that the main kitchen is over a storey above the garden level. Therefore the garden room will provide the family with a social space that is directly linked to their garden. The space will also be used as a home gym and so a toilet and shower room is provided.

Home Office - The first floor will accommodate a new home office. This year has obviously seen a huge increase in home working and a dedicated separate work space is required for continued home working. The window faces Sandown road and looks out onto the public street, hence no loss of privacy. The toilet and kitchenette provisions are to facilitate the making of drinks and prolonged use of the office without the need to constantly revisit the house. This will also stop the need for a long walk back to the house to use the toilet.

Store Room - There is also provision made for a first floor storage room which would otherwise be wasted space above the garage. This has only forward facing roof windows to bring light into this area.

Occasional Guest Accommodation for family. - The primary use of the space is for the functions described above but as the space will have a shower room and living space, it may on occasion be used for family or friends to stay over. Hence, we have described the development as Ancillary Accommodation/Annex. It is not intended to become permanently used as full-time annex”.

2. Main Issues

2.1 The main issues for consideration include:

- The principle of the development
- The impact on the character and appearance of the surrounding area
- The impact on residential amenity
- Flood Risk
- Highway Issues
- Comments made as a result of public participation in the planning process.

Assessment

The Principle of the Development

2.2 The NPPF identifies that planning decisions should play an active part in guiding development towards sustainable solutions. The development proposed is an ancillary building to a lawful dwelling which is considered sustainable and is acceptable in principle under Core Strategy Policy DM1 subject to considerations of details discussed below.

The Character and Appearance of Surrounding Area

2.3 The proposal comprises a 6-metres high ‘one and a half’ storey building with mezzanine floor in the roof space. It has a pitched roof and is constructed of materials appropriate to the area including brick facework to the side elevation and dark stained vertical cladding surmounted an artificial slate roof.

2.4 The east side of Sandown Road comprises, in the main, the rear gardens of various properties of The Marina itself. These rear gardens are rather run down with an assortment of mainly flat roofed single storey garages which give a rather poor appearance to the area. These rear gardens provide a relatively short interlude between two storey developments along the rest of the road, some of which are fairly recent. On the opposite side of Sandown Road (the west side) there is an eclectic mix of original bungalows and modern two storey replacement dwelling.

- 2.5 The building itself is relatively modest in scale and whilst being of a form and finished in materials which are not found in the vicinity, given the eclectic mix of building types, it is not considered that it would appear out of context or harmful to the character of the road. In the light of this I do not consider the proposal would constitute an unacceptable visual intrusion, on the contrary I consider it would lift a rather run down vista in the area.

Residential Amenity

- 2.6 The large windows in the east and garden facing elevation are set forward of the mezzanine floor and any outward views would be focused downward resulting in no undue loss of privacy to the neighbouring resident on the Marina. The building is sufficient distant from other local residents to have no adverse impact on their privacy and amenity neither is it likely to cause undue noise and disturbance.

Flood Risk

- 2.7 The site lies within a Flood Risk Zone 3. The risk of flooding from the sea is rated at 1:200 in any given year (i.e 5%). A flood risk assessment has been submitted together with a completed copy of the Environment Agency's form for householder development in Flood Risk Zones 2 and 3. These documents confirm that the building would be occupied as ancillary accommodation only and provide details of the development will include specified physical steps to improve flood security of the building, in accordance with Environment Agency advice.
- 2.8 In this context the applicant again points out that the building is specifically 'ancillary accommodation' and not an independent dwelling and points out that the first floor will provide a refuge in the event of flooding. Any new manholes installed close to the property will have sealed lids. The ground floor construction will be Solid Concrete with no below ground voids. Service drops within the garage and ground floor rooms will be dropped from above and not taken under the floor. The occupier will register for the environment agency early warning system and put a flood plan in place. These measures will ensure that the building is safe in the event of a flood and is resilient to flood water damage. Consequently, it is concluded that the scheme is acceptable in terms of flood risk.

Highway Issues

- 2.9 The proposal indicated two off road parking spaces plus the garage. This considered adequate bearing in mind its location within the urban area. There is in any case adequate on-road parking available in the area.

Comments on Representations

- 2.10 The majority of neighbouring objections related to the possible future use of the building and the perceived potential for it to become an independent 'backland' dwelling and/or a 'holiday cottage'.
- 2.11 The applicant has indicated that the building:

“may on occasion be used for family or friends to stay over”.

He further states:

“It is not intended to become permanently used as full-time annex” (his emphasis).

In this context I consider a condition requiring a record be kept of any period of occupation (to be kept for three years) and details of the occupant be maintained and be made available to officers of the Council on request is 'necessary, relevant, enforceable, precise and reasonable' and would ensure that the building was not used unlawfully.

- 2.12 Concern have also been raised regarding 'precedent'. All applications are determined on their own merits and any application for use of this building as a separate dwelling would need an express planning permission. The existence of an outbuilding, in itself, would not set a precedent for a separate residential use.
- 2.13 Regarding sewage, as ancillary building the extra load on the sewage system is likely to be minimum and no greater than the needs of the house itself.
- 2.14 Finally, regarding the proposed office, the intention for the building is for a 'home office' rather than an independent Office use falling within Use Class E. As such it is a normal household task especially in the light of the current pandemic and the need for 'working at home'
- 2.15 Other issues raised by local residents have been address above.

3. Conclusion

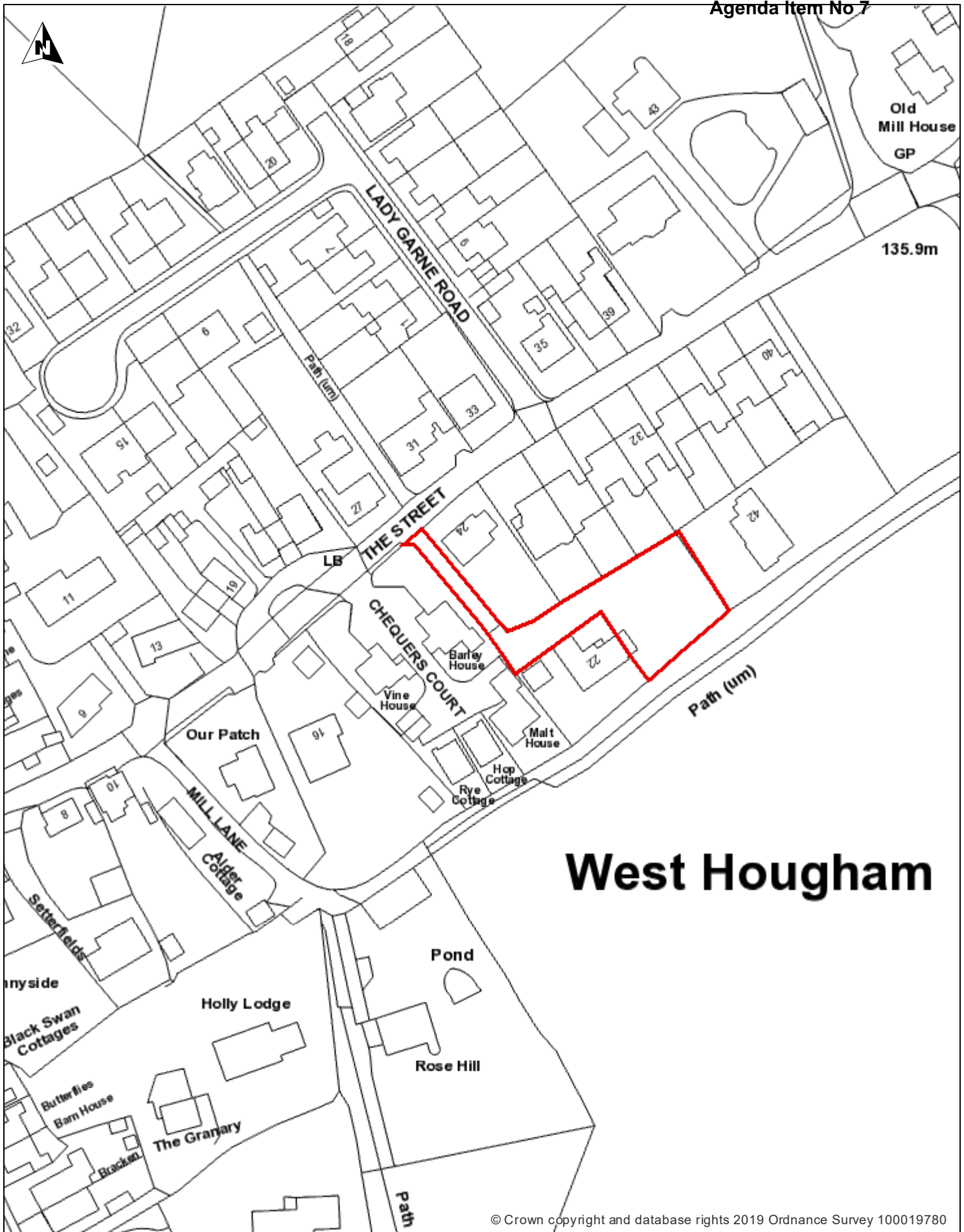
- 3.1 Overall, I consider the development would cause no undue harm to residential amenity, is satisfactory in terms of the visual amenity of the area, highway safety and other material planning considerations. Further, with appropriate conditions, the future use of the building can be controlled.
- 3.2 I therefore recommend planning permission be granted subject to conditions

g) Recommendation

- I Planning Permission be GRANTED subject to the following conditions:
 - (i) standard time, (ii) carried out in accordance with submitted documentation including drawings, design and access statement, flood risk assessment etc, and (iii) a record be maintain of the occupants of the building, periods of occupation and their relationship with the owner.
- 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.

Case Officer

Tony Jarvis



West Hougham

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20/01369

The Manor, 22 The Street
West Hougham
CT15 7BB

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



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

a) DOV/20/01369 - Outline application for the erection of two detached dwellings (with all matters reserved except access) - The Manor, 22 The Street, West Hougham

Reason for report: Number of contrary representations

b) Summary of Recommendation

Planning permission be Granted.

c) Planning Policies and Guidance

Development Plan

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

Core Strategy Policies

A summary of relevant policy is set out below:

CP1 - The location and scale of development in the District must comply with the settlement hierarchy. West Hougham is identified as a village and a tertiary focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to its home community.

DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

DM11 - Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.

DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

DM15 - Development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.

DM16- Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the Development Plan or can be sited to mitigate any impacts to an acceptable level.

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

DDC current 5 year housing land supply position

“The Councils 5 year Housing land supply (HLS) with the 20% buffer required by the housing delivery test (HDT), results in 5.39 years worth of supply at 19th January 2021. The Council updates its HLS once a year at a base date of 1st April. The result of the annual HLS surveys and subsequent 5 year position are published in the Councils Housing Technical Paper 2020. The paper sets out a 6.16 years worth of supply from 1 April 2020, based on the previous HDT results from 2020, the paper also states that once the next HDT results are published that a 20% buffer would be required. In line with paragraph 73 of the existing NPPF which requires local authorities to annually update their 5 year HLS, we will be updating our position from 1st April 2021, applying the 20% buffer, and subsequently publishing a new housing technical paper.”

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of granting permission doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 122 states that planning decision should take account of the desirability of maintaining an areas prevailing character and setting (including residential gardens).
- 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.

Kent Design Guide (2005)

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

National Design Guide (2021)

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

d) Relevant Planning History

DOV/20/00524 Erection of extensions to existing garage to facilitate conversion to a detached dwelling and creation of parking-Approved

Planning History for adjacent former Chequers Pub site

DOV/08/00214 Erection of five detached dwellings and garages and construction of vehicular access (existing pub to be demolished)-Approved

e) Consultee and Third-Party Responses

KCC Highways-advised that:

It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

It was noted however that: *“This is for two additional dwellings on an unclassified road, using an existing access. Although it will result in increase in vehicles, this will be minimal. Driven speeds at this location are likely to be low and there are no personal injury crashes recorded along this road, within the last 3 years. We wouldn’t really have any highway grounds to object to this application.”*

An Informative is recommended with regard to the need to obtain any necessary highway approvals and consents.

Kent Fire & Rescue Service

Initial comments: In my opinion on-site access is not satisfactory as the access track to the proposed development is in excess of 20m and no turning facilities for a fire appliance appear to have been provided.

Further comments: A relaxation may be acceptable if a domestic sprinkler system conforming to BS 9251 (or equivalent) or a water mist system conforming to BS 8458 (or equivalent) is installed. The fitting of a sprinkler system will enable fire appliance access to be extended to a maximum of 90 metres from all points within the dwelling-house. The 90 metre distance will be achieved by the use of four lengths of 25 metre hose. The extra 10 metres provides some safety margin to allow for the hose to be run around objects or obstructions between the appliance and the fire.

KCC PROW-confirmed no comments to make.

Parish Council-resolved NOT to support the application.

This was based on the possibility of more cars with an impact on the road, the biodiversity of the site in terms of plants and wildlife, the view of the building in the village, as well as drainage issues. It will also cause a substantial negative impact on an AONB.

In further comments concerns were expressed:

“Due to the nature of development proposed and the nature of the existing ground conditions, there is local concern whether a sustainable drainage system can be adopted. There is also concern about the disposal of foul waste, as no soakaway tests have been undertaken as described in the Drainage Strategy. Full information and details of the system should be requested to fully understand how foul waste can be dealt with and this should not be a matter that is dealt with at reserved matters stage”

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Building Control

Notes "from the Southern Water consultation that a public sewer is located close to the proposed dwellings and subject to their permission the foul water drainage should be straight forward. From the application I also note that the proposed method for the surface water drainage is to soakaways.

Again I don't anticipate any issues with this method. Under the building regulations a soakage test will be required to be carried out to assess the extent/size of the proposed soakaways. Crate systems are employed where ground water may be an issue as these will be designed for sufficient capacity to allow to hold the surface water and allow it to slowly percolate back into the ground and prevent flooding."

Third Party Representations

A total of 8 representations were received. Of these one was neutral and 7 raised objections.

Summary of Comments raising objections

- Intensification of residential use at the site and resulting overdevelopment.
- Impact on character and appearance of the area
- Overlooking and noise for immediate neighbours
- Reference to the planning permission granted under DOV/20/00524 to convert the garage into a dwelling
- Noise from vehicle activity along the access route
- Concern the properties will be used as holiday lets with potential for further disturbance
- Access via a single width driveway with no potential for widening
- Safety issues when exiting from driveway with the potential for the access being in use by 8 drivers
- Inadequate parking provision resulting in occupants parking in The Street and causing egress problems for residents.
- Concern about access for emergency services in the event of a fire.

Other Matters

- Reduction in security for residents
- Noise disturbance during construction period and possibility of lorries blocking The Street
- Concern about lack of individual notification to householders of planning applications.

e) 1. The Site and the Proposal

The Site

1.1 Number 22 is a detached two storey house situated on the south eastern side of The Street and set back from the frontage with the highway. It is reached via a private drive situated between Barley House and number 24 The Street. On the north eastern side of number 22 is a single storey element comprising a utility room. On the western side

of the house is a detached double garage. The property lies within the village confines as identified on the Local Plan map. The village of West Hougham including this site is situated within the Kent Downs Area of Outstanding Natural Beauty (AONB). The village comprises a mix of dwelling types, styles and plot sizes.

