

Public Document Pack



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14 April 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 22 April 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 March 2021 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 6-11)

5 **APPLICATION NO DOV/20/01520 - LAND AT 16 PARK AVENUE, DOVER** (Pages 12-18)

Change of use of House of Multiple Occupation (HMO) from 9 bedsitting rooms to 10 bedsitting rooms, to accommodate up to 15 persons

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

6 **APPLICATION NO DOV/20/00663 - TEAL HOUSE, 7 MILL RACE, RIVER** (Pages 19-23)

Erection of a single storey side extension

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

7 **APPLICATION NO DOV/20/00717 - LAND REAR OF 114 CANTERBURY ROAD, LYDDEN** (Pages 24-39)

Variation of condition 2 (approved drawings), condition 3 (materials) and condition 10 (drainage scheme) of planning permission DOV/15/01184 to allow changes to improve floor layouts, amend materials and improve drainage scheme (Application 73) (Amended Plans)

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

8 **APPLICATION NO DOV/20/01002 - THE OLD DAIRY, NORTH COURT, NORTH COURT LANE, TILMANSTONE** (Pages 40-50)

Change of use and conversion to a single dwelling (Class C3); insertion of 16 rooflights; replacement windows and doors; erection of a detached double garage; associated parking and wood store

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

9 **APPLICATION NO DOV/20/01200 - LAND ADJOINING SUNHOLLOW, GORE LANE, EASTRY** (Pages 51-68)

Erection of four semi-detached dwellings

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

10 **APPLICATION NOS DOV/20/01236 & DOV/20/01220 - DOVER MARINA CURVE PHASES 1A AND 1B, DOVER HARBOUR** (Pages 69-90)

DOV/20/01236 - Erection of 5 three-storey (90 bed) motel buildings; 1 two-storey reception building; 2 single storey buildings for welfare and storage; installation of solar panels to roof of motel and reception buildings; and associated coach, lorry and car parking

and

DOV/20/01220 - Erection of mixed-use development comprising swimming pool, restaurant, bar and mixed-use Class E (Commercial Business and Service)

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.

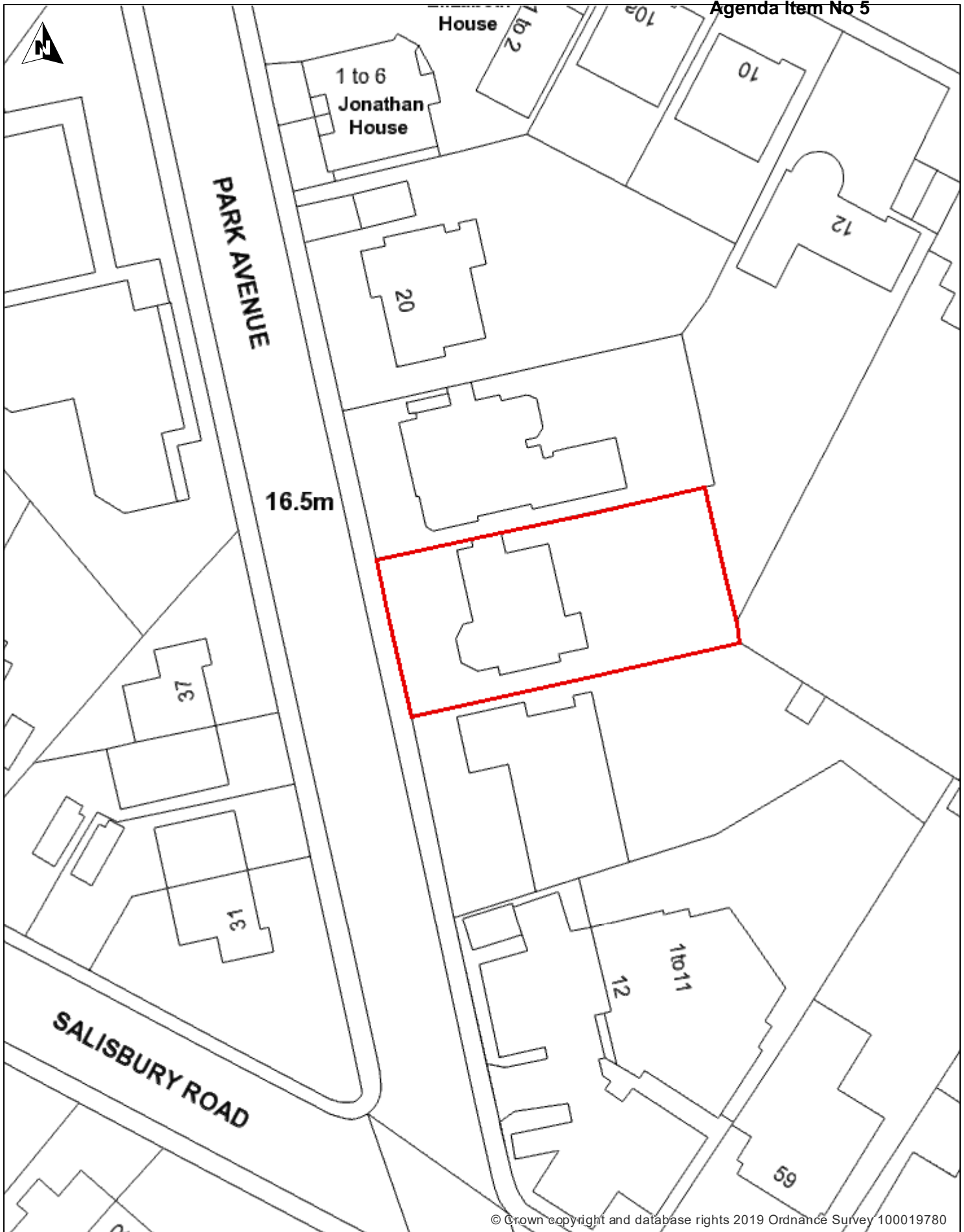
Article 14 - Prohibition of discrimination.

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.



20/01520
16 Park Avenue
Dover
CT16 1HE

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/20/01520 – Change of use of House of Multiple Occupation (HMO) from 9 bedsitting rooms to 10 bedsitting rooms, to accommodate up to 15 persons - Land at 16 Park Avenue, Dover**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will be permitted within the settlement boundaries.

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and through providing safe and accessible places.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; 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 that takes into account context.

National Design Guide 2019

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

Regulation 18 Consultation on the Draft Local Plan 2021

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

d) **Relevant Planning History**

90/00003 – Planning Permission Granted, change of use to five x 1 bedroom flats and external alterations.

20/01033 – LDC Granted, the continued use as a Large House in Multiple Occupation (a sui generis use) for up to 9 self-contained units of accommodation. Under this Grant, it appears that the case was not fully evidenced that the 9 self-contained flats were occupied by 17 persons on a continuous basis for a period of 10 years, although the previous HMO Licence that was granted (2008-2013) allowed up to 17 persons in the 9 rooms and the current Licence allows 9 households for up to 18 persons.

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

Town Council: “Object, on the basis of disproportionate supply of this type of accommodation in Dover.”

Private Housing Sector: An HMO Licence was granted in 2019 for 9 households made up of up to 18 persons. If the 10th room is used it will only be acceptable for 1 person, due to its size. The other 9 (as existing) rooms are large enough to be acceptable for 2 persons.

The owner is only requesting an HMO Licence for 6 rooms for 2 persons and the other rooms for 1 person. The shared facilities, and exclusive facilities look adequate for this request.

Kent Police: Does not object if a planning condition is imposed requiring measures to achieve Secure By Design are incorporated into the proposal.

Dover Society: In the unique circumstances of this case, the application is supported.

Other Public Representations: There have been 12 other responses received from the public consultation exercise. Of these, 10 responses raise objections, 1 response supports the application, and 1 response is neutral/an objection. The objections can be summarised as follows:

- The use would lead to additional parking on the road, where there is already high demand and highway obstructions.
- There would be an increase in noise, activity, lack of care for the property and anti-social behaviour.
- There is already an over-supply of HMOs in the area.
- The proposal would be out of character with the family orientated residential character of the area.
- The proposal would lead to cramped living conditions.
- There will be insufficient refuse storage.
- There would be a rise in pressure on local amenities.

f)

1. **The Site and the Proposal**

- 1.1 The application property is a large detached four-storey Victorian building (basement, two upper floors and an attic). It has a lawful use to be used as 9 HMO bedsittings rooms. Under the existing HMO Licence these 9 bedrooms can accommodate up to 18 persons. At the time of the officer's site visit, the building was undergoing refurbishment.
- 1.2 The building comprises one of a number of large detached buildings of 2 – 4 storeys, along this stretch of the road. On the opposite side of the road, the properties are two storeys and have a smaller scale.
- 1.3 The immediate area has a residential character and there are a number of houses, flats (purpose built and converted from houses) and some HMOs along Park Avenue.
- 1.4 To the south, the town centre is located within walking distance.
- 1.5 The application property does not have its own parking area. It is mostly laid to lawn to both its front and rear garden areas, with refuse storage along the side boundary of the property.
- 1.6 The building is currently in use as follows:
- Lower Ground Floor/basement area: three small (non-habitable) rooms
- Ground Floor: Two entrances, 3 bedrooms, 1 kitchen, 1 shower room/WC.
- First Floor: 4 bedrooms, 2 kitchens, 2 shower rooms/WC.
- Attic Space: 2 bedrooms, 1 kitchen, 1 bathroom, 1 WC.
- 1.7 The proposal is to increase the number of bedrooms from 9 to 10, which will be achieved through the conversion of the kitchen in the attic space to a 1 person bedroom.
- 1.8 Other internal works are proposed to be undertaken, mainly to provide two ensuite bathrooms to two of the largest bedrooms in the property. No other changes are being undertaken to the layout of the building.
- 1.9 In effect, the proposal adds two additional ensuite bathrooms to the property, and replaces a kitchen in the attic with a 1 person bedroom. The additional bedroom would, in effect, enable the property to be Licenced as a 19 bedroom HMO. However, it is the opinion of the Private Sector Housing team, that the applicant is seeking not to use the building for its capacity. The applicant has confirmed that the maximum number of persons in the building will be 15.
- 1.10 Two sheds to accommodate cycle spaces are proposed and there will be wheelie bins stored along the southern boundary of the property, just inside the boundary enclosure.
- 1.11 No external alterations to the building are proposed.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- The impact upon highway safety

Assessment

Principle of Development

2.2 The application site falls within the urban area of Dover. As such, under Policy DM1, the change of use of the building is acceptable in principle.

2.3 The Council does not have a development plan policy that seeks to regulate or limit the number of HMOs in any specific area. As such, each case needs to be determined on its own merits. However, there is support in the NPPF to significantly boost the supply of homes where it is needed and that the needs of groups with specific housing requirements should be addressed.