1.2 Number 22 occupies a larger than average plot than others in the vicinity, which extends across the rear gardens of numbers 24, 26, 28 and 30 The Street on the north western side. To the north east the garden extends towards number 42 The Street, a chalet bungalow that occupies a back land situation also to the rear of properties in the Street. This property has a dormer in its rear elevation facing towards the garden of number 22.

1.3 Immediately to the south east of number 22 is a Public Right of Way (PROW) set at a lower level with largely open countryside beyond. To the south west of the application site is a more recent development of 5 x two storey houses on the site of the former Chequers public house. This scheme comprises three houses at the rear roughly in line with number 22 The Street and a further two houses along the site frontage. All five houses are reached via a centrally sited vehicle access.

The Proposal

1.4 Outline planning permission is sought to subdivide the site occupied by number 22 to develop the garden space on the north eastern side to accommodate two dwellings. In association with this it has been stated that the single storey utility room to the north east side of number 22 (measuring approximately 3.5m x 6m) would be demolished.

1.5 The current application has been submitted in outline form with all matters, apart from access, being reserved for future consideration. An illustrative plan has however been submitted which shows the footprint of 2 x 2 bedroom dwellings sited in line with number 22, each having 2 parking places with a further single visitor parking place. Two parking places would be retained to the front of number 22. A vehicle access/turning area is shown on the north western side of the proposed houses, to the rear of the gardens of those neighbouring properties in The Street.

1.6 The issues of layout, appearance, scale and landscaping would be considered in greater detail at the Reserved Matters stage, in the event that planning permissions is granted.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development & pre-application advice
- Highway Matters
- Standard of development-plot size, design and appearance
- Impact on existing residential amenities
- The impact on the character and appearance of the area and AONB
- Surface Water/Drainage
- Appropriate Assessment
- Other Matters

Assessment

Principle of Development

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this application (including Policy DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on 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 Having considered the 'basket' of most important policies, it is concluded that, given the importance of Policy DM1 to the determination of this application, it is considered that the policies, as a whole, are out-of-date. Consequently, this application must be assessed in line with the "tilted balance" at paragraph 11 of the NPPF which requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.
- 2.5 Policy CP1 of the Core Strategy identifies West Hougham as a village. The site lies within the settlement confines identified in Policy DM1. This location broadly accords with the objectives of the NPPF which seek to locate development where they have access to and can support local services. The principle of the development is therefore acceptable, being in accordance with the development plan.

Pre-Application Advice

- 2.6 Prior to the current outline application being submitted the applicants sought pre-application advice about the possibility of developing the site for residential purposes. The following is a summary of the advice given:
- The application site is located within the settlement confines of West Hougham and the principle of development is acceptable.
 - The erection of two modest dwellings or one larger one was considered acceptable when seen in context with the existing pattern of development, subject to satisfactory scale and high quality design
 - The proposal would not result in harm to the AONB
 - Concerns were raised about the residential amenity of the occupants of properties in The Street and the need to secure a separation distance of 21m between the properties and approximately 10 metres between the proposed dwellings and the boundary.
 - *"As discussed I would suggest you may wish to consider one larger chalet bungalow with the rooms in the roof overlooking the rear boundary or two smaller chalet bungalows based on the same principle, with careful consideration being given to the positioning of the windows to provide a high standard of amenity of existing and future users in line with the aims and objectives of the National Planning Policy Framework in*

particular paragraph 127 (f). Dormers or other windows to the front roof slope should be avoided.”

- A minimum of two parking spaces for the existing dwelling (22 The Street) should be provided, 1.5 spaces for each dwelling which provides 1 or 2 bedrooms and 2 spaces for each dwelling which provides 3 or more bedrooms. In addition to this, at least 1 visitor space should be provided. Careful consideration will need to be given to the layout of the parking spaces to ensure that turning spaces can be accommodated within the site.
- Some concerns were raised over the intensification of the use of the existing driveway as visibility does not meet guidelines and cannot be accommodated on land under the applicant's ownership. It was suggested that advice on this matter was sought from KCC Highways.

Positive advice was also provided at that stage on the conversion of the garage, which has since been the subject of planning permission, as mentioned above.

Highway Matters

- 2.7 Access to the site would be via the existing drive that serves number 22. This measures approximately 4m in width and is 42m in length from the back edge of The Street. The access is shown as being extended to run for approximately a further 50m along the north western boundary of the site and would be 8.5m wide narrowing to 3m at the far end.
- 2.8 The proposal will involve an intensification of the use of the driveway to a potential four households (including the approved garage conversion scheme). The KCC Highways Engineer notes that the junction with The Street does not benefit from far reaching visibility splays and that there is no option to extend them on land that falls under the applicant's ownership. In addition the access does not appear wide enough to accommodate two standard cars so it is possible that the proposed residents may need to wait or reverse if the access is being used by another driver.
- 2.9 The proposed access arrangements and visibility splays do not appear to represent a perfect layout but the KCC Highways Engineer has confirmed that there would be no highways reason to object to the application given that The Street is a local road with slower moving traffic and no history of accidents. Paragraph 109 of the NPPF states 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”. Whilst not ideal, given the low volume of traffic and lack of accidents, the development would not cause a severe cumulative impact, whilst the need for cars to edge out into the road to gain adequate visibility would not amount to an unacceptable impact on highway safety. I therefore concur with KCC Highways that the access is acceptable in highway terms.
- 2.10 With regard to parking provision the indicative plan shows two off road spaces for each dwelling and a visitor's space, all set in a line in front of the dwellings. This number would accord with the requirements set out in policy DM13 and the pre-application advice and is therefore considered to be acceptable. It is noted that the visitor parking space is set in between the two proposed houses which does not seem ideal in amenity terms. Tracking details shown on the illustrative plan indicate that there would be room to turn and manoeuvre cars within the site. Conditions would be required to ensure the provision of a satisfactory level of parking and manoeuvring space to allow vehicles to enter and leave in a forward direction.

- 2.11 Third parties have raised concerns regarding emergency access to the site. Kent Fire & Rescue Team have agreed that in this instance the use of sprinklers fitted and maintained within the houses would provide a satisfactory arrangement, in addition to the use of hoses from fire appliances. This matter would need to be covered by a planning condition.

Standard of Development

- 2.12 Based on the illustrative plan the proposal will result in the creation of two plots measuring approximately 13.5-14.5m in width by 20-22m in depth, each with a small rear garden of between 5 and 9m in depth. The plots would not be large but would not be dissimilar to some of those found in the adjacent Chequers Court development. The proposed subdivision of the site will also result in a noticeable reduction in the size of garden space associated with number 22, again leaving it with a small but adequate rear amenity space. When compared to the pattern of development in the village it is considered that there would be space to accommodate two modest dwellings without resulting in overdevelopment of the site.

Layout, Appearance and Design

- 2.13 Although these matters have been reserved for further consideration it is important to consider at this stage whether the introduction of two dwellings can be achieved without causing undue harm to the character of the area or the amenities of the occupants of adjacent properties.
- 2.14 The general rule of thumb is that a distance of 21m generally ensures a satisfactory level of separation to avoid undue overlooking or loss of privacy. The footprint of the dwellings as shown would result in a separation distance of approximately 25m between the front elevation and the rear elevations of properties in The Street. There would be a distance of 12m between the front elevations of the proposed dwellings and the north eastern boundary with those properties in The Street. This indicates that the distances outlined in pre-application advice can be achieved and are acceptable in this setting. It is noted that the need to achieve adequate means of access and turning space will determine this distance to some extent.
- 2.15 As noted informally the design of dwellings at this site would need to take account of the position of the adjacent dwellings and the amenities of the occupants of the adjacent properties. Single storey dwellings would clearly avoid overlooking from first floor level but would require a greater footprint area. Chalet bungalows would need to be designed without full size clear glazed windows in the north western and north eastern elevations in order to avoid direct overlooking towards numbers 26, 28, 30 and 42 The Street.
- 2.16 The proposed development will inevitably result in a change in outlook from the rear of neighbouring properties. Whilst in planning terms there is no entitlement to a view it is considered that the change in outlook would result in a situation that is not uncommon in village settings and which can be found elsewhere in West Hougham.
- 2.17 In order to reduce any impact it is considered that any proposed dwellings would need to be either bungalows or traditional chalet bungalows with a ground floor eaves level only and if there is accommodation in the roof space this would likely need to avoid dormers in the north west and north east elevations. No clear glazed windows should be incorporated in the side elevations in the interests of residential amenities of existing and future occupants. Again, it is stressed that any proposed dwellings should be modest in scale in order to avoid harm to existing residential amenities. It is concluded that the application is therefore acceptable in this respect, given that this is an outline planning

application with matters reserved and given that there is a potential form of development which would be acceptable.

Residential Amenities

- 2.18 It is recognised that the proposed development of this garden space will result in some impact on the amenities of the occupants of adjacent properties, including additional vehicle activity and noise adjacent to rear gardens as well as general household comings and goings. Whilst this will be noticeable, additional activity and vehicle movements associated with two additional dwellings would not result in an unusual situation within the village envelope or result in a justification for withholding planning permission. As set out above, there is a potential form of development which would avoid unacceptable loss of light, sense of enclosure and overlooking to neighbours, albeit it would be for the Reserved Matters application to consider the detailed scheme. Concerns have been raised by third parties regarding a reduction in security. The development would provide increased natural surveillance towards the rear boundaries of properties and, consequently, I cannot agree that the development would reduce security.

Impact on the Landscape and AONB

- 2.19 This site falls within the defined confines of the village so for the purposes of planning is not within the open countryside. The proposed development will not extend beyond the settlement boundary and therefore will not result in the sprawl of development into the adjacent countryside. Properties on the edge of settlements are often visible over longer distances but the current proposal should not be more visually harmful than other properties around the edge of West Hougham. As with all development on the edge of a settlement it will be necessary to ensure that a satisfactory landscaping scheme is incorporated at the Reserved Matters stage to enhance the visual amenities of the area.
- 2.20 As a result of the location of the site within the village confines and subject to satisfactory landscaping details there should be no undue harm to the visual qualities of the locality or those of the AONB in general. The proposal is acceptable in terms of policies DM15 and DM16.

Drainage

- 2.21 It is noted that the Parish Council have made comments about drainage. The feedback provided by the Building Control Officer has provide reassurance that the foul water drainage should be straight forward to the nearby public sewer and that the proposed use of soakaways for surface water is also acceptable subject to soakage tests. This matter can be covered by a condition and an Informative.

Biodiversity

- 2.22 The site is predominantly laid to lawn with a few shrubs and trees to the boundaries. Furthermore, having considered Natural England's Standing Advice regarding protected species, I am satisfied that the site is unlikely to support protected species, being a maintained residential garden in active use.

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

- 2.23 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

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

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of two dwellings in this location is broadly acceptable in principle, having regard to policies CP1 and DM1 and the objectives of the NPPF. In addition, the proposal would be in accordance with paragraph 127 of the NPPF which states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which would promote health and well-being with a high standard of amenity for existing and future users.
- 3.2 The means of access is considered acceptable in highway terms on the advice of the KCC Highways Engineer. As highlighted at the pre-application stage the form of development of this plot will require further detailed consideration at the Reserved Matters stage. It is concluded that only two modestly sized dwellings would be acceptable in this location with single storey eaves levels and subject to a satisfactory design without dormers to the front or side elevations and with a slab level to match that of number 22. The design details should avoid undue harm to adjacent occupants by reason of overlooking and loss of privacy. With careful consideration at the Reserved Matters stage a scheme could be developed that would not result in harm to the overall character of the area or the visual qualities of the AONB.
- 3.3 As noted above the tilted balance needs to be applied as outlined in paragraph 11 of the NPPF. The proposal would contribute two dwellings to the supply of housing in the District and has the opportunity to provide some economic gain in the form of employment during the construction phase. There would be a modest social gain with two extra households

supporting nearby services and facilities. The environmental impact is considered to be neutral.

- 3.4 The tilted balance requires that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. In this case, whilst the proposal could have some effect on the living environments of the adjoining properties, this would be limited and with safeguarding conditions would avoid unacceptable impacts. Overall it is considered, in line with the tilted balance, that the adverse impacts are well below the level whereby they would significantly and demonstrably outweigh the stated benefits of the proposal. For this reason it is recommended that planning permission is approved subject to the conditions below.

f) Recommendation

I PERMISSION BE APPROVED subject to the following conditions:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the local planning authority in writing before development commences and the development shall be carried out as approved.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
2. Application for approval of the Reserved Matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission.
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
3. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved
Reason: To comply with the provisions of the Town and Country Planning (General Development Procedure) Order and the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (or any Order/legislation revoking or re-enacting that Order/ legislation with or without modification).
4. The outline plan received 7.1.2021 is for indicative purposes only and does not form part of an approved scheme.
Reason: For the avoidance of doubt.
5. The development hereby permitted shall be carried out within the application site outlined on drawing number KBC/19/158/001 REV 01 received 19.11.2020.
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
6. The permission hereby approved shall be for two dwellings only with slab levels to match that of number 22 The Street and with an eaves height no greater than that of a single storey property. The dwellings shall be either chalet bungalows or bungalows. Neither of the properties shall incorporate dormer windows in the north western and northern elevations.
Reason: In the interests of residential and visual amenity and the character of the area.

7. The application for reserved matters shall include details of the space to be laid out for parking of cars and details of space for vehicles to turn, so that they may enter and leave the site in forward gear. The dwellings hereby approved shall not be occupied until the approved spaces. the vehicular access to them and turning areas have been laid out and surfaced in accordance with the approved details and thereafter it shall not be used for any purpose other than the parking of vehicles.
Reason: In order to ensure that adequate parking is provided and maintained and in the interests of road safety and visual amenity.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no clear glazed openings shall be constructed in the side (south west or north east) elevation(s) of any approved dwelling.
Reason: In the interests of the amenity of occupants of the adjoining property.
9. Prior to commencement of development, details shall be submitted and approved in writing by the Local Planning Authority of the measures to prevent the discharge of surface water onto the highway. Works shall be carried out in accordance with approved details prior to first occupation of the dwelling hereby permitted.
Reason: In the interest of highway safety.
10. Prior to the first occupation of the development hereby approved, cable ducting and electrical wiring suitable to facilitate any subsequent installation of (an) 7kW 32amp OLEV compliant wall or ground mounted charge point(s) adjacent to the car parking space(s) proposed shall be installed and shall thereafter be retained such that it remains capable to providing the electricity required by any future electric vehicle charging point.
Reason: To facilitate the charging of electric vehicles as a more sustainable form of transport, in accordance with paragraph 110 of the NPPF.
11. Prior to the first occupation of the dwellings hereby approved, each dwelling shall be fitted with a domestic sprinkler system conforming to BS 9251 (or equivalent) or a water mist system conforming to BS 8458 (or equivalent), which shall thereafter be maintained.
Reason: In the interests of fire and rescue.
12. The application for Reserved Matters shall include details of a scheme for the storage of refuse. The approved scheme shall be provided before the dwelling(s) is/are first occupied and shall thereafter be retained in that form.
Reason: To facilitate the collection of refuse and preserve visual amenity.

Informatives

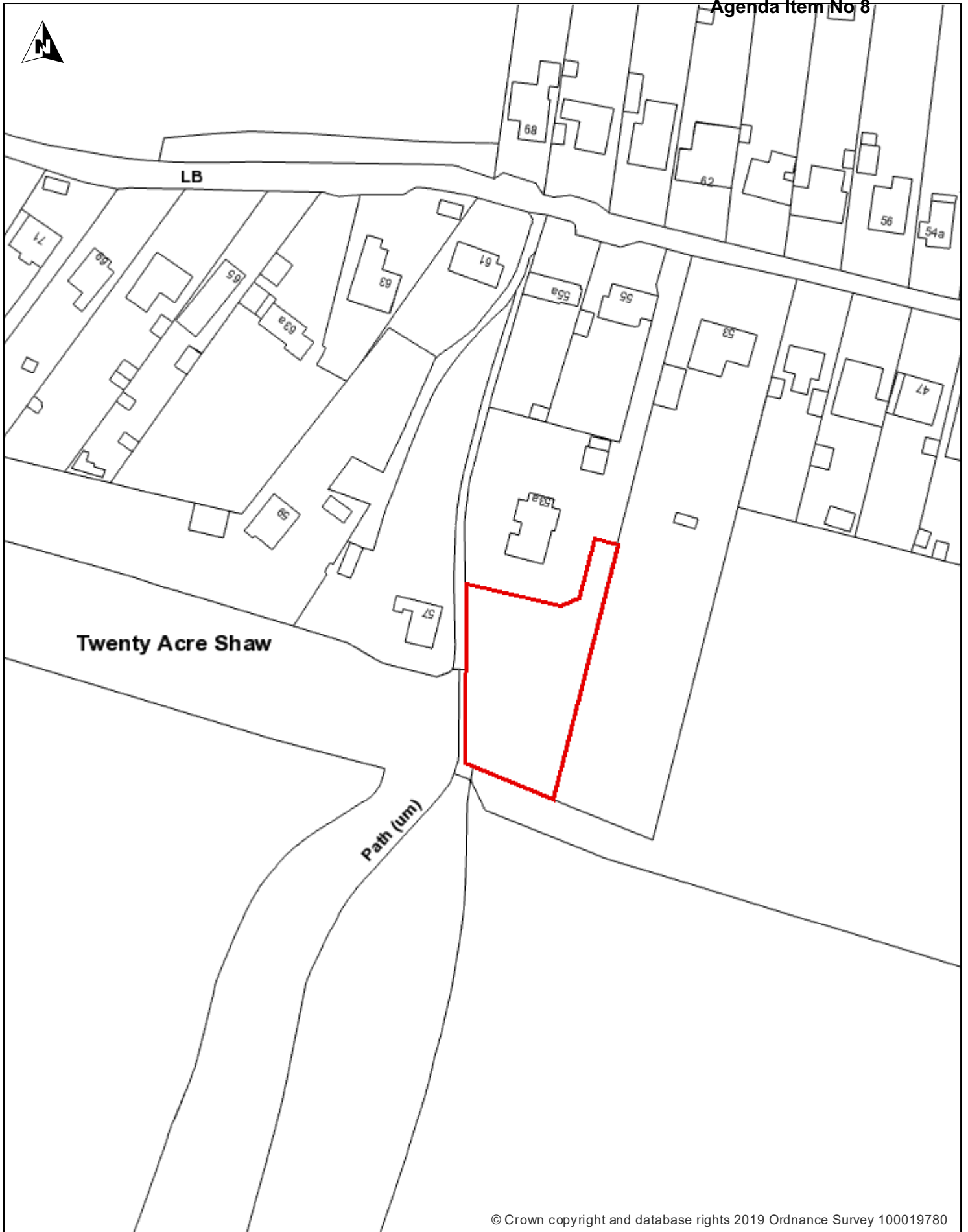
1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.
Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in

every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Your attention is drawn to their comments and requirements dated 16.12 20 in relation to the disposal of surface water.
- 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.

Case Officer

Hilary Johnson



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20/00936
53A Westcourt Lane
Shepherdswell
CT15 7PU

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/20/00936 - Erection of a detached dwelling (amended plans) - 53A Westcourt Lane, Shepherdwell

Reason for report: Due to the number of objections received.

(b) Summary of Recommendation

Planning Permission be Granted

(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.
- DM1 – Development will not be permitted outside of the settlement confines, unless it functionally requires such a location, or it is ancillary to existing development or uses.
- DM13 – Parking provision should be design-led, based upon the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

National Planning Policy Framework (NPPF).

The most relevant parts of the NPPF are summarised below;

- Chapter 2 of the NPPF seeks to achieve sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development can be broken down into three overarching and interdependent objectives: an economic objective; a social objective; and an environmental objective.
- Decision should apply a presumption in favour of sustainable development. This means that: development proposals which 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 granting unless:
 - 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.
 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Chapter 4 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and advises that local planning authorities should

consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

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

The Kent Design Guide (KDG)

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

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

Dover Land Allocations Local Plan 2015

Nothing applicable

(d) Relevant Planning History

There have been various applications at the site including:

DOV/95/00930 - Revised description for pitched roof over existing flat roofed extension - Granted

DOV/95/00930/ - Addition of pitched roof to bay window – Granted

DOV/05/01276 - Formation of new vehicle access (involving excavation works) – Granted

DOV/07/00287 - Erection of 4no. bedroom detached dwelling – Refused

DOV/08/00577 - Erection of detached dwelling – Refused – Appeal Dismissed

DOV/10/00202 - Retrospective application for the widening of the existing vehicular access – Granted

DOV/10/01115 - Certificate of Lawfulness (proposed) for the reduction in levels and widening of existing driveway – Granted

DOV/11/00361 - Erection of a detached bungalow and garage (existing barn to be demolished) (amended plans) – Granted

DOV/11/00361 - Amendments to approved planning permission DOV/11/00361 –construction of partial basement – Refused

DOV/12/00569 - Extension to existing driveway – Granted

DOV/13/00163 - Certificate of lawfulness (proposed) for the erection of a detached garage and a detached outbuilding incorporating games room and office – Appeal Dismissed

DOV/13/00605 - Section 73 application to vary condition 2 of planning permission - Granted

(e) Consultee and Third-Party Responses

Kent Highway Services

Whilst the visibility at the access is below current guidelines, the access has been in place for many years and already serves two dwellings. Visibility wasn't raised as an issue for number 53a by the appeal Inspector in the original refusal and it wasn't raised as an issue in the subsequent approval for 53a. The addition of one dwelling will not add significantly to traffic levels and there have been no recorded personal injury crashes at or in the vicinity of the access in the 10 years to the end of 2019. I therefore concur that a refusal on highway grounds would be unlikely to be successfully defended.

The fire service access is not really a highway issue. I note on the plan there is a comment that tracking will be checked for Building Regs and if not achievable, sprinklers will be installed. I suggest you might want to consult the Fire and Rescue Service on the proposals now to make sure they are happy with that approach.

Kent Fire and Rescue

I have examined the proposed plans and the fire notes added to plan drawing EMA-2020-77-01.

As part of the Building Control application, we will engage highway consultants Tridax Ltd to see if the scheme can comply with the requirements of part B5 of the building regulations Fire Safety Approved document B. They will provide a plan showing a swept path analysis for a fire appliance which indicates a turning circle, hammerhead or other point at which a vehicle can turn so that a fire service vehicle does not have to reverse more than 20m. If this cannot be achieved my client will install a domestic sprinkler system which overrides this requirement.

The proposals outlined in the fire notes are acceptable.

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.

Tree & Horticultural Officer

Having looked at the block plan I have no immediate concerns in terms of the location of the proposed dwelling in relation to the protected trees. I'm a little concerned that the garden will be very shaded given the height of the trees present on boundaries to the east, south and west and that will result in post-development pressure. I also think it would be prudent to impose a condition asking for an arboricultural method statement including a tree protection plan to be submitted for approval if you're minded to grant the application.

Shepherdswell Parish Council

4th September 2020

This house is being built in the back garden of a house which has now been built in the back garden of another house which seems to suggest an overdevelopment of the site.

20th December 2020

It was resolved to oppose this application because it is considered to be an overdevelopment of the site and a potential problem with emergency access.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

16th December 2020

The comments in our response dated 10/09/2020 remain unchanged and valid for the amended details.

Third -Party Responses

Twenty-nine letters of representations have been received, of which twenty-three letters are support and six letters of objections, these are summarised below:

Support

- The build is a high-quality dwelling that blend in with the surroundings.
- Its good use of the land.
- There is ample room for the dwelling to be constructed on the land, without interfering with the local countryside, neighbours' views.
- The dwelling will not interfere at all with anyone using the right of way which runs parallel to the land.
- Wonderful addition to the much-needed housing that is encouraged in this village for residents unable to obtain accommodation.
- There is a need for large gardens in shepherdswell to be developed.
- By developing the garden, the look of the area is not affected, the building would not detract from any amenities or the ambience of the surrounding area.
- Regarding traffic the impact would be minimal as Westcourt Lane is a quiet country lane.
- This is a bespoke single development.
- There is ample off-road parking to eliminate any potential traffic congestion.

- Previous new developments built by the applicant have been in keep with the local area, of a high quality and offering ample off-road parking to eliminate any potential traffic congestion.
- The use of a substantial back garden is an ideal opportunity to increase the lack of accessible and affordable housing in the area.
- This application has carefully considered all areas of concern and is exactly the type of additions needed in the village.
- The person this is being built has been in the village since birth and can therefore remain in the community.
- It's a good thing, scraps of land in the village are built on, rather than one mass housing development which are often an eye sore of poorly built substandard housing, in which it all ends up doing is lining the developers pockets and not benefit the community in any way;
- No dwellings are affected.

Objections

- The application represents further backland development, this is a backland, backland development.
- The development will be visible from adjacent public footpaths and woodland.
- The development will diminish the rural aspect of the neighbouring properties and immediate countryside.
- The impact the proposal would have on the neighbouring property will be disproportionate greater, given its proximity to the border, its ridge height, and the buildings high elevation on rising ground.
- The eastern elevation would run full two metres of the boundary of the adjacent property, with windows in the eastern elevation, ground floor overlooking the garden.
- South facing, second floor dormer windows and an excessively large and overbearing glass fronted staircase will allow unprecedented oversight over our recreational areas than exists at present.
- 53a was built on the scale of an original barn, which had the effect of reducing the overall impact.
- The new development is a 3d tier of development, where no other building has existed, and where no other building has stood.
- Concerns are raised over the water run-off extended driveways and parking areas and will add to the considerable problems provoked by the existing, long driveway and inadequate drainage to this drive that serves 53A.
- A previous application for a three-bedroom chalet bungalow on the site now occupied by 53A was refused in connection with the vehicular movements that would have been generated and was subsequently dismissed at appeal.
- The approved scheme on 53a has had a dramatic and detrimental effect on the privacy and ability to enjoy the amenities to the adjacent dwelling in view of the resulting traffic noise and disturbance.
- The applicant keeps a significant quantity of building materials at the top of driveway and transits the driveway from 53a Westcourt Lane anywhere between 8-10 times a day (or more).
- The applicant also provides parking for one employee on site, and in addition to his work vehicle there are often 3 or more vehicles parked to the forecourt to 53A that also transit the driveway.
- The parking area in front of 53A is more than large enough to service the current dwelling and the proposed development.
- The former garage to 53A now appears to have been developed into mixed residential/commercial usage with further outbuildings to follow.

- The increase in light pollution from the additional dwelling, security/garden lighting, vehicle lights and an extension of the existing driveway lighting over and above that already present.
- The proximity of the proposal to the adjacent boundary will result in further loss of amenity over and above already incurred by the development of 53A.
- Sight lines (views through to the ancient woodland of 20 Acre Shaw Wood) will be lost by the imposition of a crowded development in a formerly open area, with the potential loss of privacy extending for almost half the length of our garden area.
- The dominance of such a large build, hemmed in against the adjacent boundaries would be unnecessarily intrusive and provide that property with uninterrupted views along the main length of the adjacent back garden.
- The extensive, east facing wall will appear large, blank, and incongruous with the potential to cause shade and lost light from a significant proportion of the adjacent back garden at certain times of day.
- The applicant has given little thought or consideration to preserving the neighbouring privacy, as evidenced by the location and size of this two-level build, and no provisions appear to have been made for fencing or other ameliorating factors to reduce its impact.
- In 2006 the 20 Acre Shaw Wood was judged to be a 'Site of Special Interest' by Kent Wildlife Trust; this wood is also recognised this as a 'Site of Nature Conservation Interest' (SNCI) by DDC.
- A public right of way extends along the western boundary of No55 and 53A, and the continuing woodland is a popular public amenity for the village, dog walkers, etc, as well as providing a sanctuary for wildlife.
- Extensive development within the proposed curtilage has already had a detrimental impact on trees at this location, and, as a result of concerns raised by residents in relation to previous applications, TPOs were placed on 5 oak trees within the curtilage of what is now 53A
- Recent preparations for ground works, which led to the removal of boundary conifers has already diminished the rural nature of the site and residents note that under reference DOV/20/00855, further permission has been granted to crown or thin 5 Oak Trees within the curtilage of 53A and 6 Field Maples bordering 20 Acre Shaw wood and Mr McPhees property at 59 Westcourt Lane.
- It can only be anticipated that loss of screening and habitat will have an additional and negative impact on the woodland and wildlife, which are amenities that should be preserved for the enjoyment of all.
- There has already been development on the site, a second larger dwelling would be over-development of the site.
- There are issues with the amount of water, during rainfall that runs down the driveway and onto the road.
- The mere fact of covering another considerable area with concrete, reduces the amount of ground to absorb water.
- The plans show 3 cars parked at the property, which would be in addition to the considerable number of vehicles that already use the driveway, when headlights are required, they shine directly into the bedrooms opposite.
- The proposed development is a two-storey dwelling of considerable size and is not an affordable housing.
- It will stand at a significant elevation about Westcourt Lane and will be seen from the wider open countryside towards the A2 unless the mature trees on the northern boundary are protected.
- This proposed development is directly at odds with the Planning Inspector's comments in his rejection of the Appeal for third tear development at No 59 Westcourt Lane. No 53A being the second tear development.

- More importantly the glazed front elevation of the propose building will destroy the intimate privacy of the neighbouring bungalow no 53 Westcourt Lane and is thus contrary to the guidance set out in the Kent Design Guidance document.
- The existing development policies emphasise the need for well-integrated development that reflects upon the established character of the immediate and surrounding area.
- The built form along the southern side of the west end of Westcourt Lane has a low density of approximately 5 dwellings per hectare. The development of the application site would represent a density of approximately 10 dwellings per hectare. It is submitted that this would result in a cramped form of development out of keeping with the area and that would be atypical to established plot sizes.
- Unless development regulations have changed, any entrance to such a development should have a clear line of sight along the lane in a triangle which is formed by a setback of 2.4m and on a section along the road in each direction from the centre of the access. These figures are given for the 85% percentile speed profile in a 30mph restricted road.
- Although the Applicant has addressed the privacy issues concerning No 53 Westcourt Lane, the proposed dwelling will still run contra to the Planning Inspector's previous refusal to development in Westcourt Lane which would have created a third tear development. (see no 59 westcourt Lane).