2.4 In essence, therefore, and in relation to the determination of this application, whilst the principle of the change of use is acceptable, its impact needs to be assessed.

Impact upon Character and Appearance

2.5 The proposed change of use seeks to retain the residential accommodation provided within the building and to increase the number of bedrooms by 1 additional room, whilst reducing the number of occupiers in the building as a whole. Whilst the increase in the number of bedrooms would require planning permission, the proposal would not significantly change the overall character of the use of the building or its gardens.

2.6 The previous and existing lawful occupation of the building needs to be taken into account, in assessing the increase in the likely impact upon the residential character and appearance of the area. It is considered that the increase from 9 to 10 bedrooms is not likely to give rise to a material increase in activity, noise or disturbance around the building or in the surrounding streets. In addition, the applicant has accepted the case officer's suggestion that the number of occupiers be limited to 15 – which would be 3 fewer than what could be lawfully accommodated at present, and 4 fewer than what could be accommodated through the HMO Licence granted in 2019.

2.7 The layout of the building is not being altered. As such, it is not considered that the proposed use of the building should be considered over-intensive as the rooms are proposed to be used for virtually the same way, as they have been for more than 10 years.

2.8 In view of the limited change in the nature of the use of the building and its layout, with a decrease in the number of occupiers and with no external changes to the building, it is considered the proposed increase in the number

of bedrooms will be compatible with the existing character and appearance of the area.

- 2.9 The refuse bins of the application property are currently located in the side/rear garden and this is not proposed to be changed.
- 2.10 It is considered therefore that the proposal would assimilate within its immediate context and subject to suitable planning conditions, the use would not lead to a material deterioration in the visual quality or residential character and appearance of the area.

Impact upon Residential Amenity

- 2.11 It is not anticipated that the proposed use of the building, and with a decrease in the number of occupiers, will give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area.
- 2.12 The HMO use has been taking place since at least 2008 and there have been no specific events reported through the consultation of this application, that demonstrates that the use of the building harms the living conditions of the occupiers of nearby properties.
- 2.13 In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded through the imposition of planning conditions.

Impact Upon Highway Safety

- 2.14 The unrestricted parking along the road is mostly used to capacity. It does not follow, necessarily, that the proposed use would lead to additional demand for on street parking that might cause harm to highway safety, or that the demand for on street parking would be materially different now from the demand generated by the occupiers who previously lived at the property.
- 2.15 It also has to be borne in mind that with the imposition of the planning condition to limit the number of occupiers to 15, this is likely to have the potential to reduce the 'demand' for car parking on the street.
- 2.16 The proposed cycle storage is welcome as an alternative means of providing travel to and from the site. In addition, the town centre is within a reasonable walking distance from the application property – thereby providing suitable and convenient access to goods and services for the occupiers of the premises.

3. Conclusion

- 3.1 There is a need to accommodate tenants in shared accommodation. In view of the retention of the same layout and reduction in the number of occupiers, it is unlikely that the proposed use will materially affect the character and appearance of the area or the current living conditions of the occupiers of nearby properties.
- 3.2 A safeguarding condition is recommended to help minimise the impact of the proposal. However, due to the lawful use of the premises, and the circumstances of the proposal, Officers do not consider that planning

conditions are necessary to require a business management plan to be submitted or measures are needed to incorporate 'Secure By Design'.

- 3.3 It is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

g)

Recommendation

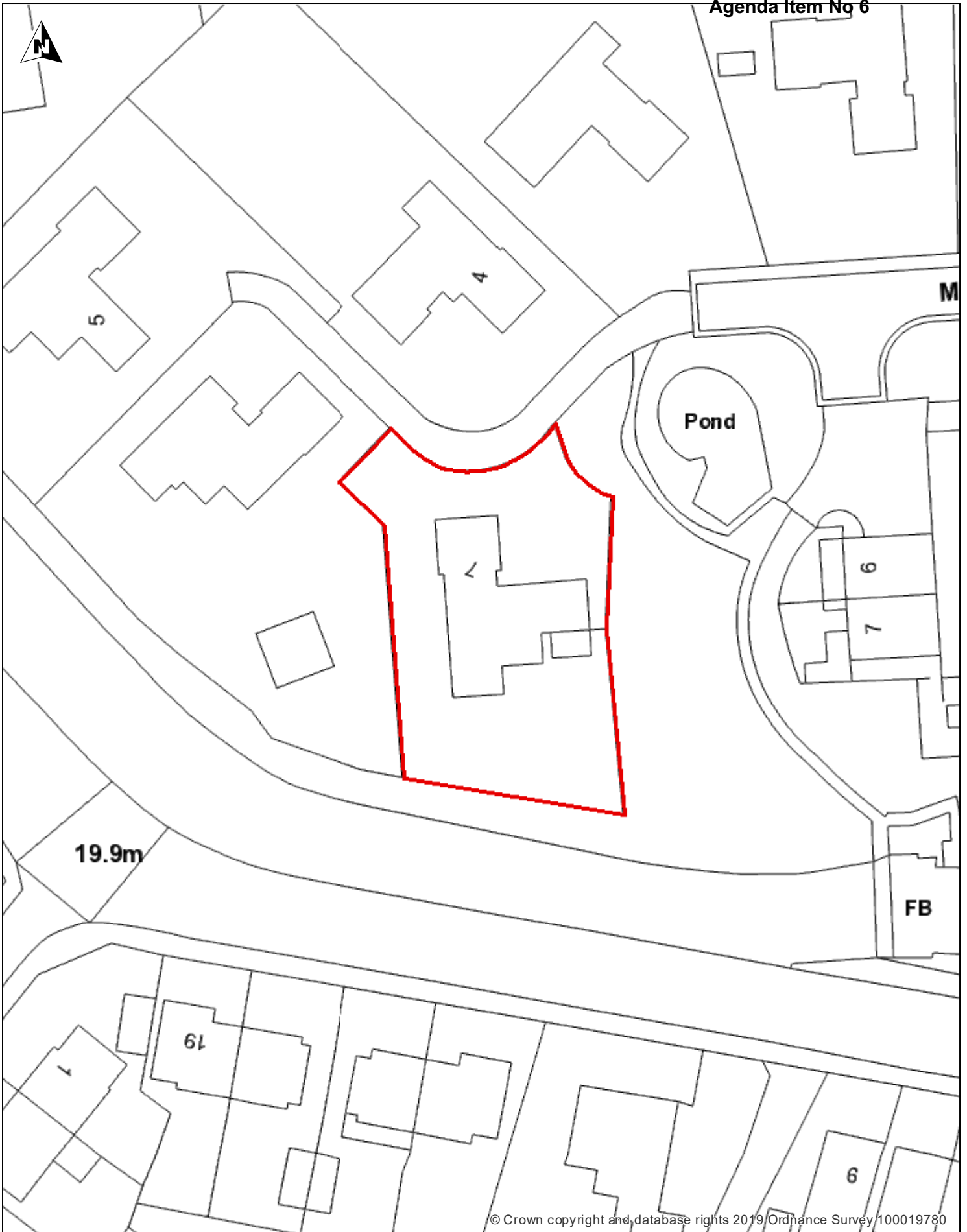
I PERMISSION BE GRANTED subject to the following conditions:

- i) The layout of the building to be in accordance with the submitted drawings.
- ii) The use of the building to be limited to up to 15 persons at any one time.
- iii) The side/rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities.

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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20/00663
Teal House 7 Mill Race
River
CT17 0UZ

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/20/00663 – Erection of a single storey side extension - Teal House, 7 Mill Race, River, Dover**

Reason for Report: Six contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- 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.

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 seeks to achieve sustainable development.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 127 requires that planning policies should ensure that well-designed places are achieved, with the creation of high-quality buildings and places being fundamental to what planning and development process should achieve.
- Paragraph 130 requires that permission be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

Kent Design Guide

National Design Guide

d) **Relevant Planning History**

No relevant planning history

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

River Parish Council – would like to see verification of the boundary with No.6 Mill Race, as the line drawn on the plans seems to differ from that on the land registry. We would also like to seek confirmation of the intended use of the extension.

County Archaeologist - no archaeological measures are required

Environmental Health – no objections, condition recommended –

In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Public Representations - A total of six individuals have raised objections to the proposal summarised as follows:

- Concerns over proposed use of extension
- Material finish of extension
- Harm to trees
- Bin storage
- Damage caused by contractors when it is a private road
- Blocking of road caused by deliveries
- Dust caused by construction
- Loss of light to neighbouring property
- Issues regarding boundary and land ownership
- Noise from construction

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

1.1 The application relates to a detached two storey dwelling on the south of Mill Race in River. This property is finished in brick with dark brown timber weather boarding, brown timber windows and clay plain roof tiles.

1.2 The site is located within the village confines of River, and within the River Conservation Area. The principal elevation faces towards the Mill Race development with the garden land to the rear towards Lower Road. The site includes a gravelled car parking area sufficient for at least 3 cars. The property has a garage attached on the north elevation that has a bedroom space above.

1.3 Teal House is bounded by 6 Mill Race to the northwest; however, the property has a private shared access with numbers 4, 5 and 6 Mill Race. The area comprises a quiet, well established residential area comprising of two storey detached dwellings and a block of apartments.

- 1.4 The application is for a single storey side extension on the southwest elevation. The extension would measure 3.9 metres wide by 11.5 metres deep with a maximum height of 5.3 metres. The extension would create a living room/ dining and kitchen space with stairs connecting to the existing bedroom at first floor level above the garage. The extension would be finished to match the host dwelling, with the exception of the rear bi-fold door being powder coated aluminium. This wouldn't be visible from the street or from the Conservation Area.

2. Main Issues

- 2.1 The main issues for consideration are considered to be:

- The principle of the development
- Residential amenity
- The character and appearance of the area

Assessment

The Principle of Development

- 2.2 The site is located within the settlement confines and the development therefore accords with Policy DM1.

Character and Appearance

- 2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 127).
- 2.4 The proposed extension would not be visible from the public highway, as Mill Race is a private development. The views from Lower Road would be largely obscured due to the planting along the boundary and separation distance caused by the River which runs along the southern boundary.
- 2.5 The extension has been designed to blend in with the host dwelling and the neighbour properties which are all built with similar materials. Initial concerns were raised about the materials, which the applicant noted and has made subsequent amendments to ensure the materials all match and are appropriate for the Conservation Area. The modest size of the extensions allows it to remain subservient to the host dwelling.
- 2.6 The scale and appearance of the development is considered to be acceptable in such a location and is considered to fit within its context. Consequently, it is concluded that the development will not harm the character and appearance of the area.