(f) 1. The Site and the Proposal

- 1.1 The application site is located to the south west of Westcourt Lane, to the west of the Shepherdswell settlement. The settlement benefits from a church, village hall, school, medical centre, shops, public house, and railway station. There is a bus stop within approximately 0.6km of the site access, albeit the bus journeys are infrequent. The application site is located within the settlement boundary of Shepherdswell.
- 1.2 Westcourt Lane is predominately a linear development, verdant in appearance and characterised by detached dwellings of different architectural styles and designs. That said, towards the west end of Westcourt Lane (in the location of the application site) there are several examples of backland development. Number 55 Westcourt Lane is a detached dwelling which fronts onto the lane, with off street parking. To the north of the site is number 53a Westcourt Lane (within the same ownership as the application site, (backland development), this property is a detached dwelling and benefits from an outbuilding and off-street parking. To the west of the application site is a detached dwelling known as 53 Westcourt Lane, this property benefits from a substantial garden, which runs parallel with number 53a Westcourt Lane and the application site. The land gradually slopes from north to south. The open countryside wraps around the south side of Westcourt Lane to the north. There are a number of public rights of way surrounding the site, the most prominent are ER88 and ER81 which run parallel to the east and south of the application site. In addition to this, there is an established woodland to the south west of the application site known as 'Twenty Acre Shaw'.
- 1.3 The application site is currently the rear garden of 53a Westcourt Lane, laid to grass and at the time of the site visit, there was evidence the site had in part been cleared. To the west of the application site, is the residential garden in connection with number 55 Westcourt Lane, with the residential curtilage being denoted by a wire fence. Currently in situ along the southern and eastern boundaries of the application site is an established screening, with some trees covered under a Tree Preservation Order.
- 1.4 Planning permission is sought for the erection of a three-bedroom detached dwelling and associated works. The proposed dwelling would measure approximately 11.4 metres in width by approximately 10.45 metres in depth, with an overall height of

approximately 7.2 metres and an eaves height of approximately 2.5 metres. The dwelling consists of kitchen, dining room, utility room, lounge, office/study, and WC on the ground floor. The upper floor consists of a master bedroom with ensuite, two bedroom and a bathroom. The materials to be used are brick, with slate roof over.

- 1.5 The dimensions of the plot are approximately 47 metres x 35 metres (at the widest point) reducing to approximately 24 metres.

2. **Main Issues**

The main issues are:

- Principle
- The potential impact on the street scene and immediate vicinity
- Impact on residential amenity
- Appropriate Assessment
- Sustainability overview
- Other matters - Trees

Assessment

The Principle of Development

- 2.1 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 development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where 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 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.
- 2.2 In assessing point (i) above, the 'policies' referred to are those relating to: SPA's; SAC's; Ramsar Sites; SSSI's; Greenbelt; Local Green Space; AONB's; National Parks; Heritage Coast; irreplaceable habitats; designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding or coastal change.
- 2.3 The Council has now published the Councils Housing Topic Paper, dated 19^h January 2021 . This sets out that, from the 1st April 2020, Dover District Council has a Local Housing Need of 596 dwellings per annum, which means a requirement of 2,980 dwellings over the five-year period (2020-2025). The Council at can demonstrate 5.39 years' worth of housing supply measured against the governments housing land supply calculation. The council have delivered 80% of the required housing as measured against the housing delivery target, above the 75% figure which would trigger the tilted

balance to be applied 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 (as set out below). 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 This application must be assessed in line with the “tilted balance “at paragraph 11 of the NPPF which requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.
- 2.5 The need to apply the tilted balance is because, as a matter of judgement, the most important policies for the determination of this application are considered to be out of date. These policies are Core Strategy policies CP1 and DM1, as these policies relate to the principle of whether the development is acceptable on this site.
- 2.6 The Council’s Regulation 18 Dover District Local Plan is currently out for public consultation. This is the start of a process for developing a new local plan for the district, replacing in due course, the Core Strategy and Land Allocations Local Plan. The draft plan is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report, policies within in the draft plan are a material consideration in the determination of the application, albeit it that the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation herein including (where appropriate) the framing of conditions or reasons for refusal.
- 2.7 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the District must comply with the Settlement Hierarchy”. In locations such as the application site, the policy states ‘that it is suitable for a scale of development that would reinforce its role as a provider to essentially its home community. CP1 is considered to be more restrictive than the NPPF. However, within the rural communities the housing purpose is to reinforce and reflect the existing character of the area whilst taking any opportunities to improve design standards. Within paragraph 3.34 of the Dover District Core Strategy this sets out ‘the housing market assessment identified the broad split of demand for market housing to be 40% of three-bedrooms’, the proposed development would positively contribute to this aspiration.
- 2.8 Policy DM1 generally seeks to restrict development, which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance the proposed dwelling is located within the settlement boundary of Shepherdswell and therefore complies with the aim and objective of this policy.
The Potential Impact on the Street Scene and Immediate Vicinity

- 2.9 Paragraph 127 a) of the National Planning Policy Framework sets out that ‘planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development’. The National Planning Policy Framework continues at paragraph 127 c) setting out that ‘planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change’.
- 2.10 Planning permission is sought for the erection of a three-bedroom detached dwelling and associated works. The proposed dwelling would measure approximately 11.4 metres in width x approximately 10.45 metres in depth, with an overall height of approximately 7.2 metres and an eaves height of approximately 2.5 metres. The dwelling consists of kitchen, dining room, utility room, lounge, office/study, and WC on the ground floor. The upper floor consists of a master bedroom with ensuite, two bedrooms and a bathroom. The materials to be used are brick, with slate roof over.
- 2.11 The original planning application sought permission for a detached dwelling, with a double height gallery within the front elevation and three dormers within the rear roofslope. Whilst the principle of dormers within the roof slope was considered acceptable, concerns were raised over the substantial size of the main dormer being built off the ridge line with a balcony, the overall design was considered to be an unsympathetic form of development and was not considered to integrate well into the existing built environment and amendments were sought.
- 2.12 To overcome these concerns the applicant has simplified the proposed dwelling by removing the two-storey gallery and is proposing an open porch. The original rear roofslope looked cluttered with an over dominate large dormer and two smaller dormers. The current application sees the removal of the large dormer and balcony and incorporates two smaller symmetrical pitched roof dormers with velux windows to allow the light into the family bathroom. These amendments are considered to overcome the previous concerns in respect of the design and visual harm within the immediate surroundings, thus ensuring the proposal would not appear at odds within this location and as such is not considered to adversely impact on the street scene and surroundings.
- 2.13 In addition to this, the applicant is proposing to reposition the proposed dwelling as concerns were raised in respect of having an overbearing impact on the residential amenities currently enjoyed by number 53 Westcourt Lane (discussed later in the report). In order to achieve this aim and taking into account the root of the tree along the western boundary, the applicant has removed the single storey element along the western elevation to reduce the massing further.
- 2.14 To the west and south of the site are a number of footpaths, the most important ones in respect of the proposed development are ER88, ER81 and ER87, where it is accepted the application site would be visible. In addition to this, concerns have been raised by local residents with regards to the land levels being at a higher level than that of Westcourt Lane. However, the proposed development has been designed to keep the bulk, scale, and massing to a minimum to ensure the proposed development would not appear as a dominant feature when read in the context of the proposed dwellings within the immediate vicinity. In addition to this, there is established screening along the western and southern boundaries which would help screen the proposed development when read viewed from these public vantage points. Given the importance of the screening, it is considered appropriate to impose a condition ensuring the retention of the screening at all times. The dwelling would not be highly visible from other public vantage points.

- 2.15 In respect of the means of enclosure no details have been submitted, a further condition can be imposed on this application to ensure the type of enclosure is considered acceptable and would not detract from the visual appearance of the wider context in which the application site sits and would ensure the proposed dwelling would amalgamate into the edge of the village settlement confines.
- 2.16 For the reasons set out above the proposed development is considered to be acceptable in respect bulk, scale, massing, and design and would not result in visual harm within the immediate and wider context of Shepherdswell. The proposed development is considered to comply with the aims and objectives of the National Planning Policy, in particular paragraphs 127 a) and c).

Impact on Residential Amenity

- 2.17 Paragraph 127 f of the National Planning Policy Framework sets out that planning decisions should ensure that developments create places with a high standard of amenity for future users. The proposed dwelling is to be sited within the rear garden of 53A Westcourt Lane. The applicant has positioned the dwelling to limit the potential for direct and perceived overlooking. Within the rear elevation of 53a Westcourt Lane the property benefits from two sets of patio doors which could result in direct overlooking of the amenity space serving the proposed dwelling. However, given the overall dividing distance of approximately 17.5 metres and proposed hedging to denote the dividing boundary, it is not considered that unacceptable overlooking would be caused. I am therefore satisfied the proposed development would not adversely impact on the residential amenities of future and existing occupiers of both dwellings.
- 2.18 Concerns were raised from local residents in respect of the proposed dwelling being built approximately 1.5 metres off the dividing boundary with number 53 Westcourt Lane in that, it was considered the proposed dwelling could have led an unacceptable sense of enclosure. In order to alleviate these concerns, the proposed dwelling has been set back from the dividing boundary by approximately 5.5 metres, with parking space for two cars between the building and the dividing fence. Furthermore, number 53 Westcourt Lane has a garden which runs parallel with the adjacent properties so the occupiers of the property maintain a private amenity space directly to the rear of their property which would remain unchanged from this proposal.
- 2.19 The applicant has designed the proposed dwelling with two windows within the eastern elevation which could cause some perceived overlooking towards the garden area of the adjacent property number 55. However, given the overall height of the window being approximately 2.3 metres high, the dividing distance separating the property and that a 1.8 metre high fence could be erected without the need for planning permission, I am satisfied the perception of overlooking would be limited and would not be sufficient to warrant a reason for refusal, especially given extent of garden serving the adjacent property.
- 2.20 That said, given the location of the proposed dwelling and the constricted nature of the site, it is considered appropriate to remove permitted development for the enlargement of the dwelling house and the addition or alteration to the roof of the dwellinghouse, this will allow the local planning authority to assess any future impacts these changes may cause.
- 2.21 Concerns have been raised from a local resident in respect of the additional movements to and from the proposed dwelling. Whilst I am sympathetic, the current arrangements serving the numbers 55 and 53a Westcourt Lane are using the existing driveway and the additional vehicle movements from one further dwelling are not

considered to be sufficiently harmful to justify refusing the proposed development on this basis.

- 2.22 Given the location of the proposed development within a residential area, it is considered appropriate to impose a condition in respect of the hours of construction to save guard the residential amenities enjoyed by the occupiers of local residents.
- 2.23 In respect of the future occupiers of the new dwelling, the rooms of the proposed dwelling would be of acceptable sizes and would be naturally lit. The internal living conditions of the future occupants would be acceptable. I have noted the comments from Kent Fire and Rescue and, consequently, will be recommending a condition regarding domestic sprinklers.
- 2.24 The applicant is proposing to erect a bicycle and recycle storage unit to the rear of the property, set along the south western boundary. The approximate distance separating this facility and the road is 0.9km, this is considered to be a satisfactory distance in which to put the refuse out along Westcourt Lane. On this basis, I consider this element is acceptable and a condition for the erection and retention of the storage unit can be imposed on the grant of planning permission.
- 2.25 For these reasons set out above, the proposed dwelling is not considered to result in an unacceptable level of harm to the residential amenities of the occupiers of the existing dwellings and the living condition of future occupants, complying with the aims and objectives of the National Planning Policy Framework.

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

- 2.26 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.27 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.28 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.29 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.30 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.

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

Transportation

- 2.32 The existing arrangement between numbers 53 and 53a Westcourt Lane is a private driveway running along the eastern boundary and this arrangement would be used to serve the proposed dwelling. Concerns have been raised by local residents in respect of the proposed access and the visibility, therefore advice was sought from Kent Highway Services. Kent Highway Services have advised that 'Whilst the visibility at the access is below current guidelines, the access has been in place for many years and already serves two dwellings. Visibility wasn't raised as an issue for number 53a by the appeal Inspector in the original refusal and it wasn't raised as an issue in the subsequent approval for 53a. The addition of one dwelling will not add significantly to traffic levels and there have been no recorded personal injury crashes at or in the vicinity of the access in the 10 years to the end of 2019. Therefore, a refusal on highway grounds would be unlikely to be successfully defended'.
- 2.33 Furthermore, Kent Fire and Rescue have also been consulted in respect of access for emergency services. The advice received sets that, as part of the building control application, Kent Fire and Rescue will engage with the highway consultant to see if the scheme can comply with the requirements of part B5 of the building regulations Fire Safety Approved document B. However, if this is not achievable the agent has set out the applicants will install a domestic sprinkler system which would override this requirement. A condition requiring details of such a sprinkler system is recommended.
- 2.34 The proposed development would provide a three bedroomed dwelling. Policy DM13 of the Core Strategy sets out that 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 at paragraph 1.44 for residential parking in the Dover District Core Strategy. The minimum requirement would result in the need for two parking spaces; however, the applicant is proposing four car parking spaces, two to the front of the proposed development and two along the eastern boundary, adjacent to the boundary with 53 Westcourt Lane. For these reasons the proposed development is considered to comply with policy DM13 of the Dover Core Strategy.

Sustainability Overview

- 2.35 The National Planning Policy Framework seeks to achieve sustainable development. Paragraph 8 of the National Planning Policy Framework states, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These three overarching objectives to sustainable development are economic, social and environmental. In respect of the proposed development these can be divided as set out below:

Economic role – The application is for a detached dwelling and therefore there would be the potential for temporary employment during construction. However, that said given the application site is within the settlement confines there is the potential for the

future occupants to use the shops and facilities thus contributing to the local economy within Shepherdswell.

Social Role – Given the location within 0.6km of a bus stop, it is easily accessible to local services and would support the community's need, social and cultural well-being.

Environmental - The proposed development would make good use of an existing brownfield site. Given the location and its proximity to public transport, this will reduce the need for car journeys. In addition to this, the applicant is proposing to install solar panels integrated within the roofslope and an air source heat pump.

For the reasons set above, it is considered the proposal is considered to be a form of sustainable development and is considered to comply with the aims and objectives of the National Planning Policy Framework

Other Matters

- 2.36 Concerns have been raised by local residents in respect of the impact the proposed development could have on the existing tree screening along the southern boundary and advice has been sought from Dover District Councils Tree and Horticultural Officer regarding these concerns. The advice received is there are no immediate concerns in terms of the location of the proposed dwelling in relation to the protected trees. However, there are some concerns that the garden will be very shaded given the height of the trees present on boundaries to the east, south and west and that will result in post-development pressure. On the advice of the Tree and Horticultural Office, it is considered reasonable to impose a condition for arboricultural method statement including a tree protection plan to be submitted and approved prior to the commencement of development. Local residents have also raised the issue of a TPO; however, this is within the curtilage of 55 Westcourt Lane and not within the application site. This tree would not be unacceptably impacted by the development. It is on this basis; I am satisfied the proposed development would not adversely impact on the existing trees.

3. Conclusion

- 3.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits. In this instance, the proposed development is within the settlement boundaries, so is acceptable in terms of its principle and it is considered the proposed development is sustainable in terms of economic, social and environmental benefits and responds well to the character and appearance of the street scene. In addition to this, it is concluded there is no undue harm to the residential amenities currently enjoyed by the existing occupiers of the surrounding properties and future occupants of the proposal. Therefore, the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the National Planning Policy Framework and policies, CP1, DM1, DM13 of the Core Strategy.

g) Recommendation

I PERMISSION BE APPROVED subject to the following conditions:

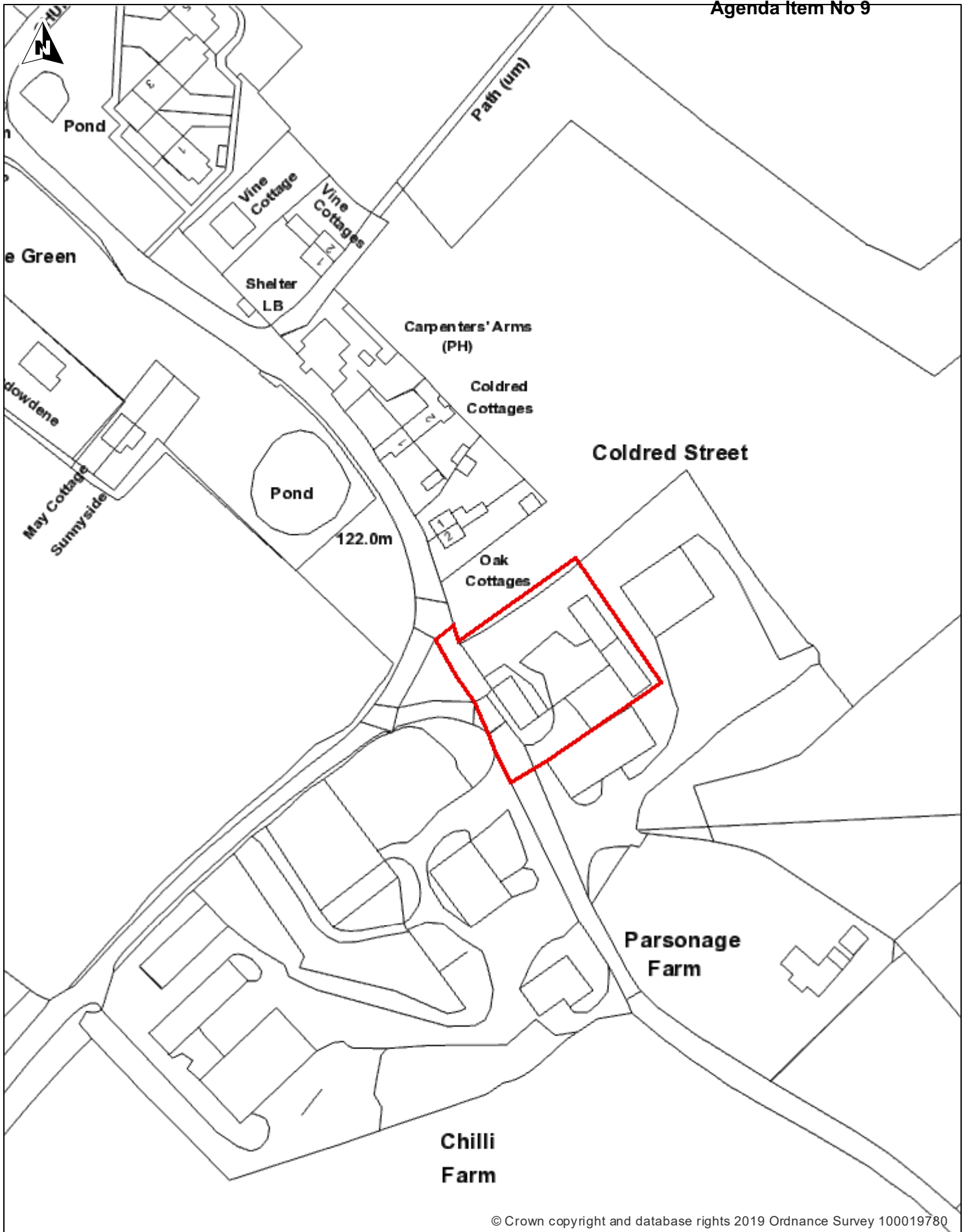
1. Time period.
2. In accordance with approved plans
3. Materials
4. Landscaping
5. Drainage details

6. Parking provision
7. Construction management plan
8. Measures to accommodate electric vehicle charging facility
9. Provision of refuse and bicycle storage facilities
10. Removal of permitted development within Part 1, Classes A, B and C
11. Installation of a sprinkler system

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

Case Officer

Karen Evans



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20/01303

Parsonage Farm, Coldred Hill
Coldred

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/20/01303 – Erection of two dwellings and conversion of existing agricultural building to form two dwellings with associated gardens and parking (existing agricultural building to be demolished) - Parsonage Farm, Coldred Hill, Coldred**

Reason for report – Number of contrary views (8)

- b) **Summary of Recommendation**

Planning permission be granted.

- 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 (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM15 - Protection of the Countryside

DM16 – Landscape Character

Shepherdswell and Coldred Neighbourhood Area

No neighbourhood plan

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 78 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 79 sets out that decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: there is an essential need for a rural worker (including those taking majority control of a farm business) to live permanently at or near their place of work in the countryside; the development would represent optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate setting; the development would involve the subdivision of an existing residential dwelling; or the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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.

Chapter 15 sets out amongst other things that planning policies and decisions should contribute to and enhance the natural and local environment by; recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Chapter 16 (particularly Paragraphs 189 – 202) set out how applications which affect heritage assets should be considered.

National Planning Practice Guidance

National Design Guide (2021)

National guidance aimed at creating high quality buildings and places.

Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66 and 72

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

Draft Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

d) Relevant Planning History

There is no relevant planning history for this part of the site.

e) Consultee and Third-Party Responses

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

Shepherdswell Parish Council – has no objections to this application, although care needs to be taken with the access to the public road. On receipt of amended plans, resolved to recommend approval.

KCC Public Rights of Way and Access Service – have no comments to make.

Southern Water – Requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

On receipt of revised plans, advised that their previous comments remained unchanged and valid for the amended details. The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus (to be included as an informative should planning permission be granted).

Environment Agency – Owing to the ongoing impacts of Covid-19 and high workloads, we are currently unable to provide bespoke comments on development not: in a Source Protection Zone (SPZ); in Flood Zone 3; within 20 metres of a main river; involving a fuel filling station or cemetery; and therefore request their standard response advice is followed. This sets out advice for development in Flood Zone 2 (the site is within Flood Zone 1) and where there is Groundwater and contaminated land outside of Source Protection Zones. This recommends that the requirements of the NPPF and NPPG are followed and means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health which should be considered by the Local Authority's environmental health department. We expect

reports and risk assessments to be prepared in line with our groundwater protection guidance (previously covered by the GP3) and CLR11 (Model procedures for the management of land contamination). In order to protect groundwater quality from further deterioration: No infiltration-based sustainable drainage systems (SuDS) should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution. Piling, or any other foundation designs using penetrative methods, must not cause preferential pathways for contaminants to migrate to groundwater and cause pollution. Investigative boreholes must be decommissioned to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with Paragraph 170 of the National Planning Policy Framework. On receipt of revised plans, the EA advised they had no further comments to make on the application and that the applicant may be required to apply for other consents directly from the EA (information to be included as an informative should permission be granted).

Senior Natural Environment Officer - has reviewed the ecological reports submitted in support of this application and accept the findings and recommendations. The building was found unsuitable for bats but a low population of reptiles was found within the surrounding habitat. The consultant has advised that habitat manipulation should be used to displace individual animals into nearby habitat. The main building, (which will not be demolished) has been identified as previously supporting nesting barn owl. The consultant has advised checking the nesting status of the building prior to works commencing and measures being put in place to minimise any noise and disturbance caused by the development. This should form a condition of planning consent. A number of ecological enhancements have been proposed including: Bird and bat boxes; Log piles and reptile hibernacula; A Native planting scheme; Green roofs and walls; SUDs. They should form a condition of planning consent

Environmental Health – Awaiting response.

Public Representations:

8 members of the public have objected to the proposals, 1 member of the public submitted a representation 'neither objecting to or supporting the Planning Application' and 1 member of the public wrote in support of the proposals (as of 15th March 2021) and the material considerations are summarised below. As discussed later in this report, amended plans were received and re-advertised accordingly, however no further public representations were received during the second consultation. Matters such as impact on an individuals' property value and financial intentions of the applicant/developer are non-material considerations and are not included below.

Objection

- Precedent - Do not object to the conversion of the existing buildings but am most concerned if planning is given for 2 new dwellings in this part of the village it will set a precedent which could result in the "infilling" of the many potential sites within the village. Precedent could impact upon the village negatively.
- Overdevelopment - No objection to the conversion of the farm building but do object to the proposal of 2 new dwellings within the village. No objection to some development of this site as it is in need of improvement. I would not object to the existing barn being converted into one dwelling, but the proposal for 4 is totally out of keeping. Do not object to the conversion of this site to residential buildings. However I strongly object to the expansion of the site from two buildings to four houses

- Out of keeping with and would fundamentally change the character of the village which is in a conservation area
- Design - application purports to "reflect the courtyard arrangement of the former farm buildings" but ignores the fact that a farmyard is a very different space. What is being created instead is a small housing estate which is out of scale with the cottages in the village and would be much more fitting in an urban environment. The development is high density and the courtyard little more than a roundabout and car park for 11 cars. The gardens are tiny. This is not a development which will positively enhance the conservation area.
- Materials - the application gives no detail about the quality of materials to be used or the aesthetic of the buildings
- Housing density/scale of development – the density of housing is too great for the area. Appears to be attempting to maximise the number of dwellings on what is effectively an "in-fill site". The application documentation makes no attempt to identify the qualities of the village and so makes no attempt enhance those qualities. Coldred is small, low density and rural. The application is none of these. So many additional dwellings would be out of keeping with and would detract from the quiet character of the village. Furthermore the foot print of the plans is much denser use of the land than its current situation which is over-development.
- Request permission is not given for the additional two houses but only for the conversion of two existing buildings on the existing footprint of those buildings.
- Facilities - Coldred is a hamlet with very few facilities, no shops and only a small pub.
- In a conservation area there should not be an automatic assumption that when a building is no longer used for agriculture that it should become a dwelling. The old cowshed which it is proposed to convert into two dwellings is of no architectural, heritage or conservation value.
- Environment – no mention of environmental issues. One would hope that any proposed new development of this type would be considering environmental issues and looking at water storage and solar panels or heat pumps (environmentally sustainable)
- Flooding - the development increases the hard surfaces (additional paving and roofs) by almost 100%. The village already sees a large amount of water run-off down towards the village pub from the area of Parsonage Farm. That is why there is a pond there. When it rains hard, the pond floods. (Note there were sandbags outside Coldred Cottages on 27 December 2020 due to heavy rain and run-off). The development will create more water run-off and whilst mitigation measures are suggested it is not clear that they will be adequate despite 6 enormous soakaways.
- Parking/highways - 4 additional dwellings would greatly increase car use, which would be problematic since access to the site is on a very sharp bend. There is a large volume of traffic for a small village, mostly vehicles using it as a shortcut to/from Eythorne and Shepherdswell. The lanes, verges and hedgerows are already suffering considerable damage from this.
- Land Allocations Local Plan - Coldred is not included in the 2015 Land Allocations Local Plan or in the proposed 2020 LALP in order to preserve its character
- Clause on development of new house building in Coldred

Comments neither in support nor objection of the Planning Application:

- Application form inaccuracies – Section 11 answers 'no' in respect of questions relating to the presence of trees or hedges on the development site and on land adjacent to the proposed development site that could influence the development

or might be important as part of the local landscape character. Suggest the application should be resubmitted to allow for consideration of the impact the development may have on trees and the surrounding landscape, especially with concern for the Conservation Area.

- Trees - as seen from the site plans and topographical surveys there are a number of trees which may potentially be affected. Some of these trees are visible from the Coldred Historic Village green and from Coldred Hill (road), as such they should be considered important to the local landscape and character

Support

- Coldred take great pride in their village and have in the past won Kent's Best Kept Village Competition and an RHS Gold Medal in South and South East in Bloom.
- The entrance to the village is down a lime tree lined avenue, and the first thing that comes into view is a derelict farmyard surrounded by Herras fencing! It also virtually the last thing one views on leaving. This development has to be an improvement on that.

f) 1. The Site and the Proposal

- 1.1 The application site relates to land to the east side of Coldred Hill, within the Coldred - Village Green Conservation Area and Shepherdswell and Coldred Neighbourhood Area (which has no neighbourhood plan). The site is outside of the settlement confines and contains two dis-used barns; one in a state of disrepair, set in a courtyard formation. The site is bounded by a field to the north, which separates the site from the garden of 2 Oak Cottages to the northwest. To the northeast and southeast of the site are two large barns, the Agent states that the barn to the southeast is used for low level agricultural storage of items such as fertiliser which are only accessed very infrequently and that the barn to the north is used for hay storage. To the southeast of the site, on the opposite side of the highway (which is also a public footpath – ER99), are more agricultural barns and beyond is the Grade II Listed Building Chilli Farmhouse.
- 1.2 The applicant seeks consent for the erection of 2no. dwellings and conversion of the existing agricultural building to form 2no. dwellings, together with associated gardens and parking (existing agricultural building to be demolished). The existing barn within the eastern part of the site would be converted and extended to form two 1 ½ storey dwellings (Units 1 & 2) each containing three bedrooms with parking within the courtyard to the front and private gardens to the rear. Within the northern part of the site, a two storey detached dwelling would be erected, containing four bedrooms with a private garden and parking within the courtyard to the front. Within the western part of the site, the existing barn which is in a state of disrepair would be converted to form a 1 ½ storey dwelling containing two bedrooms. This would have a garden to the north side and again, vehicle parking is shown within the courtyard (a total of 11 spaces) which would utilise the existing access from Coldred Hill, with a new entrance gate installed. The dwellings would be finished in natural timber cladding and clay tiled roofs.
- 1.3 During the course of the application, the design of the two storey dwelling (Unit 3) has been amended to replace full height first floor glazing and Juliet balconies on the north elevation, with simpler windows, given that this elevation would be more visible from within the Conservation Area. The northwest and southeast boundaries were also revised to be post and rail timber fencing with hedgerows, again as these were most visible from the Conservation Area and in order to

preserve the rural character of the area. The revised scheme was re-advertised and subject to further consultation accordingly, however no further public representations were received.

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
- Impact on heritage assets
- The impact on residential amenity

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 development plan, unless material considerations indicate otherwise. This starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF state that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where 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 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.

2.3 In assessing point (i) above, the 'policies' referred to are those relating to: settlement hierarchy (CP1); settlement boundaries (DM1); re-use or conversion of rural buildings (DM4); location of development and managing travel demand (DM11); protection of the countryside (DM15); landscape character (DM16); designated heritage assets (including assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments); and areas at risk of flooding.