Residential Amenity

- 2.7 The nearest property to the proposed extension is 6 Mill Race which is to the northwest of the host dwelling. The west elevation of the extension has no proposed windows, such that there would be no loss of privacy. The proposed rooflights on this elevation are set at a high level above the finished floor levels, such that views out of the rooflights would not be possible. As such, the rooflights

would not cause an unacceptable level of overlooking. The size and scale of the extension combined with the separation distance between the application site and 6 Mill Race will prevent any overbearing impact or overshadowing. The living conditions of 6 Mill Race would not therefore be unacceptably harmed.

- 2.8 No other properties share a boundary with the host dwelling and as such it is my opinion that no other properties will be affected by the extension.
- 2.9 I do not consider there would be any harm to the residents of these properties caused by this extension.

Other Matters

- 2.10 Concerns have been raised by third parties as to how the proposed extension will be used. The applicant has confirmed that the extension will provide ancillary accommodation to the main dwelling, in the short term for visiting family members and, perhaps, in the longer term to provide space for a carer should this be necessary. It is not considered that the provision of such accommodation is unusual or unacceptable. However, it is considered that it would be reasonable to attach a condition requiring the extension to be used ancillary to the main dwelling only.

3. Conclusion

- 3.1 The proposed erection of a single storey side extension, due to its design and appearance, would not result in significant harm to the character and appearance of the street scene. Furthermore, for the reasons outlined above, the development would be unlikely to result in significant harm to the residential amenities of surrounding occupiers in respect of overshadowing, overbearing or loss of privacy. Consequently, the proposals would accord with the aims and objectives of the NPPF.
- 3.2 I therefore recommend planning permission be granted.

g) Recommendation

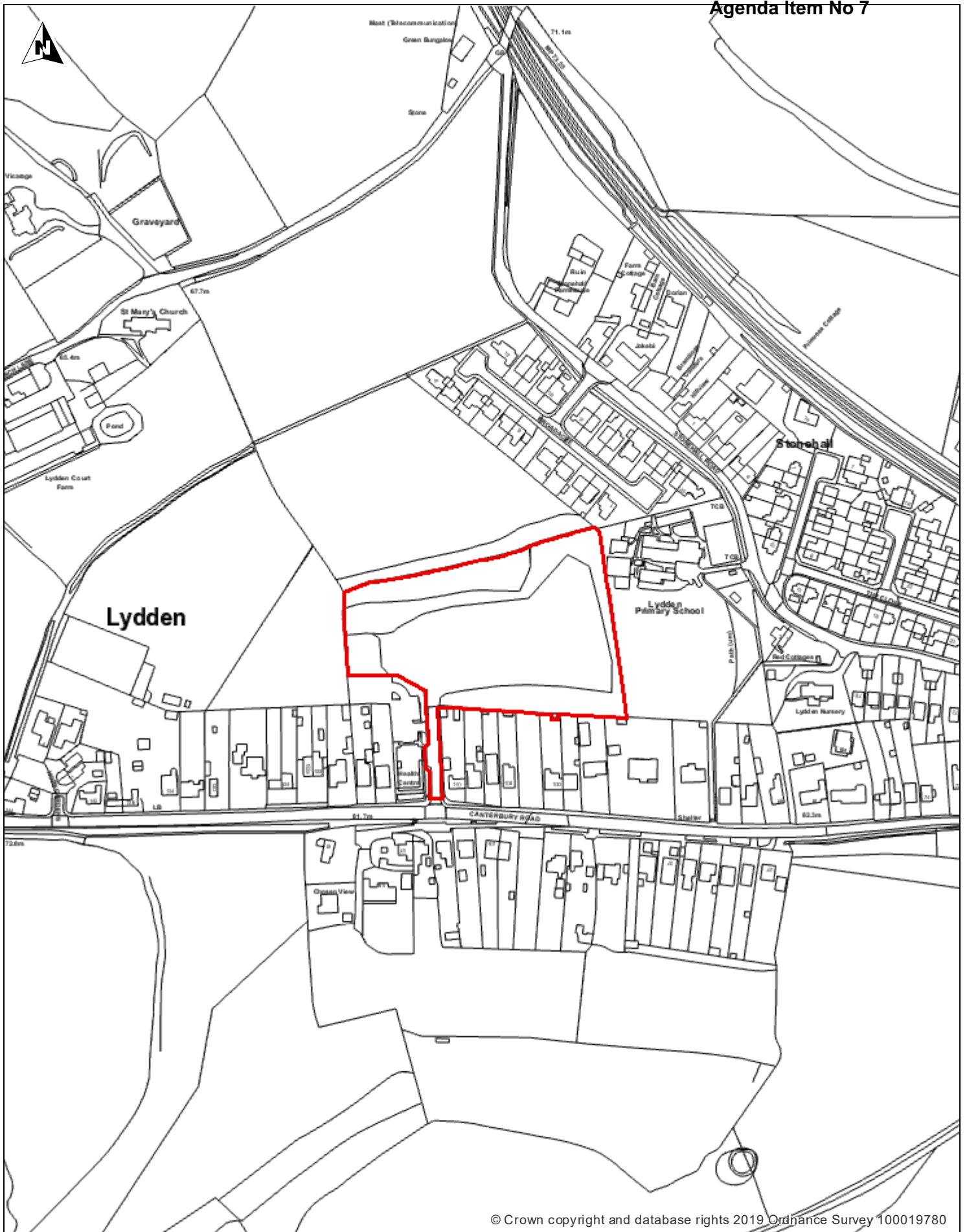
I Planning permission be GRANTED subject to the imposition of the following conditions:

(1) 3-year time limit for commencement; (2) compliance with the approved plans; (3) unknown contamination; and (4) extension to be used as ancillary accommodation to Teal House, 7 Mill Row.

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

Case Officer

Amber Tonkin



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20/00717
Land Rear Of 114 Canterbury Road
Lydden
CT15 7ET

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/20/00717 – Variation of condition 2 (approved drawings), condition 3 (materials) and condition 10 (drainage scheme) of planning permission DOV/15/01184 to allow changes to improve floor layouts, amend materials and improve drainage scheme (Application 73) (Amended Plans) - Land rear of 114, Canterbury Road, Lydden

Reason for report: Due to the numbers of objections received

(b) Summary of Recommendation

Planning permission be Granted

(c) Planning Policy and Guidance

Planning and Compulsory Purchase Act 2004

- Section of 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. Lydden is a village suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for rural development.
- 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 to 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.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

- DM13 – Parking provision should be design-led, based upon an area’s characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted amongst other things it is in accordance with allocations made in Development Plan Documents or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Land Allocations Local Plan

- LA40 – Land at Canterbury Road, Lydden
- DM27 – Providing Open Space, to meet the any additional need generated by development.

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 5 sets out ‘to support the Governments objective or significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come

forward where is it needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- Chapter 9 sets out that ‘ transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised-for example in relation to the scale, location or density, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribution to making high quality places.
- 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.
- 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.

- Chapter 16 sets out amongst other things that ‘ heritage assets range from sites and buildings of local historic value to those of the highest significance, such as world heritage sites which are internationally recognised to be outstanding universal value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The Kent Design Guide (KDG)

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

The Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan

The management plan sets the vision of the future of this special landscape.

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.

d) Relevant Planning History

There have been various planning applications at the site including.

DOV/80/01345 – Outline application for residential development (4approx.. 40 dwellings, shopping facilities and play area) – Refused.

DOV/96/00509 – Erection of six detached houses – Granted.

DOV/05/01436 – Outline application for the erection of 42 dwellings, doctors’ surgery and construction of new vehicular access – Refused.

DOV/05/01437 – Outline application for the erection of 24 houses, doctors’ surgery and formation of new vehicular access – Appeal Allowed.

DOV/09/00294 – Erection of a detached building providing a doctor’s surgery, construction of vehicular access and associated car parking (reserved matters; access, external appearance, layout and scale pursuant to planning permission DOV/05/01437) – Granted.

DOV/15/01184 – Erection of 31 two and three storey dwellings, together with associated access, car parking and landscaping – Granted.

DOV/18/01000 – Variation of condition 2 (approved plans) and 3 (materials) of planning permission DOV/15/01184 (application under 73) – Granted.

e) Consultee and Third-Party Responses

Southern Water

Southern Water has no objections to the variation of condition 02 submitted by the applicant. The Council's Building Control officers/technical staff and Environment Agency should be consulted for condition 10 regarding the surface water drainage.

Environment Agency

Agree the discharge of Condition 10. With regard to surface water condition, from the submitted drawings, it is understood, that clean uncontaminated roof drainage will drain directly to the surface water system (entering after the pollution prevention measures) and discharge into deep soakaway. It is noted that the deepest deep bore soakaway will be 20m below ground level and that drainage from access roads and car parking areas will be collected separately and discharge into an attenuation pond, having previously undergone appropriate pollution control methods (such as trapped gullies and interceptors) to prevent hydrocarbons from entering the surface water system and discharged to the ground. Any variation from the above should be communicated prior to installation.

Dover District Councils Environmental Health Officer

No observations on this variation of conditions application.

Kent Highway Services

Bearing in mind the internal roads are to remain private, 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.

Third-Party Responses

Six letters of representations been received objecting to the proposed development, these are summarised below:

- Overlooking
- Loss of views and harm to the character and appearance of the area.
- Development out of keeping with the village.
- The dwellings are too tall.
- Object to any further alterations to the plans in place, unless it is to reduce the height of these "houses".
- The dwellings should be single storey or two storeys.
- Inadequate drainage.
- At the public meeting in Lydden Village Hall we were assured that the properties being built in the southeast corner would only have 2 floors facing the properties in Canterbury Road.
- Three storey buildings are totally out of place and not in keeping with local architecture.
- The increase in ground levels is unacceptable and inconsiderate.
- The project does not appear to be building to plan. Lorries have been in and out of the entrance for months with huge loads of soil to heighten the levels.
- Land levels have been changed significantly.
- Loss of light to the school and nursery.
- The development is overbearing, sits like a castle fort on the brow of the hill above every other house in the village and generally invades privacy.
- We are horrified at the size of the houses on this development.