2.4 The Council has now published the Councils Housing Topic Paper, dated 19h January 2021. This sets out that, from the 1st April 2020, Dover District Council has a Local Housing Need of 596 dwellings per annum, which means a requirement of 2,980 dwellings over the five-year period (2020-2025). The Council can demonstrate 5.39 years' worth of housing supply measured against the governments housing land supply calculation. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1, DM1, DM11, DM15 and DM16) are to various degrees, now considered inconsistent with aspects of the NPPF (as set out below). 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.

- 2.5 As a matter of judgement, the most important policies for the determination of this application are considered to be Core Strategy policies CP1, DM1, DM11, DM15, DM16. These policies relate to the principle of whether the development is acceptable on this site or, in the case of policy DM16, whether the development would cause harm to the character of the landscape.
- 2.6 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.7 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the District must comply with the Settlement Hierarchy". In locations such as the application site, the policy states 'not suitable for further development unless it functionally requires a rural location'. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight.
- 2.8 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines, unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. In this instance, the proposed development is outside of the settlement confines and is therefore considered to be within the countryside. The development does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy. This said, 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, should carry only limited weight.
- 2.9 Policy DM4 permits re-use or conversion of rural buildings beyond the confines of villages for private residential use in buildings that are adjacent to the confines. In this instance, the proposed development is outside of, and is not adjacent to the confines and does not comply with policy DM4. However, as set out above in relation to Policy DM1, the settlement confines were devised with a purpose of delivering 505 dwellings per annum and this need for housing delivery has subsequently increased. As a matter of judgement, it is considered that Policy DM4 is also in tension with the NPPF, is out-of-date and as a result, should carry only limited weight.

- 2.10 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard in particular to the relatively close proximity of this site to the Secondary Regional Centre of Whitfield, as well as the local centre of Shepherdswell; both of which can be accessed by public transport.
- 2.11 Policy DM15 advises that applications which would result in the loss of, or adversely affect the character or appearance of, the countryside, will only be permitted if one of three exceptions are met, where it cannot be accommodated elsewhere and where it does not result in the loss of ecological habitats. Development will also be required to incorporate measures to reduce, as far as practicable, any harmful effects on countryside character. Again, the blanket protection for the countryside is contrary to the NPPF. The objective to prevent development that would adversely affect the character or appearance of the countryside has similarities to, albeit is arguably slightly more restrictive than the NPPF, which seeks that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside. For these reasons Policy DM15 has reduced weight.
- 2.12 Policy DM16 is consistent with the NPPF and is considered to attract full weight. Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or 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. In this instance as discussed further at paragraphs 2.14-2.17 of this report, the development is not considered to result in significant harm to the wider landscape character.
- 2.13 Regard must be had for whether the tilted balance is engaged, having regard for paragraph 11 of the NPPF. The majority of the most important policies for determining the application are considered, to varying degrees, to be in tension with the NPPF. Policy DM1 is particularly crucial in assessing the principle of the development and is particularly considered to be out of date. Consequently, it is concluded that the 'basket' of policies is out of date. Due to this and as will be set out later in this report, the tilted balance should be applied and an assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

Impact on the Character and Appearance of the Countryside and Landscape Area

- 2.14 The site is located outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. Furthermore, Paragraph 170 of the NPPF sets out that development should

contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. The proposals would result in the conversion of two barns within the site to form three dwellings (Units 1, 2 & 4), as well as the erection of a two storey dwelling (Unit 3) within the northern part of the site (a barn previously stood here and was demolished by 2003 under application DOV/02/00286). The buildings would be finished in natural timber cladding and clay tiled roofs, samples of which could be required by condition were permission to be granted.

- 2.15 The proposed dwellings are considered to be attractively designed, with Units 1, 2 and 4 being low level, one and a half storeys in height. The larger, four bedroom dwelling (Unit 3) would be two storeys in height, however would be finished in the same materials, which are found within the material pallet of the area and are considered appropriate for the rural location.
- 2.16 To the east of the site is a large barn with additional planting and screening to the east which would restrict views of the proposals from the fields and wider landscape area to the east. There is another large barn to the south of the site which again, together with screening and planting bounding land to the south, would restrict views of the development from the wider landscape area and countryside to the south. The majority of views of the site would be from the highway and public footpath to the west. However, an existing line of trees adjacent to the western site boundary is shown as being retained and this, together with the proposed boundary treatments (post and rail timber fences with hedgerows along the northwest and southwest boundaries – details of all hard and soft landscaping are suggested to be required by condition should permission be granted) and choice of natural timber cladding for the dwellings would help to soften views of the development. As such, when viewed from the west, the proposals would be seen within the context of the existing development within the Hamlet, rather than appearing as sporadic development in more open countryside. Moreover, the scale, design and materials are recognisably influenced by agricultural buildings in the area. Consequently, it is considered that the proposals, due to their design, would preserve the character and appearance of the countryside, in accordance with Policy DM15.
- 2.17 In respect of impact on landscape character, due to the screening from the wider area provided by vegetation and other buildings surrounding the site, the proposals are considered unlikely to result in harm to the character of the wider landscape area, and would accord with Policy DM16.

Design and Impact on Heritage Assets

- 2.18 The site is located within the Coldred - Village Green Conservation Area and to the southwest of the site is the Grade II Listed Building Chilli Farmhouse. Chapter 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out assessment of the impact on heritage assets. In accordance with Paragraph 189 of the NPPF, a Planning, Heritage, Design & Access Statement has been submitted. In particular, special regard must be had to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.19 Units 1, 2 and 4 are 1 ½ storeys in height and being relatively low level converted buildings, due to their siting, scale and appearance, being finished in natural

timber clad walls and clay tiled roofs, are considered to be sympathetic to, and would preserve the character and appearance of the Conservation Area.

- 2.20 Unit 3, the two storey dwelling within the northern half of the site would be more widely visible from the highway and Conservation Area, due to the break in planting along the northern boundary. Nonetheless, the simplified design of the northern elevation (which was amended as discussed at paragraph 1.3), together with the proposed materials and boundary treatment which would include hedgerow, would soften the appearance of the development. As such, the development is considered to cause a negligible adverse impact on the Conservation Area. Taking a cautious approach, it is concluded that this would amount to 'less than substantial harm' to the significance of the setting of the Conservation Area. However, the proposals would bring the public benefit of contributing four dwellings towards the 5 year housing land supply. As such, it is considered that this public benefit would outweigh the limited less than substantial harm that would occur to the Conservation Area and would accord with Paragraphs 193 and 196 of the NPPF.
- 2.21 In respect of the impact on the significance of the setting of the Grade II Listed Building Chilli Farmhouse, there is a separation distance of approximately 48m between the site (the closest building being Unit 4) and the Listed Building. Views between the site and Listed Building are restricted by tall trees and vegetation, as well as a large barn which lies to the west of the site (on the opposite side of the highway/public footpath). As such, it is considered that the proposals would result in no harm, either substantial or less than substantial, and would thereby conserve the significance of the setting of the Listed Building, in accordance with the objectives of Chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.22 In respect of design, subject to details of landscaping (including boundary treatments), sections of rooflights and samples of external materials to be used in the construction of the dwellings, it is considered that the proposals would function well with, and would add to the overall quality of the area, would be visually attractive due to their design and use of materials, and would maintain the semi-rural character of the area. Consequently, it is considered the proposals would accord with the design objectives of Paragraph 127 of the NPPF.

Impact on Residential Amenity

- 2.23 Due to the siting of the proposals and separation distance from nearby properties, it is considered the development would be most visible from No. 2 Oak Cottages, to the northwest of the site. There would a separation distance of some 24m between this dwelling and Unit 3 (the closest dwelling to the neighbouring property). Whilst Unit 3 would be two storeys in height, it would have a hipped roof and due to the separation distance between the two properties, the development, which would largely overshadow the field between the two properties, would be unlikely to result in undue overshadowing or loss of light to No. 2 Oak Cottages. In respect of privacy, whilst the proposed dwelling (Unit 3) would have windows on the rear (north) elevation facing towards this neighbouring property, there would be a good separation distance between the two dwellings and therefore on balance, the development is considered unlikely to result in significant harm to privacy. For the same reasons, as well as due to the design and materials of the proposals, the development is also considered unlikely to have an unduly overbearing impact on neighbouring amenity.

- 2.24 Whilst the proposals may be visible at a distance from other nearby dwellings, due to their siting and scale, they are considered unlikely to harm the residential amenities of other nearby occupants and would accord with the amenity objectives of Paragraph 127 of the NPPF in this respect.

Amenity of the Proposed Occupiers

- 2.25 The proposed dwellings would contain well-proportioned rooms, of a good size, with all main living rooms and bedrooms lit by natural light. Each dwelling would have a modest, yet private garden area with space available (although not shown on the plans submitted) for refuse/recycling and secured bicycle storage (details of which are suggested to be submitted by condition as they are not shown). It is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

Other Material Considerations

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

- 2.26 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.27 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.28 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.29 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.30 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.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The

mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Transportation

- 2.32 Policy DM11 seeks to restrict travel demand outside the rural settlement confines. The nearest Local Centre is Shepherdswell and the site is approximately 1.3km from the defined settlement confines (where new residential development would be acceptable in principle). The Local Centre would be accessed via a rural, unlit road, which includes sections at national speed limit, which is not conducive to walking or cycling and has no dedicated footways. However, as a Local Centre, Shepherdswell contains a good range of facilities and services, which could provide the day to day essentials required by occupants of the proposed dwellings. The proposal could therefore provide some support to services in the nearby Local Centre, in accordance with the objective of Paragraph 78 of the NPPF. Bus services run from the Hamlet of Coldred to Dover and to Shepherdswell, where there are other facilities and transport, including railway stations with trains to London. However, given the limited service provided, it is considered that the occupants of the proposed dwellings would be more likely to use private vehicles to gain access to neighbouring towns and the surrounding areas. As such, it is considered that the proposal would be contrary to Policy DM11 of the Core Strategy, in that it would generate travel outside the rural settlement confines which is not justified by other development plan policies. Whilst the development would work against sustainable travel objectives, the proximity to Shepherdswell and the provision of a limited bus service within close proximity to the site go some way to reducing this harm.
- 2.33 The proposals would create 1no. 2 bedroom unit, 2no. 3 bedroom units and 1no. 4 bedroom unit. Policy DM13 (Parking Provision) sets out that for dwellings in this location, a minimum of 7.5 spaces would be required, together with 0.8 visitor parking spaces. 11 parking spaces would be provided within the central courtyard, which would accord with Policy DM13.
- 2.34 Concerns have been raised regarding the safety of the access from Coldred Hill. However, the site would utilise the existing vehicular access to the public highway and as such, is considered acceptable in this respect.
- 2.35 In line with The Council's emerging policy approach and with the sustainable transport objectives of the NPPF, it is suggested that should permission be granted, a condition be imposed requiring cabling to be installed to serve the spaces, to enable the installation of vehicle charging points.

Impact on Flood Risk

- 2.36 The application site is located in Flood Zone 1 which has the lowest risk from flooding. Due to the size of the site (less than 1 hectare), a flood risk assessment is not required. Furthermore, as the proposed dwelling would be located within Flood Zone 1, a sequential test is not required. In support of the application, the agent has submitted a utilities statement and foul and surface water management strategy, which finds that the proposed development is considered acceptable from a foul and surface water drainage perspective. The site would be connected to the public foul sewer which runs south to north along the access road fronting the site and is sufficiently deep to allow foul water from the

development to connect by gravity. The development would lead in an increase in impermeable area, and the strategy is to discharge all runoff from the site to ground using soakaways and permeable paving. The strategy confirms that there is sufficient space on site to accommodate surface water runoff generated by the development and that the proposed strategy meets the water quality interception standard and that all runoff will receive an appropriate level of water quality treatment as recommended within the SuDS Manual. Furthermore, the site does not lie within any groundwater source protection zones and as groundwater levels are approximately 89m below the lowest ground level, the risk of pollution to groundwater is therefore very low. Consequently, the development is considered acceptable in this regard.

Drainage

- 2.37 As mentioned above, a utilities statement and foul and surface water management strategy have been submitted. Southern Water was consulted on the application and advises that a formal application for any new connection to the public foul and surface water sewer would need to be made by the applicant or developer. Should permission be granted, their consultation comments will be included on the decision notice as an informative. The application form states the disposal method for foul sewage is via the mains sewer. Nonetheless, in order to ensure suitable arrangements are made for foul sewage disposal and surface water drainage are made, it is considered appropriate to suggest a condition is imposed requiring further details to be submitted. Subject to this, the development is acceptable in this respect.

Ecology

- 2.38 A preliminary ecological appraisal, which includes a daytime bat and barn owl assessment survey, together with a mitigation strategy for barn owls, has been submitted in support of the application. The survey has been subject to consultation with the Senior Natural Environment Officer who accepts the findings and recommendations. The building was found unsuitable for bats but a low population of reptiles was found within the surrounding habitat. The consultant has advised that habitat manipulation should be used to displace individual animals into nearby habitat. The main building, (the large barn to the southeast of the site which will not be demolished and does not form part of the proposals) has been identified as previously supporting nesting barn owl. The consultant has advised checking the nesting status of the building prior to works commencing and measures being put in place to minimise any noise and disturbance caused by the development.
- 2.39 The Senior Natural Environment Officer has advised that this, together with a number of ecological enhancements proposed (including: Bird and bat boxes; Log piles and reptile hibernacula; A Native planting scheme; Green roofs and walls; SUDs) should form a condition of planning consent should permission be granted. Subject to this, the development is considered acceptable in this regard.

Other Matters

- 2.40 Environmental Health Officers have been consulted on the application given the previous use of the buildings and proximity to agricultural barns. Informally, they raised concerns in respect of the potential noise or disturbance that could occur as a result of the farm operations and movement of machinery in the surrounding

area. They initially suggested a condition be imposed specifying that only current occupiers of the farm may reside at the proposed dwellings, or that other residents may reside if on site operational farming activities ceased. Concerns were raised by the Planning Officer in respect of this condition (whether it would meet the 6 tests) and whether alternative measures such as sound proofing, insulation or acoustic fencing or boundary treatments could overcome this. The Agent further stated that “The barn closest to the site to the south east is used solely for low level agricultural storage of items such as fertiliser which are only accessed very infrequently. The farm to the north is an used for hay storage. Both storage uses result in infrequent traffic movements and it is not considered they would result in any noise other than normally found in a rural location where farms and residences often lie close to one another”. Environmental Health Officers were formally consulted however no response was received. Based on the evidence available, whilst the dwellings would be likely to be subjected to some noise and disturbance, given the separation distance and the design of the dwellings, on balance it is unlikely that the impact on the living conditions of future occupiers would be sufficiently harmed to warrant refusal of the application, albeit I attach some weight against the proposals due to this impact. In reaching this conclusion, I have been mindful that, whilst the current use of the buildings is negligible, this could change in the future. However, the buildings would not lend themselves to intensive uses which may cause significantly greater noise and disturbance, due to their location, scale and construction. Members will be updated verbally at the committee meeting should a response from Environmental Health be received.

Planning Balance

- 2.41 The principle of the development is contrary to the development plan in respect of Policies DM1, DM4 and DM11. It accords with Policies DM15 (with the exception of the blanket protection of the countryside) and DM16. As discussed in the principle of development section of this report, it is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.42 Policies DM1 and DM4 carry limited weight, however Policy DM11 carries greater weight as it is considered to be in accordance with the key sustainable development objective of the NPPF.
- 2.43 As considered in the above report, the development would generate travel outside of the rural settlement confines contrary to Policy DM11. The site is located approximately 1.3km from the closest settlement confines (the Local Centre of Shepherdswell) and it is concluded that residents would be largely reliant on the private motor vehicle for day to day journeys due to limited public transport and services. This weighs against the scheme.
- 2.44 The proposals would result in the conversion of two existing barns (one in a more serious state of disrepair), with external alterations which would enhance the appearance of the buildings, site and surrounding area. It is noted that the NPPF is more permissive of development which comprises the conversion of buildings in the countryside (in particular paragraph 79 which supports development which would “re-use redundant or disused buildings and enhance its immediate setting”. I consider that the development would enhance the immediate setting

of the buildings to be converted and I therefore attach weight in favour of the development (in relation to the 3 dwellings to be created from the conversion of the two barns) by virtue of paragraph 79. The weight attributed by this is limited as the fourth dwelling (Unit 3) is not justified by Paragraph 79.

- 2.45 The impact on the countryside, landscape area, heritage assets, residential amenity and other material considerations has been considered above and is found to be in accordance with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.46 I attach some, albeit very limited, weight in favour of the development by virtue of the provision of four additional dwellings towards the 5 year housing land supply.
- 2.47 Overall, whilst this is a balanced case, it is considered that the benefits of the scheme outweigh the disbenefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Due to the design and appearance of the proposals, and for the reasons outlined in this report, the development is considered to preserve the character and appearance of the countryside and wider landscape area. It would result in no harm (either substantial or less than substantial) to the significance of the nearby Listed Building and, although resulting in less than substantial harm to the significance of the Coldred – Village Green Conservation Area, this would be outweighed by the public benefit of the addition of four dwellings towards the 5 year housing land supply. Furthermore, the development is considered unlikely to result in undue harm to residential amenity. The development would generate additional travel outside of the settlement confines, contrary to Policy DM11. However, in light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of this report, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

g) Recommendation

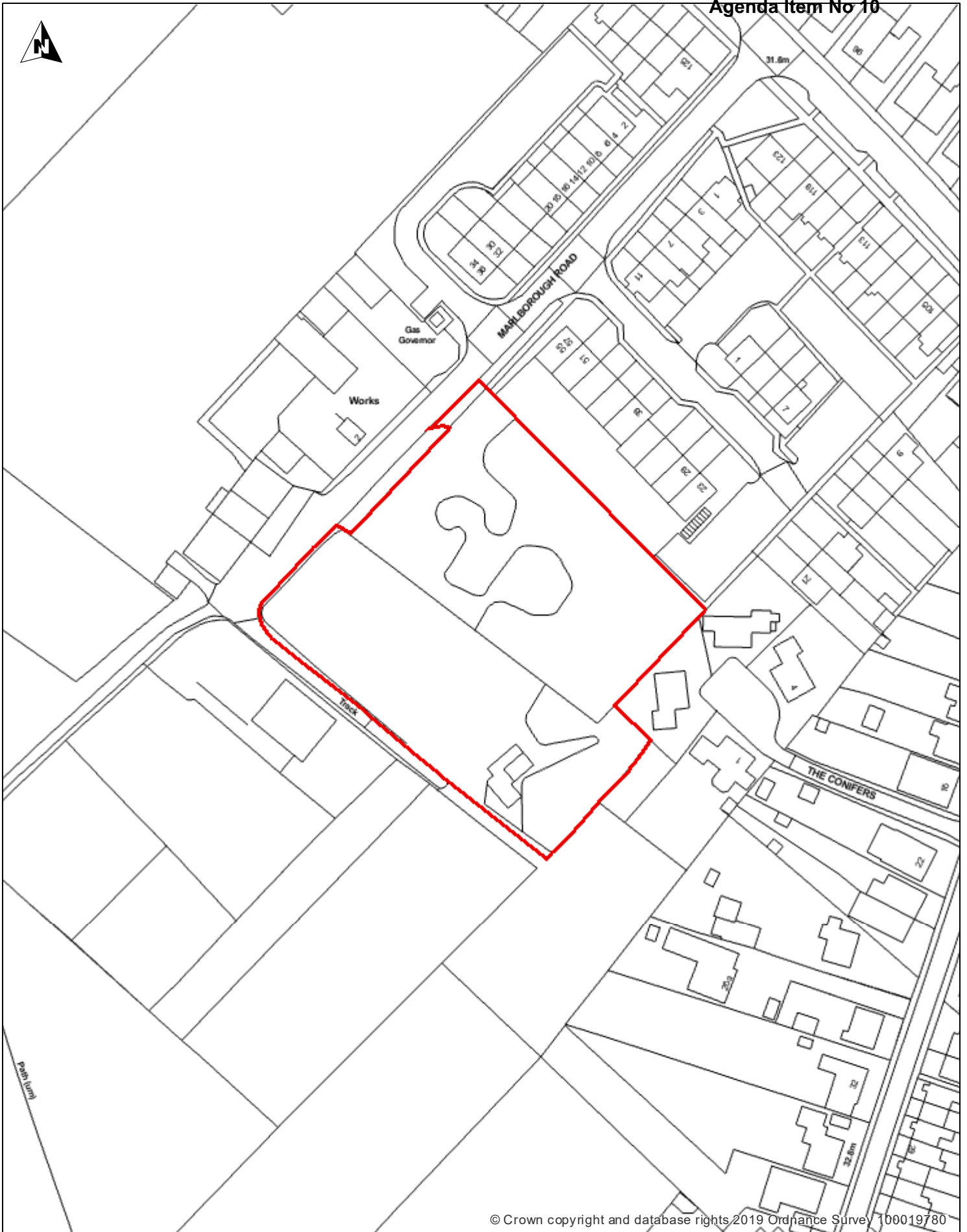
I PERMISSION BE GRANTED subject to conditions:

- (1) Standard time condition,
- (2) list of approved plans
- (3) samples of materials
- (4) detailed sections of rooflights
- (5) details of soft and hard landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting
- (6) provision and retention of the parking area with drainage measures installed
- (7) details of foul and surface water disposal
- (8) cables for EV charging points
- (9) development be carried out in accordance with the recommendations of the preliminary ecological appraisal
- (10) details of refuse/recycling storage
- (11) details of bicycle storage
- (12) unexpected contamination

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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20/01245
Site South Of Marlborough Road
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/20/01245 – Outline application for the erection of up to nine residential dwellings (with all matters reserved) - Site South of Marlborough Road, Deal

Reason for report: Number of contrary views (20)

b) Summary of Recommendation

Planning permission be approved.

c) Planning Policies and Guidance

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,600 (around 10%) is identified for Deal.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 – Development which would result in the loss of open space will not be permitted unless it meets one of five exceptions and where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

Land Allocations Local Plan

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

Draft Local Plan Reg 18

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - 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
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport,

walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven seeks the effective use of land by using as much previously-developed land as possible, and supports the use of under-utilised land, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Low densities should be avoided, although account should be taken of the need for different types of housing, market conditions and viability, infrastructure capacity, maintaining the area's prevailing character and securing well-designed attractive places.
- Chapter twelve seeks the creation of well-designed places, with high quality buildings. Good design is a key aspect of sustainable development. Development should: function well and add to the overall quality of the area, be visually attractive; be sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being.
- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environments, by protecting and enhancing valued landscapes; recognising the wider benefits from natural capital and ecosystem services; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being at risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that development which has the potential to impact upon heritage assets should be supported information to describe the significance of the assets which may be affected. Where this relates to potential archaeological features, a appropriate desk-based assessed and, where necessary, field evaluation should be submitted. Any harm caused to assets should be weighed against the benefits of the scheme and the more important the asset, the greater the weight should be.

The Kent Design Guide (KDG)

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

The National Design Guide (NDG)

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

d) Relevant Planning History

DOV/16/00706 - Outline application for the erection of nine dwellings (all matters reserved). Approved.

DOV/17/00661 - Reserved matters application for approval of layout, appearance, scale, means of access and landscaping of the site and submission of details pursuant to condition 1 of DOV/16/00706 for the erection of nine dwellings. Approved.

DOV/18/00750 - Erection of 9 no. dwellings and associated parking (amended drawings). Refused and appeal dismissed.

DOV/20/00346 - Outline application for the erection of up to 14 no. dwellings with vehicular access and associated parking (with all matters reserved except access) (existing buildings to be demolished). Refused.

DOV/20/00779 - Outline application for the erection of up to 9no. residential dwellings (with all matters reserved). Refused.

e) Consultee and Third-Party Responses

DDC Environmental Health Officer - I refer to the above and note issues surrounding noise were addressed within previous applications for this site and my comments in memo dated 12th May 2020 for DOV/20/00346 apply.

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
- 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Control measures for dust and other air-borne pollutants, mitigation measures should be in accordance with Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction

DDC Ecologist – views not received. However, it should be noted that under the previous application, the submitted survey findings were considered acceptable by DDC's ecological officer. It is considered that the previous comments in respect of this application would still apply.

In summary the report suggests the following mitigation measures which were recommended to be secured via suitably worded conditions:

- Habitat manipulation to prevent the use of the site by reptiles species should development not commence within the next 6 months. This involves keeping the sward short by grazing or mowing to discourage use
- Clearance of any woody vegetation outside of the bird nesting season (March to August inclusive).
- Covering of trenches overnight to prevent entrapment of mammals and other species

The recommendations for ecological enhancement are unfortunately rather limited and include:

- Sensitive landscaping including the use of native tree and hedgerow species
- Bird boxes for swallows and house martins.

I would suggest that a more ambitious list of enhancements should aim to include as many of the following as possible within the available space of the development site:

- Provision of hedgehog nesting boxes & 12cm square gaps under any new fencing to allow hedgehogs access into grassland areas.
- Bat roosting spaces within the new buildings (examples can be found in: Williams, C (2010).
- Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build. RIBA) or installation of ready-made bat boxes (such as Kent Bat Box, Habibat, EcoSurv Bat Box or Schwegler Bat tube)
- Reptile / amphibian hibernacula (as stand alone or within new walls by creating recesses into wall structures)
- Log piles for invertebrates (including stag beetles), reptiles and amphibians.
- Native wild flower grassland planting
- Establishment of climbing plants on walls and other vertical structures
- Creation of drought-resistant wildflower garden to attract invertebrates and reduce need for water
- Creation of a wildlife pond
- Integration of Sustainable Urban Drainage Systems (SUDS)
- Integration of green or grey roofs
- Consideration of grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas to retain some vegetation as well as drainage.

DDC Housing Officer - In policy terms, the proposals for this site fall below the requirement to provide affordable housing on site, which is unfortunate since there is a strong and proven need and demand for affordable housing in Deal, and particularly for flats as is proposed here. A contribution towards off site provision will be required to contribute towards affordable housing to be provided elsewhere.

KCC Highways - The previous application for 14 dwellings identified that three existing parking spaces are lost to provide the new site access onto Marlborough Road and the same applies for this application, however the parking survey previously submitted demonstrates that this parking can be suitably accommodated elsewhere near the site.

It was also demonstrated with the previous application that an 11.3 metre refuse vehicle can manoeuvre satisfactorily in and out of the access, taking into account on-street parking in Marlborough Road.

A connection will be required between the site access and the existing highway footway in Marlborough Road, requiring removal/relocation of the existing industrial estate signage and provision of a section of kerbed footway in the highway verge. The details of this connection

can be dealt with through reserved matters.

Southern Water – no objection subject to conditions.

Environment Agency – the application has been assessed as having low environmental risk.

KCC Archaeology – The site lies within an area of prehistoric, Romano-British and medieval archaeological potential. The proposed development may impact on below ground archaeological remains. I therefore recommend that in the event that planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

KCC Contributions - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. In light of the above, requests for financial contributions towards Secondary Education, Community Learning, Youth Service, Libraries and Social Care.

Deal Town Council – Deal Town Council object over lack of detail including materials, car parking, electric car charging points, cycle parking and that the area is a protected open space.

Public Representations

20 letters of objection received raising the following matters:

- The site is designated open space - contrary to policy DM25
- Dangerous access
- There is a long-standing and ongoing problem with adequacy of the wastewater drainage system in Deal.
- 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.
- increase of traffic in the area.
- the destruction of woodland wildlife.
- increase to pollution noise and traffic.
- Unsafe and impractical access
- object on the grounds of traffic and noise pollution and wildlife destruction.
- Protected open space
- This area lies adjacent to an industrial area and access via a private road or Magnus Road makes it unsuitable for development
- The mains services run underneath where proposed entrance is so would be impossible to relocate these without huge disruption, this is a huge stumbling block and an oversight on the applicants part.

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

- 1.1 The site is a rectangular shape of mainly open paddock/grassland that has been designated as Protected Open Space on the Policies Map (Policy DM25). It is not accessible to the public. The site has a number of trees located across it, with a strong band of tree and landscaping along the southwestern boundary and southeastern boundary. The existing access to the site is from a private road serving a small industrial estate to the northwest. The access is in the form of a barred gate.
- 1.2 To the northeast of the application site is a small residential estate served by Marlborough Road and Magness Road. A terraced block of maisonettes/flats overlooks the site. To the east is The Conifers, a small cul-de-sac of detached houses. To the south is a parcel of land which has been fenced off with a low fence and which meets the (open fields) countryside to the southwest. It is noted that the gradient of land falls from northeast to south southwest such that the application site appears to sit at a higher level when viewed from Ellens Road. To the northwest are a number of industrial and commercial uses served by a private road off Marlborough Road. To the west immediately adjoining the site, there is a large vehicle workshop building with an open storage (likely to be B2 use) to the front. Other uses in the immediate vicinity include offices, open storage and Class B8 uses. The planning history of the uses on the estate is varied, but more recently planning permissions have been granted for Car Repairs/MOT, Showroom, Joinery and Workshops which have limitations on the hours and days of operation. The vehicle workshop to the south of the paddock land adjoining the application site is limited by a planning condition to operate until 6pm weekdays and until 4pm on Saturdays only. The 6pm closing time during the week is also imposed as a condition on the office building granted for Unit 2 on the adjacent industrial unit, and a workshop building with car sales granted in 1989 to the west of the application site.
- 1.3 There are no public footpaths within the immediate vicinity although there are clear paths to the west and southwest of the car vehicle workshop that crosses what appears to be private land leading to Ellens Road and Cross Road respectively.
- 1.4 The application seeks permission for the outline application for the erection of up to 9 no. dwellings (with all matters reserved).

2. Main Issues

- 2.1 The main issues for consideration are:
- The principle of the development
 - Protected Open Space
 - The impact on the character and appearance of the area
 - The impact on residential amenity
 - The impact on Highways
 - Developer Contributions
 - The Impact on Highways
 - The Impact on Ecology
 - Archaeology

Assessment

Principle of the Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Dover and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.7 Policy DM25 seeks to prevent the loss of open space unless one of five exceptions are met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. This approach is closely reflected by paragraph 97 of the NPPF, which also seeks to avoid the loss of open space unless one of three criteria are met, one of which is where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. Given the degree of consistency between Policy DM25 and paragraph 97 of the NPPF, it is considered that DM25 is not out-of-date and continues to carry significant weight.
- 2.8 It is considered that policies DM1, DM11 and DM25, which are the 'most important' policies for determining this application. Policy DM1 is out-of-date,

whilst DM11 and DM25 are not out-of-date. Given how important DM1 is to the principle of the application, it is considered that the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged and, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.39 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).