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

- 1.1 The site lies within the settlement confines of Lydden, which is described as being a village within the Settlement Hierarchy at Core Strategy Policy CP1. Villages are the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. The site also designated under policy LA40 of the Land Allocations Local Plan for residential development with an estimated capacity of 40 dwellings. The land to the south of Canterbury Road is designated within the East Kent Downs AONB, whilst the land to the north and south of the village is designated as a Site of Special Scientific Interest. Finally, land to the north of the village is designated as a Special Area of Conservation.
- 1.2 Lydden sits within a shallow valley on an east to west axis. The village is roughly Y-shaped with linear development along Canterbury Road and Stonehall Road, together with several small cul-de-sacs linked to these roads. Between these two roads is Church Lane which, whilst significantly less developed, includes St Mary the Virgin Church and Lydden Court Farm. The village has a mixed character of buildings, with a historic core around the junction of Canterbury Road and Church Lane, early to mid C20th miners houses to the northern side of Stonewall Road and mid to late C20th development elsewhere. With the exception of the miners houses, which are relatively uniform and typical of early C20th planned housing, the scale form and design of properties varies greatly.
- 1.3 Lydden contains some facilities and services, commensurate with the size of the settlement. These include a primary school, a church, a doctor's surgery and a public house. This village is also served by regular bus services to Dover and Canterbury. The land falls from south to north, with a steep treed bank to its northern boundary. The site is accessed from Canterbury Road by an access which currently serves a recently built doctor's surgery.
- 1.4 Following a recent site visit, the properties to the west of the site had been erected and ground works were being undertaken for the remainder of the site. The retaining brick walls along the eastern boundary were visible.
- 1.5 This application follows a grant of full planning permission for the residential redevelopment of the site to provide thirty-one predominantly detached dwellings. The dwellings would have a loosely linear layout, with a central block of six dwellings. The buildings would be a mixture of two, two and a half and three storeys in height. This application seeks to vary conditions 2 (approved plans) and 3 (materials) and 10 (drainage scheme) attached to that permission.

2. Main Issues

- 2.1 The main issues are:
- Principle
 - Potential impact on the street scene and surrounding countryside
 - The potential impact on residential amenities
 - Drainage
 - Highways implications
 - Ecology

Assessment

The Principle of Development

- 2.2 The site lies within the confines of Lydden on land which is allocated under Land Allocations Local Plan Policy LA40 for residential development, with an estimated capacity of 40 dwellings. The proposal is for the erection of 31 dwellings and, as such, it is considered that the principle of the development is acceptable. Regard will be had for the seven criteria which must be met in order to comply with Policy LA40 within the body of this report.
- 2.3 Notwithstanding that the principle of the development has been established by planning permissions DOV/15/01184 and DOV/18/01000, which represent a realistic fallback position, 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. Paragraph 11 of the NPPF states 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 most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five-year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.4 It is considered that policies DM1, DM11 and DM15 of the Core Strategy and LA40 of the Land Allocations Local Plan are the 'most important' policies for determining this application. 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%).
- 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. 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 on land which is allocated for development in the plan and the development therefore accords with Policy DM1.
- 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. 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 allocated for housing, and given that it adjoins the existing settlement the development accord with Policy DM11. The occupants of the development would be able to access some day to day facilities and services within Lydden and would be able to reach other facilities by more sustainable forms of transport.

- 2.7 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside 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. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance the site is allocated for housing by Policy LA40, whilst it has been concluded that it would have a limited impact on the character and beauty of the countryside.
- 2.8 Policy LA40 allocates this site for housing development, with an estimated capacity of 40 dwellings. Permission will be granted under this policy, subject to meeting seven criteria. It is considered that the policy accords with the NPPF, being permissive unless planning harm is caused. Consequently, this policy is up to date and should be afforded full weight.
- 2.9 Policy DM1 is out-of-date, whilst DM11 and DM15, whilst to differing degree are in tension with the NPPF, are not out-of-date. Policy LA40 is not out of date and should be afforded full weight. Whilst DM1 is important to the assessment of the application, it is considered that LA40 is critical and, on balance, it is therefore considered that the basket of 'most important policies' are not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

Visual Impact and Heritage

- 2.10 The site is in a sensitive location, being on the edge of the village and adjacent to the Area of Outstanding Natural Beauty (AONB) and open countryside. Regard must also be had for the developments impact on the settings of nearby listed buildings, in particular St Mary's Church and Lydden Court Farmhouse to the north west.
- 2.11 The site is highly visible from both the AONB to the south and west, and the publicly accessible countryside to the north. Within the village, the site is partially screened by the houses to the south, in views from Canterbury Road. However, from the north, the site is visible in views from Stonehall Road and Broadacre. The site is also prominent from the footpaths which lie to the north and west.
- 2.12 As per the approved scheme, the development would have an organic layout, broadly comprising three cul-de-sac's linking to a central, adopted, access. The areas would form a loose perimeter around the site, of 25 dwellings, with a 'core' containing a further six dwellings and play space. Each of the cul-de-sac's would have a pedestrian link to

the next (the stairs were originally to be omitted from the scheme but have been reintroduced following concerns). Whilst the village is predominantly formed of linear, street fronting development, later additions have taken the form of small, intimate cul-de-sac's. As such, it is not considered that the layout of the development is out of character. This layout also prioritises pedestrian movement through the site and would be easily legible. Importantly, the layout is not being altered by this application, compared to the extant permission.

- 2.13 Lydden predominantly comprises a mixture of one and two storey dwellings, although some two storey properties also contain accommodation within their roofs. The development comprises a mixture of two and three storey dwellings. However, where three storey dwellings have been proposed, these properties either include a floor which is partially below ground level or contains the third floor within the roof space, significantly reducing the bulk of the resultant buildings. It must also be noted that the development lies towards the middle of the village, where views of the buildings would be taken in the context of the surrounding development. This is a steeply sloping site and due to adjustments required on site some of the levels of plots requires being adjusted, this application is seeking to gain permission to accommodate the levels, so the plots are able to suitably access to the road.
- 2.14 The plots to the southern side of the application site are plots 13 to 21 which backs onto those properties within Canterbury Road, these properties are to be lowered by between 50mm and 960mm, other than plot 21 which is to remain unchanged. Given the minimal decrease in land levels, these properties will not appear noticeably changed from the previously granted planning application.
- 2.15 Within the centre of the site are plots 9 – 12 (within phase 2 of the previously approved scheme). These plots are not readily visible from public vantage points due to the development wrapping around the site to the west (plots 1-8, phase one) and the remaining plots of phase two positioned to the north and south. Plots 10 – 12 floor levels would be reduced between 50mm – 455mm thus not impacting on the visual appearance of the existing scheme. That said, plot 9 would have a floor level of an increase of 225mm, given the position of this property within the site and being set back from Canterbury Road, this is not considered to cause visual harm to the street scene from public vantage points.
- 2.16 Along the northern boundary are plots 22 - 31, these plots are visible from Church Lane to the north and along Stonehall Road. The proposed development is seeking to increase plots 22,23 and 29 by 50mm, whilst plots 24, 25, 26, 27, 28, 30 and 31 would remain unchanged. Given, the minimal increase in floor level, coupled with the dividing distance separating these properties from Stonehall Road and Church Lane, I am satisfied that this increase in floor levels would not result significantly change the character of the previously approved scheme.
- 2.17 For these reasons, it is not considered that the scale of the buildings would cause significant visual harm. The scale of the buildings is comparable to the approved scheme, having been amended during the course of the application.
- 2.18 Whilst the scale of buildings within the village has a degree of uniformity, it is considered that this part of Lydden lacks a distinctive character in terms of building design. However, other parts of Lydden display a more distinctive, unifying character, such as the historic core of the village, around the junction of Canterbury Road, Church Lane and Lydden Hill, and the area of early C20th miners housing to the north of the site.

- 2.19 Where a site is located in an area which lacks a strong defining character, Building for Life advises that the appropriate response is to explore how the development can reinforce an existing character or create a new character which responds to the existing character, by introducing new elements but referencing positive forms, proportions, features or materials, to root the development in its context.
- 2.20 The most prominent character of the site is the landscape and steep sided valley within which Lydden sits. In long views of the village from the surrounding AONB and public footpaths, the most prominent buildings are the miner's houses, the gables of which produce a distinctive silhouette. The detailed design of the development does not seek to replicate the design of buildings within the village. Instead, the design seeks to produce a contemporary architectural style which references key components of the existing buildings in the village. The design of the elevations and the arrangements of fenestrations would be overtly new to the village; however, the proportions and gabled roof forms would respond to the miner's houses to the north. Whilst the design of the building is striking, it is considered that it would provide the development with a strong character and positively reference details which are found in the area. Overall, it is considered that architect has been successful in the approach which has been employed.
- 2.21 This application seeks to modestly alter the approved designs. Largely, these changes comprise of removing the spandrel panels running past the floor zones on plots 9-21 for technical reasons and replaced with masonry, enlarging some openings, moving roof lights and windows and pulling the front entrance doors forward to line up with the upper floors. The proposed changes are to match the changes to the previously approved plans relating to plots 1 -8 (DOV/18/01000). It is considered that most of the changes have been positive, providing buildings with more balanced proportions. Whilst some changes have been less successful, overall it is considered that the changes have enhanced the scheme.
- 2.22 Condition 3 relates to materials to be used on the site, the proposal seeks to amend these materials and to match those previously approved (DOV/18/01000) under the section 73, which in your officer's view would give some uniformity to the overall development. When the original planning application was approved in 2015, it was considered that these materials were fundamental to the success of the proposed architectural style. Consequently, the materials palette was amended to reintroduce some of the more important materials. Again, some of the substitute materials would be of lesser quality than those which were approved (for example the replacement of oak entrance doors with composite entrance doors), however, it is not considered that these would cause unacceptable harm, when balanced against the introduction of higher quality materials and the higher quality materials which are to be retained. Overall, the appearance of the scheme would continue to positively reference the 'miner's housing' in the village, whilst producing an innovative development which would add a distinctive product to the local housing market.
- 2.23 Whilst the site is not within the AONB, the development does have the potential to impact upon the setting of the AONB. Section 85 of the Countryside and Rights of Way Act 2000 states that "in exercising or performing any functions in relation to, or so as to affect, land in an areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty". Whilst not planning policy, regard should also be had for the Kent Down AONB Management Plan and the Kent Downs Handbook, which provide advice on how to protect and enhance the AONB.