Protected Open Space

- 2.9 The site is designated as open space and is protected by Policy DM25 of the Dover District Council Local Development Framework Core Strategy 2010 (the Core Strategy). Policy DM25 states any proposal that would result in the loss of public open space will not be permitted, subject to certain exceptions. These exceptions include the situations where there is an identified deficiency of public open space, but the site is incapable of contributing to making it good; or where there is a deficiency that the site is capable of contributing to making it good, but where an alternative suitable area can be made available.
- 2.10 Further, Paragraph 97 of the National Planning Policy Framework requires that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 2.11 Whilst it is noted the site is not currently accessible by the general public, the Dover District Council Land Allocations Local Plan 2015 (the Local Plan) states in paragraph 2.39 that "Non-accessible open space with current or potential amenity value is also recognised on the map" and that this can include land in private ownership "if it is the only remaining open space in an urban environment".
- 2.12 As part of the emerging Local Plan Evidence base, consultants Knight, Kavanagh & Page (KKP) have recently merging Open Space Standards and Playing Pitch Strategy. Whilst only limited weight may be given to what is an emerging strategy at this time, the underlining methodology is nonetheless considered robust and constitutes the most up-to-date quantitative and quality analysis of the districts open space.
- 2.13 As part of the emerging strategy, KKP are recommending that open space that is currently classified as accessible greenspace should be further refined to make the distinction between accessible greenspace which is more formal parks and gardens and accessible greenspace which is less formal amenity greenspace. For this typology, they have identified a current provision of 1.26 hectares per 1,000 population within the Deal and Walmer area.
- 2.14 KKP are recommending using locally derived quantity standards which are more reflective standards as based on current local provision levels and views gathered as part of a consultation exercise. From this, they are recommending a quantity standard of 1.46 per 1,000 population for amenity greenspace. Consequently, the Deal/Walmer Analysis Area is identified as having a quantity shortfall against the recommended amenity greenspace standard and the loss of this site would erode this quantity shortfall further.

- 2.15 The current application is an outline application with all matters reserved. The applicant's agent has agreed to the provision of retention of the land shown in green for landscaping purposes, provision of LAP and amenity greenspace. Whilst no details have been submitted at this stage, in the event of grant of permission, appropriately worded conditions would be attached requiring submission of the details of the Local Area of Play including layout, design of the playspace, and equipment/features etc, detailed landscaping, provision of amenity green space. Finally, the provision and long-term maintenance/management of the Equipped Play Area and Amenity green space would be secured by legal obligation. Whilst there would be a quantitative loss of open space, there would be qualitative gain which, in my opinion, would outweigh the loss. In conclusion, subject to conditions detailed above and secured via a S106 legal agreement, the proposed development is considered to comply with policy DM25 of the Core Strategy.
- 2.16 Regard should also be had to paragraph 97 of the NPPF which resists development on open space unless one of three criteria is met. Annex 2 of the NPPF defines open space as, "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for recreation and can act as a visual amenity". It is considered that the site has the potential to make a valuable contribution towards the needs of the community (public value) and has limited visual interest. The loss of open space resulting from the proposed development would be replaced by a qualitative Local Play Area and Accessible Amenity Green Space in a desirable location and would provide access to the members of the public. Having regard for the above, the proposed development would comply with paragraph 97 of the NPPF.

Impact on the Character and Appearance of the Street Scene

- 2.17 The site lies on the edge of open countryside. Therefore, regard must be had to Policy DM15 of the Core strategy which states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.18 The development in the area is largely linear and street fronting along Marlborough Road and Magness Road; whilst to the southeast, there is a variation to the character, with large detached dwellings arranged as a cul-de-sac although the development continues to front onto the street. Properties are typically set back from the road behind front gardens. The scale and design of terraced blocks along Marlborough Road and Magness Road share similar architectural features whilst the detached houses to the southeast differ in scale and design. Regard must also be had to the non-residential uses in the area as they are considered to play an important role in establishing the character of the area. Immediately to the west of the application site is a large vehicle workshop with a number of storage containers located to the southwest of this building. Further to this, there are few commercial buildings across Marlborough Road to the northwest. It is notable that the cluster of commercial buildings is located towards the northwest/southwest area and as it stands, the application site acts as a relief break between the commercial and residential uses. Another important element to the character of the area are the undeveloped open fields to the southwest of the site, which provide a visual reminder that the site is located on the fringe of the town and provide an attractive semi-rural character. The

application site acts as a buffer and provides a soft transition between the hard-built urban area and the open countryside.

- 2.19 For ease of understanding, in this case, it is considered relevant to look at the layout of the buildings on a larger scale rather than simply assessing the prevailing layout in the immediate vicinity of the site. It should be noted that there is a high concentration of dwellings to the east and southeast. The dwellings fronting Cross Road have large private rear gardens which contribute to the open and low-density character of the area thereby facilitating the soft transition of the urban development into the open countryside. The development along Ellens Road is scarce and scattered with undeveloped open fields on either side of the road. The application site acts as a relief break between noisy commercial uses and residential uses where a degree of quietness is reasonably expected. It also helps facilitate a smooth transition between the hard built urban edge and the countryside. It was therefore considered necessary to ensure that this transition was retained. From the review of the proposed indicative site plan, it is noted that the parcel of land (shown in green) would be retained for landscaping purposes and to provide a Local Area of Play in accordance with the guidance in the NPFA Characteristics of Play Areas LAP and amenity greenspace which would in effect soften any visual impacts arising from the development.
- 2.20 Regard has also been had to whether landscaping could help mitigate the visual impact on the countryside. From the review of the proposed indicative site plan, it is noted that the parcel of land (shown in green) would be retained for landscaping purposes and to provide a Local Area of Play in accordance with the guidance in the NPFA Characteristics of Play Areas LAP and amenity greenspace which would in effect soften any visual impacts arising from the development.
- 2.21 In conclusion, it is felt that visual impacts arising from the development could be satisfactorily mitigated to an acceptable level with the help of effective landscaping strategy and sensitive design of the dwellings. In the event of grant of permission, suitably worded conditions would be attached to the permission require submission of details of the above. Therefore, the proposed development would not be contrary to policies DM15 and DM16 of the Core Strategy. It is also relevant to note that planning permission has previously been granted for this site under applications DOV/16/00706 and DOV/17/00661, which demonstrates that an acceptable scheme can be achieved.

Impact on Residential Amenity

- 2.22 Given the size of the site and its relationship with the immediately adjoining properties, it is considered that nine dwellings could be provided on the site without causing unacceptable harm to the neighbours, subject to acceptable details being submitted in the reserved matters application. The effects and impacts on neighbours would also drive the type of dwelling that would be acceptable on this site. These matters would be subject to detailed consideration at the Reserved Matters stage.
- 2.23 A noise impact assessment was not submitted with the application. However, it is noted that noise survey was carried out during the previous application DOV/18/00750 for the site. Environmental Health have advised that in the event of grant of planning permission the following be secured via conditions.

- *upgrading the proposed glazing to laminated glass, giving a further 6dB reduction,*
- *providing acoustic screening to the garden boundaries in the form of solid 2m high fencing which would reduce noise levels from the compressor and motor repairs by a further 7dB.*

Impact on Parking/Highways

- 2.24 The relevant Core Strategy policies are DM11 and DM13. DM11 requires planning applications for development that increases travel demand be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public transport. Policy DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. The indicative layout plan shows the means of access via Marlborough Road whilst this is an outline application with all matters reserved. The details of the access could be dealt with at the reserved matters stage. Again, the previous grant of permission for the site demonstrates that an acceptable access can be achieved.
- 2.25 Concerns have been raised by third parties that the development would significantly and detrimentally increase traffic and have an impact on the local highway network which is considered to be struggling to cope with existing levels of traffic locally. However, KCC Highways have not raised an objection in this regard. In conclusion, taking into account KCC Highways comments, 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.

Ecology

- 2.26 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. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The site itself contains unmanaged grassland surrounded by dense mature trees/hedges. The application has been supported by a Phase 1 Habitat Survey. The findings within the survey have been considered acceptable. DDC's ecological officer has recommended that the ecological enhancements recommended within the survey be secured via suitably worded conditions.

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

- 2.27 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.

- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 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

- 2.32 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 103, 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.
- 2.33 Southern Water have raised no objection and have recommended pre-commencement conditions to be attached in relation to surface water drainage and other matters. Third party representations were received raising concerns regarding the limited capacity of the sewers and frequent flooding in the area. In light of the concerns raised during the application process, a further query was raised with Southern Water in respect of the matters raised. Southern Water have confirmed the following: "A capacity assessment has been carried out which deemed there is capacity for this development." Notwithstanding this, and acknowledging that significant and understandable concerns persist in the locality, it is considered that it would be proportionate to require full details of surface water and foul water drainage to be submitted for approval prior to the commencement of the development.

Archaeology

- 2.34 The application site lies in the Mill Hill area of Deal which is exceptionally rich in buried archaeological remains. Significant archaeological remains are known to the north-east, north-west and south-east of the proposed development site and further archaeological remains may extend into the site in question.

- 2.35 During the nineteenth century several large chalk quarries were developed along the Mill Hill chalk ridge by local builders; no formal archaeological investigations were undertaken during this quarrying however numerous burials (both cremations and inhumations) of probable Iron Age, Roman and Anglo-Saxon date were recorded. One of these quarries lies a short distance to the south-east. Recent archaeological evaluation of a proposed development site on the north-west side of Marlborough Road has demonstrated the presence of a Bronze Age barrow and a substantial number of later grave cuts (most likely of Anglo-Saxon date) clustering around this monument. A further possible Bronze Age barrow has been recorded to the north-east of the site.
- 2.36 Between 1984 and 1989 the Dover Archaeological Group undertook excavations on the site of the Walmer Way housing development which lies to the south-east of the proposed development site. More than 500 individual archaeological features were identified which dated from the Neolithic (c. 3000 BC) to the post-Roman period (c. AD 1400). Some 132 burials were also excavated. One of the graves previously excavated was the Iron Age 'Mill Hill Warrior' who was buried with a sword, shield and crown (now displayed in the British Museum).
- 2.37 Given the significance of the site, KCC Archaeology have made the following recommendation:

"As outline consent being sought with all matters reserved, any archaeological field evaluation works are carried out prior to the submission of any reserved matters submission. This is so that the future layout of the development can be informed by the results of the archaeological evaluation".

In light of KCC Archaeology comments, a pre-commencement condition would be attached in the event of grant of permission.

Developer Contributions

- 2.38 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:
- Secondary Education - £40860
 - Community Learning - £147.78
 - Youth Service – £589.50
 - Libraries - £499.05
 - Social Care - £1321.92
 - All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).
- 2.39 The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted. It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Other Material Considerations

- 2.40 The principle of the development accords with the development plan. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.41 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. The relevant issues within the NPPF have been addressed within the corresponding sections of this report and so will not be repeated in detail here. These sections have concluded that the impacts of the development do not give rise to any harm or harms which would indicate that permission should be refused.
- 2.42 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 80% of the homes needed over the past three years. The site lies in a location which is wholly consistent with the NPPF's aim to steer development towards sustainable locations, where future occupants can reach (and provide support for) facilities and services, including public transport.
- 2.43 The site is located within the settlement confines of Deal, which is identified as the 'Secondary focus for development in the District; suitable for urban scale development'. The site is well linked to all the facilities and services by footpaths. As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.44 The NPPF encourages the development of under-utilised land. Given that the site has not been in active use for several years, there is a sense in which it is under-utilised which weighs in favour of the proposal.
- 2.45 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a modest increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.46 In terms of the social role, the proposal would contribute towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. The development would not cause significant harm to the character and appearance of the area, subject to conditions and a S106 legal obligation. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Magness Road and Marlborough Road however, it is concluded that the impact of additional traffic movements would not warrant refusal. The development would result in the quantitative loss of Open Space. Whilst this space has not been actively used for several years, it has the potential to make good deficiencies in the future, (albeit there is no evidence that the site will become publicly accessible in the absence of this development). However, the

application proposes to compensate for the quantitative loss of open space through qualitative benefits, providing accessible green space and Local Play Space.

- 2.47 In terms of the environmental role, the proposal would not cause significant impacts to the character of the area. The development would be visible along the access and in glimpse views between buildings, whilst the access itself would be plainly visible. However, within an urban context, this would not be harmful. Views of the site would be achievable in long range views from Ellens Road however, it is not considered that this impact would be significantly harmful. The development would not cause significant harm to ecological interests and would include some enhancements, which will be secured by condition.
- 2.48 Overall, it is considered that there are a number of benefits and only limited disbenefits to the scheme and that in the round, the proposal is considered to be a sustainable form of development that accords with the objectives of the NPPF.

3. Conclusion

- 3.1 The site is located within the settlement confines of Deal, which is identified as the 'Secondary focus for development in the District; suitable for urban scale development' in the District. The principle of the development is therefore supported by the development plan.
- 3.2 The development would provide 9 dwellings in a sustainable location, close to the facilities and services of Deal. The development would also secure the public use of part of the site. It has been concluded that the qualitative benefits of the accessible open space proposed on site provide at least the same quality and equivalent community benefit as the existing site. Whilst the development would increase the number of vehicles using Magness Road and Marlborough Road, the additional vehicle movements generated by the development would not justify the refusal of the application. The development is acceptable in all other material respects, subject to conditions and obligations.
- 3.3 The development accords with the objectives of the development plan and NPPF and is therefore recommended for approval.

g) Recommendation

- I SUBJECT TO a Section 106 legal agreement being entered into to secure the necessary planning contributions and provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space) PLANNING PERMISSION BE GRANTED, subject to conditions to include:
(1) Approved site plan clearly showing the area shaded in green which would be retained for the purposes of landscaping and provision of open space (LAP and accessible amenity green space). (2) Approval of the details of the layout, means of access, scale, landscaping and appearance (hereafter called "the Reserved Matters") (3) Application for approval of the Reserved Matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission (4) The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the

last of the Reserved Matters to be approved. (5) The development to which this permission relates must be begun not later than whichever is the later of the following dates : (a) the expiration of two years beginning with the date of the grant of outline planning permission. (b) the expiration of one year from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved. (6) Ecological/biodiversity mitigation, enhancement and management plan (7) Landscaping scheme and landscaping management plan (8) Details of LAP and Amenity Green Space (9) Construction Management Plan (10) Submission of details of the highway alterations in Marlborough Road prior to the commencement (in accordance with KCC's comments) (11) Protection of Trees and Hedges (12) Hard landscaping works and boundary details/enclosures (13) refuse storage (14) cycle storage (15) Programme of archaeological works (16) details of surface water drainage infrastructure (17) details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed (18) full details of all lighting, including the lighting for the amenity space, car parking and residential areas (19) details of electric vehicle charging points (20) installation of broadband.

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a S106 agreement in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Benazir Kachchhi