- 2.24 In accordance with the above Act, particular regard must be had for the impact of the development on the setting of the AONB to the south and the countryside beyond the village, in particular in important views of the site from the north. Within these views, the development would be seen in conjunction with, and a continuation of, the rest of the village. The scale and form of the development would also integrate into the existing village. For these reasons, it is not considered that the development would harm longer views of the village, the setting of the AONB or the character of the landscape.
- 2.25 The site and the surrounding area are particularly susceptible to increases in light pollution and consequently, criterion 7 of policy LA40 requires that “if street lighting is required this should be designed to minimise the impact of light pollution and conserve the dark night skies of the AONB”. As such, the external lighting within the development will need be kept to the minimum required to provide a safe environment. Where external lighting is required, it should be designed in such a way to avoid light spill, sky glow and light intrusion outside the site. The application does not seek to amend the approved lighting plan, agreed following the submission of details pursuant to condition.
- 2.26 Regard must be had for how the development would impact upon listed buildings, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity of the site, and their settings. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial) consider whether this harm is outweighed by public benefits.
- 2.27 The nearest listed buildings to the site, are 138-140 Canterbury Road which lie 145m to the west. These buildings are a significant distance away from the site and it is not considered that the characteristics of the site contribute to the setting of these buildings, particularly given the built-up nature of Canterbury Road to either side of these heritage assets. Furthermore, the development would not block or unacceptably alter any important views of these buildings. As such, it is not considered that the significance of these listed buildings or their settings would be harmed by the development.
- 2.28 To the north west are the Grade II* listed Church of St Mary and the Grade II listed Lydden Court Farmhouse, which are approximately 190m and 220m from the site respectively. The Church, in particular, is an important landmark building within the village, featuring in many important views due to its location and scale. Despite this, in views from Canterbury Road, the Church is not highly visible, and the development would not therefore impact upon any views from the south. In closer views of the Church from Church Lane, the development would be visible above the height of the vegetation to the northern and western boundaries of the site. Whilst the development would, therefore, alter the setting of the listed building, it is noted that at present the setting in these views is that of the buildings within the village. The development would be well separated from the Church, retaining a generous undeveloped buffer and, having regard for this together with the existing context of the Church, it is not considered that the change to the setting of the Church would be harmful. Furthermore,

it is noted that the provision and retention of landscaping development will be conditioned, which will significantly reduce the prominence of the development in the landscape.

- 2.29 There is a further cluster of listed buildings located approximately 350m to the west. However, given the separation distance and relationship between the application site and these buildings, the development would have no impact on these buildings or their settings.
- 2.30 There have been few archaeological finds within the vicinity of the site, whilst a significant proportion of the site is made ground. Recent archaeological work at The Former Hope Inn, 144 Canterbury Road, revealed little significant archaeology. As such, it is not considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, it is not considered that it would be reasonable to require a programme of archaeological work in this instance.

Impact on Residential Amenity

- 2.31 The site is bounded by residential areas to its north and south, whilst to the east and west is the Primary School and open fields respectively. As such, the only potential impact on residential amenity relates to the properties on Broadacre to the north and Canterbury Road to the south.

Plots	Approved FFLS 2015	Proposed FFLS 2020	Variance black = higher Red = lower
Plot 9	78.150	78.375	0.225
Plot 10	76.280	75.825	(0.455)
Plot 11	76.255	76.205	(0.050)
Plot 12	76.255	76.205	(0.050)
Plot 13	78.980	78.675	(0.305)
Plot 14	78.305	77.770	(0.535)
Plot 15	77.700	76.965	(0.735)
Plot 16	76.600	75.940	(0.660)
Plot 17	76.110	75.150	(0.960)
Plot 18	75.285	74.735	(0.550)
Plot 19	74.580	74.100	(0.480)
Plot 20	73.730	73.700	(0.030)
Plot 21	72.800	72.800	0.000
Plot 22	72.650	72.700	0.050
Plot 23	72.650	72.700	0.050
Plot 24	75.200	75.200	0.000
Plot 25	75.200	75.200	0.000
Plot 26	75.350	73.350	0.000
Plot 27	75.450	75.450	0.000
Plot 28	75.450	74.450	0.000
Plot 29	75.550	75.600	0.050
Plot 30	75.500	75.500	0.000
Plot 31	74.800	75.800	0.000

- 2.32 Of concern to local residents is the overall scale and principle of the dwellings and amendments to the fenestration of plot 1. Whilst I am sympathetic to the issues raised the principle of the dwellings and scale were considered and approved in 2015. In

respect of the fenestration within plot 1, this cannot be addressed within this application, due to the proposed amendments relating purely to plots 9-31. The application proposes to amend the finished floor levels, the majority of the plots are being lowered (as set out below), with the maximum increase in height being 0.225 which relates to plot 9 (within the middle of the site). On this basis I am satisfied these levels will not impact on the residential amenities currently enjoyed by local residents.

- 2.33 The closest property on Broadacre is set approximately 63m away from the nearest part of the retaining wall to Units 24 to 28 and approximately 70m from the rear elevations of these properties. Whilst these buildings would rise to three storeys and be at a significantly higher level than the properties on Broadacre (rising to approximately 15m above the level of the reed bed attention pond), it is considered that given the separation distance, no significant loss of light or sense of enclosure would be caused.
- 2.34 Whilst there are changes to the fenestration of the proposed dwellings, these are not considered to impinge on the amenities currently enjoyed by local residents surrounding the site. That said, the proposed balcony relating to unit 16 which was originally on the eastern side, is now proposed to be moved to the west elevation due to fire regulations. I am satisfied that given a balcony has already been approved in principle and given the separation distance between the balcony and No.'s 106 and 104 Canterbury Road, the relocation of the balcony to the other side of the dwelling will not result in an unacceptable level of overlooking.
- 2.35 The proposed houses would all be of generous sizes and would be naturally lit and ventilated. All would have access to reasonably sized outdoor amenity spaces and have been laid out in a manner which reduces overlooking between properties. Refuse storage has been provided in integrated stores to the front of each dwelling which are easily accessible from each dwelling and easily accessible on collection days. Overall, it is considered that future occupiers would have an acceptable standard of accommodation.

Drainage

- 2.36 Criteria 6 of Policy LA40 requires that the development provides a connection to the sewerage system at the nearest point of adequate capacity. The previous application had addressed this through the imposition of a condition, requiring details to be submitted for approval. Details have now been submitted in relation to units 9 -31, which would comprise of the second phase of the development. Having taken advice from the Environment Agency they have set out that "with regard to surface water condition, from the submitted drawings, we understand that clean uncontaminated roof drainage will drain directly to the surface water system (entering after the pollution prevention measures) and discharge into deep soakaway. We note that the deepest deep bore soakaway will be 20m below ground level. We also note that drainage from access roads and car parking areas will be collected separately and discharge into an attenuation pond, having previously undergone appropriate pollution control methods (such as trapped gullies and interceptors) to prevent hydrocarbons from entering the surface water system and discharged to the ground". It is on this basis; the Environment Agency have agreed to these details being approved.
- 2.37 The existing site is undeveloped and, as such, surface water drains naturally. This takes the form of infiltration to ground, although some representations have commented that in recent years some water has drained from the site to neighbouring properties. The proposal would increase the impermeable areas of the site. Whilst the site overlies chalk, which is relatively permeable, there site includes upper deposits

which are less permeable. As such, there is a need to provide a drainage system which allows for water to be stored and discharged slowly to ensure that the surface water is discharged within the boundaries of the site. The capacities of the proposed system for storing and discharging surface water has been modelled by the applicant's engineers. The proposed method of drainage proposed by this application (deep bore soakaways which will allow water to drain naturally into the ground at a depth of 20m below ground level, achieve a level of surface water drainage which will not increase the risk of flooding on site or elsewhere. As such, subject to the imposition of an updated condition regarding surface water drainage, requiring the implementation and maintenance of the system, the site would not cause any localised surface water flooding either on or off site.

Highways Implications

- 2.38 With regards to the highway implications, the proposed development will not result in changes to the traffic and parking implications and as such the proposal adheres to policies DM12 and DM13 of the Dover District Core Strategy.

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

- 2.39 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment. The applicant has supplied information which has been used by the Council to undertake the assessment and this information has been reviewed by the Councils Principal Ecologist and Natural England.
- 2.40 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.41 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.42 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.43 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.44 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has secured a payment to fund this mitigation via a legal agreement.

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

3. Conclusion

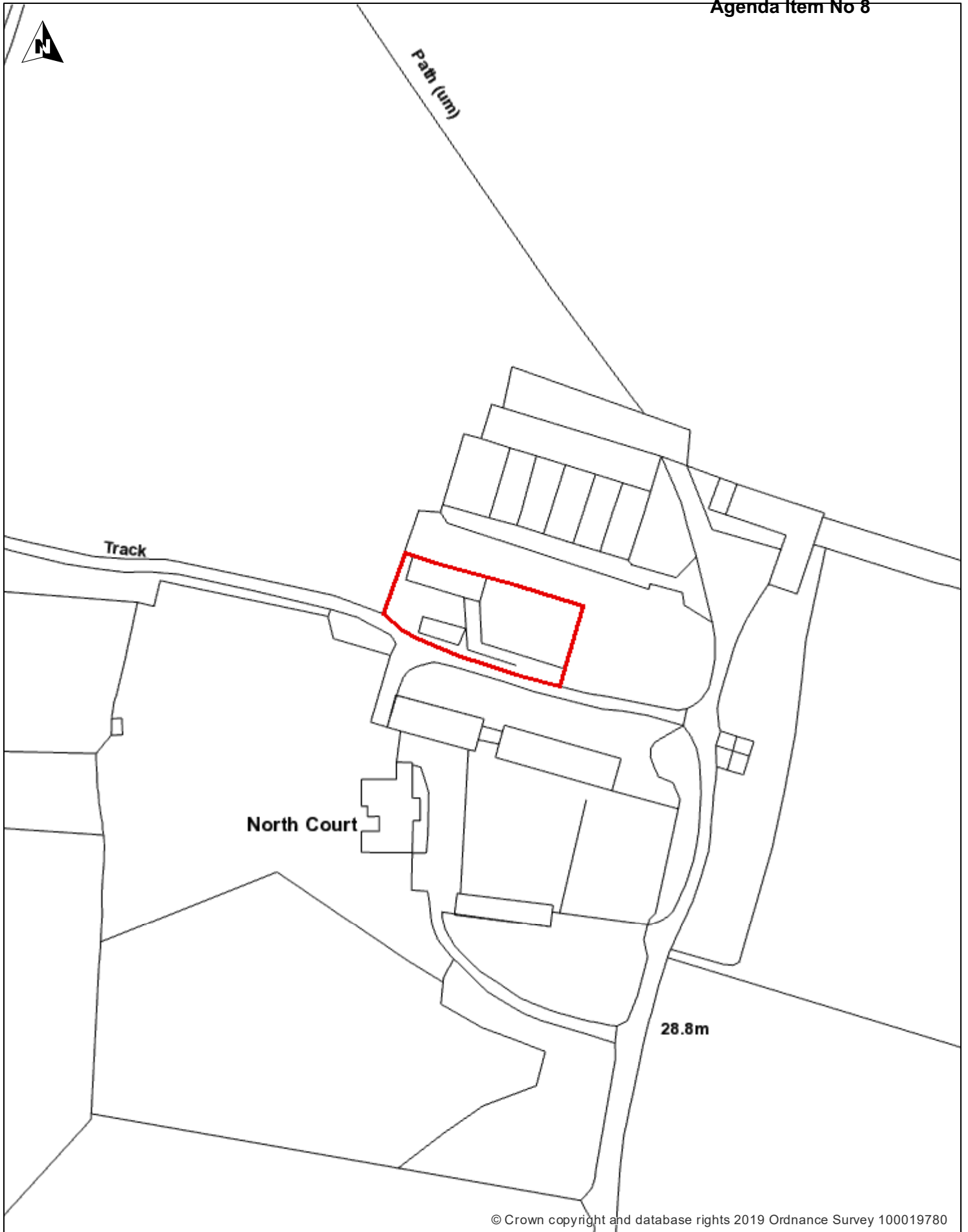
- 3.1 This application seeks to make minor changes to the development which has been approved. In this instance, the proposed changes to the approved drawings (condition 2) and materials (condition 3) would not cause undue harm to the visual appearance of the development within the locality in which it sits, or adversely impact on the residential amenities of the local residents. In respect of condition 10 (drainage) having taken advice from the Southern Water and the Environment Agency I am satisfied the amendments will not adversely affect drainage. The development is acceptable in all other material respects. For these reasons the proposed development is considered to comply with the aims and objectives of Dover District Core Strategy, the Land Allocations Local Plan and the National Planning Policy Framework.

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. Prior to first occupation a timetable for provisions off all roads, footpaths, manoeuvring areas and parking areas to be submitted and approved
 6. Bicycle storage
 7. Visibility splays
 8. Surface water drainage
 9. Foul surface water
 10. Gas monitoring
 11. Removal of permitted development within Part 1, Classes A, B and C
 12. No additional windows
 13. Contamination
 14. Biodiversity enhancements
 15. Badger mitigations
 16. External lighting
 17. Refuse storage
- 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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20/01002
The Old Dairy, North Court
North Court Lane, Tilmanstone
CT14 0JP

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/20/01002 – Change of use and conversion to a single dwelling (Class C3); insertion of 16 rooflights; replacement windows and doors; erection of a detached double garage; associated parking and wood store - The Old Dairy, North Court, North Court Lane, Tilmanstone**

Reason for report: Called in by a Councillor.

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission

significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.

- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- Paragraph 177 states 'The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'
- Sections 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990
Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

National Design Guide (2019)

Kent Design Guide

d) Relevant Planning History

DOV/20/00334 - Prior approval for the change of use from agricultural building to dwelling. Prior approval required and approved.

e) Consultee and Third-Party Responses

DDC Ecological Officer - I have reviewed the ecological appraisal submitted in support of this application and I accept the findings of the survey. The consultant has made recommendations for biodiversity enhancements. Appropriate conditions could be

used to secure these recommendations via a biodiversity enhancement plan.

DDC Heritage Team – The submitted Heritage Statement provides no assessment of the setting of the adjacent listed building (the thatched barn opposite is grade II listed) yet it states that the design has been led by surrounding buildings. I do not find this to be the case, although the materials are what would be found in modern agricultural units. The Part Q application resulted in a minor change to the setting, with the resulting development having the appearance of a workshop. The now proposed two storey development has a much greater domestic appearance in terms of the number and style of fenestration, and being two storey I am concerned that it would appear overwhelming in the context of the listed barn, and may even be seen from the grounds of the listed farmhouse, North Court. Although no details of boundary treatment/landscaping appear to have been submitted it is likely that some form of definition will be required and this too could exacerbate the residential character of the unit. In my view, the proposed development would be harmful to the rural/countryside setting of the listed barn in particular, and possibly the farmhouse, by virtue of its design and massing. That harm would be less than substantial.

Southern Water - There are no public foul sewers in the area to serve this development. The applicant is advised to examine alternative means of foul disposal. The Environment Agency should be consulted directly foul drainage. 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. 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.

Environment Agency – no concerns raised.

Environmental Health – no comments received.

Waste Services – no comments received.

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

- 1.1 The application relates to an existing agricultural building which forms part of an existing farmstead. It lies outside of any defined settlement confines and for the purposes of planning, it is considered to be within the countryside. The site lies adjacent to the Conservation Area. To the south of the site approximately 28m lies one of the grade II listed buildings within 'North Court'. To the north and northeast of the application site lies two farm buildings. The building to the north is used primarily for hay storage whilst the building to the northeast is a grain store. To the west is the open farmland and a footpath leading into the fields.
- 1.2 The application seeks permission for the change of use and conversion to a dwelling and erection of a garage with associated parking and landscaping. It is relevant to note that the application site benefits from an extant permission (DOV/20/00334) for the conversion of the existing redundant structures to two dwellings secured under Class Q of the General Permitted Development Order (2015) (amended). It is considered that given the nature of the proposed development, the previous permission constitutes a relevant fallback position. The above said, it would be relevant to assess whether the impacts arising from the existing fallback position secured by the prior approval (Class Q) procedure would be comparable to the proposed development.

- 1.3 Concerns were raised in relation to the scheme with regards to the potential impact on the setting of the Grade II listed building and impact on the countryside. The applicant was offered an opportunity to withdraw the application with a view to submitting a revised scheme. However, the applicant was resistant and eventually the application was called in by a District Councillor for it to be determined by Planning Committee.

2. Main Issues

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

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.3 Having regard for the most recent Annual Monitoring Report 2018/19, the Council are currently able to demonstrate a five-year supply and the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF. This application is adjacent to the confines of a Village and so the development is contrary to DM11. The degree of harm arising from the infringement with Policy DM11 is considered to be limited. It is therefore

considered that, for the purposes of this application, DM11 is partially out-of-date and should be afforded limited weight.

- 2.6 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. The blanket approach of refusing development which results in the loss of the countryside within DM15 however is at odds with the NPPF and DM15 refers to the importance of “character and appearance” of the countryside, whereas the NPPF seeks to protect “character and beauty”, While the policy DM15 is otherwise consistent with the NPPF, parts of it are inconsistent and not up-to-date. It is considered that DM15 should therefore be afforded less than full weight.
- 2.7 As a whole, it is considered that the main policies for determining the application are not up-to-date and as such the ‘tilted balance’ (paragraph 11, NPPF) must be engaged.

Impact on the Character and Appearance of the Street Scene

- 2.8 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside and would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. Whilst the blanket approach of refusing development which results in the loss of the countryside within DM15 is at odds with the NPPF, the policies are otherwise consistent with the NPPF, are not considered to be out-of-date and continue to carry significant weight in the assessment of this application.
- 2.9 The application site is relatively flat and, whilst the existing vegetation along the northwest boundary of the site provides some screening. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and retains a strong relationship with its rural context. The existing building is single storey with a shallow pitched roof and sits comfortably within the site. Prior to the assessment of the proposed development, it is necessary to consider whether the proposal would qualify as a genuine conversion as the application is for the conversion of the existing building.
- 2.10 There is an extant prior approval (Class Q) for the conversion of the existing storey building to a dwelling. The assessment in respect of structural integrity of the structure carried out at the prior approval stage was finely balanced. The conversion was considered acceptable in spite of some of the concerns in respect of the existing foundations. Notwithstanding this, it was felt that the conversion could be possible as it was single storey only and had 300mm thick walls. Therefore, it is necessary to draw a comparison between the previous case (extant permission) and the current proposal for a two storey dwelling with a pitched roof. The proposed development would require building of the first floor walls and a new roof which would necessitate erection of deeper foundations to take the load of the new structure. Overall the proposal would be a rebuild and would not classify as a conversion.
- 2.11 Regard must also be had to the visual impact arising from the proposed development on the character and appearance of the countryside. Regard must

be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (189 – 196) at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 195 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.12 It is necessary to compare the degree of visual harm that would have arisen versus the proposed development. The prior approval scheme was for the conversion of an existing single storey building which was modest in character and the proposed conversion was reflective of the existing agricultural character of the site whilst the proposed dwelling would be two storeys in height with gable ends. It would be finished in timber weatherboarding and would have a metal roof. A new garage would be constructed replacing an existing shed towards the front facing the grade II listed building, the thatched barn. In addition to this, the proposed area of the curtilage is significantly larger which would result in intensification of the domestication of the site. A number of mature trees would have to be removed which would further expose the proposed dwelling. Overall the proposed dwelling would be of a substantial size and given its exposed location, it would appear prominent in views from the public footpath to the west and would be out of keeping with the prevailing agrarian character of the area within which the listed buildings sit. It would be seen together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, would jar with the relatively unspoilt rural setting and would have a sub-urbanising effect to the detriment of the rural character and appearance of the immediate area. It would produce a prominent and dominant form of development which would be visually intrusive and at odds with the prevailing character of the area.
- 2.13 Regard has also been had to whether landscaping could help mitigate the visual impact on the countryside and the setting of the nearby listed building. The proposal has not been accompanied by a landscaping scheme. It should be noted that the application property abuts the open fields to the west and as a matter of fact, the existing mature trees which currently screen the building would have to be removed to facilitate the construction of the proposed two storey dwelling. Given the tight space constraints, there is no scope to accommodate any effective vegetation along the western and southern boundaries. Therefore, it is not considered that landscaping could be utilised to help resolve the visual impact arising from the development. Therefore, the development would be highly prominent and by virtue of its scale and design, it would appear out of keeping and detract from the setting of the listed building.
- 2.14 For the foregoing reasons, the proposal would fail to be in keeping with, and would detract from, the rural character of the site, the wider area and the setting of the listed building, which is of significance to the area’s heritage. It would therefore be contrary to policies DM15 and DM16 of the Core Strategy and paragraph 170 of the NPPF. Finally, Paragraph 192 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the

listed building (as described at paragraphs 193, 194 and 196 of the Framework), the harm caused would be material.

Impact on Residential Amenity

- 2.15 The nearest properties is sited at a distance of approximately 28m from the application property. Having regard for the adequate separation distances, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring occupiers.
- 2.16 There are no other residential properties in the vicinity to be directly affected by the proposal. Therefore the proposed development complies with paragraphs 127 and 130 of the NPPF in this regard.

Impact on Parking/Highways

- 2.17 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional travel in a location beyond settlement confines. It would therefore be contrary to policy DM11 of the Core Strategy. The above said, regard should be had for the fact that there is an extant permission for the conversion to a dwelling in this location, and the travel generated by that dwelling would not be materially different from the dwelling under consideration. Therefore, it is not considered that the additional travel generated would warrant a refusal on this basis.
- 2.18 Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The application proposes a double car parking garage. Garages are not counted towards parking provision as they tend to be used for general storage purposes. It is noted that hardstanding is provided towards the frontage which could accommodate 2 cars. No visitor parking space has been provided. It is not considered that lack of provision of visitor parking space would result in harm to the free flow of traffic.
- 2.19 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (inc. IGN 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.

Ecology

- 2.20 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey. The following recommendations have been made:
- The provision of bird and bat boxes.
 - log piles for invertebrates.
 - bumble bee nest boxes and pollinator resources.
 - Mitigation measures to prevent harm to the individual badgers and hedgehogs
 - Bat sensitive lighting scheme
 - A scheme of native species landscaping and similar measures.

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

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

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

Drainage

- 2.27 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.28 Southern Water has advised that there are no public foul water sewers in the area to serve this development. Therefore, an alternative should be explored. In essence, they have raised no objection in this instance. Therefore, in the event

that permission is granted, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal.

Other Material Considerations

- 2.29 In respect of the principle of the development and sustainability of the location, the proposed development is contrary to the development plan however, regard must be had to the existing extant prior approval. Notwithstanding this, it should be noted that prior approval procedure does not require the assessment of the sustainability of the location and equally development plan policies and NPPF are not taken into consideration for the purposes of determining Prior Approval applications. As such, these facts were not material in the decision to approve the prior approval application.
- 2.30 It is acknowledged that the proposed dwelling would provide very limited social and economic benefits by making provision for one dwelling, particularly given that Council can demonstrate a 5.39 years housing land supply. The above said, the limited benefits arising from the proposal would not be materially different from those provided by the approved scheme (prior approval). Therefore, on balance, the proposed dwelling would cause harm to the character and appearance of the surrounding area and would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

3. Conclusion

- 3.1 The proposal would constitute an incongruous and visually intrusive feature in this important rural environment to the detriment of the character and appearance of this part of countryside and would cause harm to the wider landscape, contrary to policies DM15 and DM16 of the Core Strategy and paragraph 170 of the NPPF. The very limited benefits associated with the proposal are considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Furthermore, it would cause less than substantial harm to the significance of the listed buildings and the harm caused would be material.

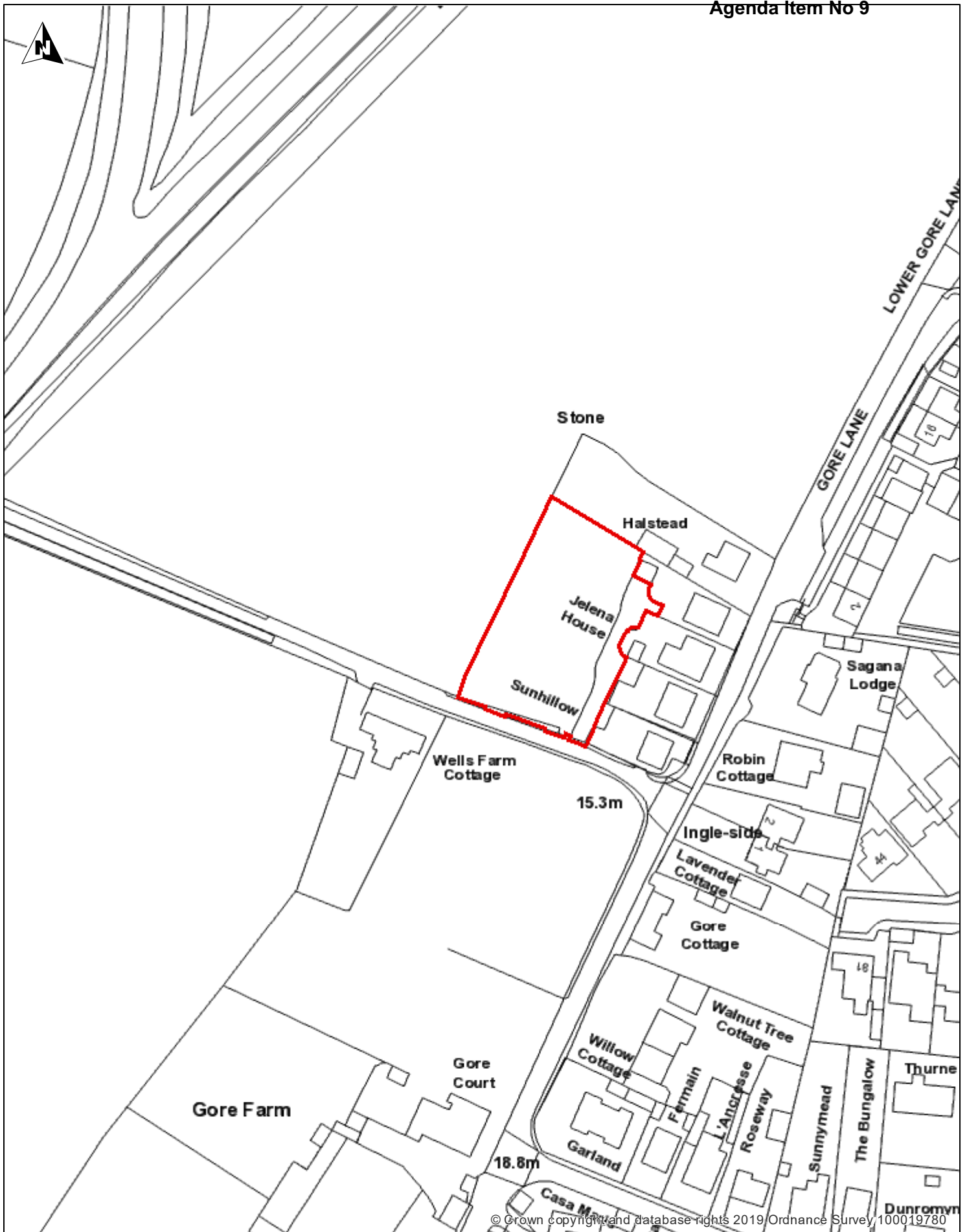
g) Recommendation

- I. PERMISSION BE REFUSED for the following reasons:
1. The proposal would result in an overtly domestic form of development within a rural location which would appear as an incongruous and intrusive feature, detrimental to the rural character and appearance of the countryside and the wider landscape, contrary to policies DM15 and DM16 of the Dover District Core Strategy (2010) and paragraphs 127, 130 and 170 of the National Planning Policy Framework (2019).
 2. By virtue of the scale, design and massing of the proposed dwelling, it would have a detrimental impact on the setting of the adjacent Grade II listed buildings causing harm to their historic and architectural character and appearance. It would lead to less than substantial harm to the significance of the designated heritage asset for which no overriding justification (public benefits) has been presented, contrary to paragraphs 192, 193, 194 and 196 of the National Planning Policy Framework.

- II. Powers to 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

Benazir Kachchi



20/01200
Land Adjoining Sunhillow
Gore Lane
Eastry

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/20/01200 – Erection of four semi-detached dwellings - Land adjoining Sunhollow, Gore Lane, Eastry**

Reason for report – Number of third party contrary responses (9).

b) **Summary of Recommendation**

Grant permission.

c) **Planning Policy and Guidance**

Statute

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

DM1 – Settlement boundaries.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None.

National Planning Policy Framework (NPPF)(2019)

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

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

- a. an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b. a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c. an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to

improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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

For decision-taking this means:

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

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

127. Planning policies and decisions should ensure that developments:

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

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b. 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;
- c. maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e. preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f. remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development

affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

OTHER CONSIDERATIONS

Gore Court – Grade II listed building
Planning (Listed Buildings and Conservation Areas) Act 1990

Entry reads:
TR 35 NW EASTRY GORE LANE (west side)

6/130 Gore Court

EASTRY GORE LANE TR 35 NW (west side) 6/130 Gore House GV II

House. Early C 18 altered mid C19. Red brick, the main elevation rendered, with tile hanging to rear. Plain tiled roof. Two storeys on plinth with plat band, rusticated quoins and parapet to hipped roof with stacks to left and to right. Regular fenestration of 3 sashes on first floor and 2 on ground floor with central half-glazed door in pilastered and panelled surround with cornice.

Listing NGR: TR3062155102

d) **Relevant Planning History**

DOV/19/00912 – Erection of 4no. semi-detached dwellings, erection of fencing, formation of vehicular access and parking – REFUSED, APPEAL DISMISSED.

Adjacent Land

DOV/17/00267/B – Non-material minor amendment to revise the dwelling at plot 3 allowing an additional roof light in the rear roof plane, increased dimensions of windows and lowering of bottom sill height – GRANTED

DOV/17/00267/A – Non-material Minor Amendment to increased footprint of plot 3 to allow for additional room in roof space – GRANTED

DOV/17/00267 – Erection of 3no.detached dwellings, new vehicular and pedestrian accesses and associated car parking and landscaping – GRANTED

DOV/16/01226 – Erection of 3no. detached dwellings, creation of parking and new vehicular access – REFUSED

DOV/15/00874 – Erection of three detached dwellings, creation of three vehicular access points and parking – REFUSED

DOV/15/00363 – Erection of 4no. detached dwellings, carports and creation of new vehicular access – REFUSED

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

DDC Environmental Health – no objection subject to conditions for land contamination and construction environment management plan.

DDC Trees – no objection subject to conditions securing tree protection measures and an arboricultural method statement.

KCC Highways – outside of consultation protocol, but nevertheless recommends a two metre deep visibility strip along the Selson Lane site frontage.

KCC Archaeology – no objection subject to condition for programme of archaeological work.

Eastry Parish Council – objects – Eastry Parish Council object to this application on highways grounds. The addition of two new vehicle access on to Selson Lane will have a negative effect on road safety. Selson Lane is narrow and the sight lines are poor. The members feel the plans should be amended so that all proposed properties should use the existing access on Selson Lane.

Public comments (9x objections)

Objections

- Houses unnecessary, existing houses difficult to sell.
- Outside of village settlement boundary.
- Highway safety concerns.
- Wider concerns for the character of Eastry village.
- Overlooking to garden of Gore Court.
- Noise created by development.
- Heritage concerns.
- Land is not previously developed.
- Concern for infrastructure.
- Land ownership query

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

1.1. **The Site**

The site is located on the northern side of Selson Lane in Eastry. It is outside of, and removed from, the Eastry settlement boundary, albeit by a matter of metres. The site is located approximately 26 metres from the junction of Selson Lane and Gore Lane.

1.2. The site currently comprises a combination of earthen mounds, some turned over

land and some areas of grassy field. It has recently been used in connection with the construction activities for permitted application DOV/17/00267, for three dwellings fronting Gore Lane, but accessed from Selson Lane.

1.3. Neighbouring properties to the site include:

- North – Halstead
- East – Sunhollow (formerly known as Kandy), and three dwellings permitted under DOV/17/00267
- South – Gore Court (opposite side of Selson Lane)
- West – [and south] Wells Farm Cottage

1.4. Approximate site dimensions are:

- Depth – 50 metres
- Width – 27 metres

1.5. Proposed Development

The proposed development comprises two sets of semi-detached dwellings. The dwellings would be arranged with one block facing south west onto Selson Lane, with access taken directly from Selson Lane, and one block set to the rear (north east, but facing south east) with access taken from the existing driveway constructed under DOV/17/00267.

1.6. The front block would comprise a rural cottage character with a double pitched roof enabling a large internal area, while maintaining relatively modest proportions on the road facing frontage. The two dwellings in the front facing block would each have four bedrooms.

1.7. The rear block would be single storey and comprise a barn style aesthetic. These dwellings would each have three bedrooms.

1.8. Approximate dimensions of the dwellings are as follows:

Cottages

- Depth – 12.1 metres.
- Width – 14.9 metres.
- Ridge height – 7.75 metres.
- Eaves height – 5.3 metres to 5.5 metres.

Barn

- Depth – 9.1 metres to 14.5 metres.
- Width – 21.7 metres.
- Ridge height – 4.8 metres to 6.2 metres.
- Eaves height – 2.3 metres.

1.9. Plans will be on display.

2. Main Issues

2.1. The main issues to consider are:

- Principle of development, local plan review
- Application DOV/19/00912 – refusal and appeal

- Design, rural amenity and heritage impact
- Residential amenity
- Trees and ecology (including appropriate assessment)
- Highways and traffic impact
- Other

Assessment

2.2. Principle of Development

The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.

- 2.3. Policy DM1 states that development will not be permitted outside 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. Excepting where it incorporates the existing access driveway, which itself is located more than half outside of the settlement boundary, the site is outside of, and removed from, the Eastry settlement boundary by an approximate measurement of between 3.2 and 8.9 metres.
- 2.4. 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. Accordingly, development of the site would not normally be considered acceptable in principle.
- 2.5. In the 2018/2019 annual monitoring report (AMR) Dover District Council, as the local planning authority (LPA), can demonstrate a housing land supply in excess of five years (last noted as 5.3 years). However, by virtue of the age of the Core Strategy (2010), and information relating to the objectively assessed housing need having been updated, with a local plan review already progressing through regulation 18 stage, there are parts of the existing development plan which have the potential to be considered to be out of date. It is important when an application is being considered and where policies might potentially be out of date, that the relevant policies for determination are assessed against the NPPF (2019) to see the degree to which they might be in accordance, or otherwise.
- 2.6. The relevant policies in this circumstance are DM1, DM11, DM15 and DM16. Of these policies DM1, for the reasons considered above, and its relevance in terms of the presumption in favour of sustainable development, is considered to be the most out of date and as such a lower level of weight is applied to this policy.
- 2.7. Consideration, in basic terms, has already been made with regard to policy DM1, above.
- 2.8. 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. The site is located outside the settlement confines, although only just. In view of the distance of the site from the centre of the village and its amenities/facilities (approximately 475 metres by road), it is likely that the occupants of the development could walk to reach most of their necessary day to day facilities and services. Accordingly, while the strict interpretation of the policy

is that the development is outside of the settlement boundary, refusal based on this fact and its interpretation is unlikely to be satisfactory.

- 2.9. 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 all of the exceptions criteria set out in the policy.
- 2.10. Policy DM16 requires that applications which would harm the character of the landscape are only permitted, subject to meeting one of the necessary criteria relating either to land allocations/mitigation measures, or siting and/or design details. Further consideration against DM16 is made below.
- 2.11. For the above reasons, and as further expanded on in the report the development in principle, is contrary to Policies DM1 and DM15 of the Core Strategy, with more nuanced consideration made against policies DM11 and DM16, where it is not considered that these policies could be used to justify a refusal.
- 2.12. Whilst the development is contrary to Policies DM1 and DM15 and notwithstanding the status of the development plan, paragraph 11 of the NPPF (which is a material consideration) 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 presumption in favour of sustainable development, or 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.13. As noted, the LPA is currently able to demonstrate a five-year supply of housing. The LPA has not met the housing delivery test, achieving 92%. Whilst this has been taken into account, in itself it does not trigger the presumption under paragraph 11, which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the "most important policies for determining the application" are out of date.
- 2.14. Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering dwellings at the necessary rate adopted in the 2010 Core Strategy i.e. 11 years ago. In accordance with the national standardised methodology for calculating the need for housing, the LPA must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that Policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry less weight.
- 2.15. With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Paragraphs 78 and 79 of the NPPF, seek to locate housing where it will enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside. As such, the location of the proposed development would enable the vitality of the rural settlement to be supported.
- 2.16. Further consideration of policy DM11 is not considered necessary, due to this policy not being considered to be determinative of the proposal.

- 2.17. Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside 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 appearance of the site within but also adjacent to the open countryside does afford some contribution to its intrinsic beauty and character. Further consideration of the site character and condition is made below, such that it is concluded that Policy DM15 should attract only moderate weight.
- 2.18. Further consideration of policy DM16 is not considered necessary, due to this policy not being considered to be determinative of the proposal.
- 2.19. It is considered that Policies DM1 and DM15 are to a greater or lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date. Having considered the development plan in the round, it is considered that the 'presumption in favour of sustainable development' as set out in paragraph 11 of the NPPF should normally be engaged and as such the application should be assessed in the context of granting planning permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Local Plan Review

- 2.20. Further consideration is made in respect of the local plan review, which was recently out to its regulation 18 stage consultation (January to March 2021).
- 2.21. Site allocations policy 1 – non strategic housing allocations. Site EAS012 in this proposed policy allocates land to the west of the application site for 35 dwellings, subject to the resolution of site specific issues. In doing so, the Eastry settlement boundary would need to be redrawn and would likely encompass the application site, or render it an infill, such that the basis for considering proposals for its development would be altered, likely in favour of granting permission.
- 2.22. Regulation 18 consultation is the first stage of local plan consultation, and at this point in time, public comments are still being considered. Paragraph 48 of the NPPF directs that draft policies gain more weight the further through the process that the plan preparation process is. Therefore, the weight that can be afforded to policy SA1 is considered to be limited at this stage, nevertheless it is a material consideration.
- 2.23. Application DOV/19/00912 – Refusal and Appeal

Application DOV/19/00912, referenced above, bears similarities to the proposal as now considered. It was refused for the following reason:

The proposed development, if permitted, would by virtue of its siting, spatial configuration, design details and form, in an edge of settlement location outside of confines, result in an unjustified development which would appear incongruous both in terms of the street scene and existing contextual development, and in terms of its spatial arrangement, bringing about urbanisation and harm to visual and rural amenity. Furthermore, the siting and proposed plot boundaries would lead to the loss of trees and/or the pressure to remove retained trees, which currently serve an aesthetic screening function between the site and the open countryside, bringing about a hard and domesticated edge, and resulting in harm to the prevailing rural amenity of the location and its setting. All of this is contrary to the requirements of Dover Core Strategy policies DM1, DM15 and DM16, and to the aims and objectives of the NPPF at paragraphs 7, 8, 11, 124, 127, 130 and 170 in particular.

- 2.24. The proposal was subsequently dismissed at appeal, however the inspector did make a number of conclusions relating to the proposal and the location of the site:

*8. The proposal would not be for isolated homes in the countryside. It would be close to existing housing on the edge of an established settlement. Eastry has shops, a GP surgery, a primary school about 400m to the south of the site and has bus links to Deal and Sandwich where there are a greater range of services. The site is in a reasonably sustainable location and the proposal would help to maintain the vitality of Eastry. The residential curtilage to the dwelling Halstead, extends alongside the appeal site's northern boundary to align with the embankment and line of trees to the western side of the appeal site. This western boundary forms a hard edge to open fields and countryside beyond the appeal site and Halstead. The proposal would be contained within this edge. **My findings on the first main issue are that the site would be a suitable location for housing, but the details of the proposal need to be examined in relation to other considerations.** (My emphasis).*

14. The siting, massing and design of the proposed dwellings and their impact on the line of trees to the western side of the site would have a harmful impact on the appearance of the countryside and landscape character of the area. There would be conflict with Policies DM15 in that the proposal does not incorporate measures to reduce, as far as practicable, any harmful effects on countryside character. There would be conflict with Policy DM16 in that elements within the proposal have not been sited or designed to avoid or reduce the harm to mitigate the impacts to an acceptable level.

- 2.25. The location of the site therefore was considered by the inspector to be suitable for housing. The appeal was dismissed based on the details of the proposal, including design, means of enclosure, and the impact on the tree belt which separates the site from the countryside beyond i.e. the edge which the inspector refers to.

2.26. Design, Street Scene and Visual Amenity

The proposed development is in many ways similar to that which was proposed under DOV/19/00912. The proposal retains two semi-detached dwellings in a cottage form, facing Selson Lane, with two dwellings in a barn style semi-detached arrangement to the rear. The crown roof to which the inspector previously referred (in the appeal report but not quoted above) is no longer proposed, and the architect

has responded to design suggestions such that the cottages are considered to be acceptable.

- 2.27. The design influence for the barn style building does remain unclear and does retain a degree of incongruity, particularly seen in the built context of the three new dwellings facing Gore Lane, and Halstead to the north. The architect has, however, amended the proposal in order to reduce its impact on the open countryside to the west, including the removal of double height glazed apertures, replaced with more standardised sliding doors. To the eastern elevation, the scale of the roof has been reduced slightly, and more generally, materials have been amended to make the building appear as a more conventional dwelling/s. Accordingly, in terms of the appearance of the proposal itself, it is now more reminiscent in appearance and materials, although not necessarily scale, of Halstead (Gore Lane, north of the site), with a simpler form.
- 2.28. The nature of existing development on the western side of Gore Lane remains sporadic, however, the inspector's decision under the previous application considered this site suitable for residential development by virtue of its discrete character being separated from the surrounding open countryside.
- 2.29. It remains the case that the proposal would in absolute terms result in a loss of countryside. The proposal would regardless lead to development in depth and as such, bring a further urbanising effect and domestication at this location, where previously this has not been the case. The applicant has requested that landscaping be a matter of condition, while acknowledging that the western site boundary should be reinforced with additional planting. It is considered that this approach can bring an adequate solution, but for the benefit of clarity, a close boarded fence along this boundary is considered inappropriate. A post and wire fence in combination with native planting would provide the most appropriate solution.

2.30.

Policy DM15

Protection of the countryside

Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:

- i. In accordance with allocations made in Development Plan Documents, or
- ii. justified by the needs of agriculture; or
- iii. justified by a need to sustain the rural economy or a rural community;
- iv. it cannot be accommodated elsewhere; and
- v. it does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

2.31.

Policy DM16

Landscape character

Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

2.32. The inspector's consideration of the proposal under DOV/19/00912 is material to this application. While remaining contrary to policy DM15, the consideration of the proposal in respect of DM16 is more subjective, with a view of whether the proposal is considered to be harmful to the character of the landscape required as part of the assessment. Given the inspector's opinion regarding the suitability of this land for development, the amended design elements and the potential for a suitable landscaping solution, subject to an adequately worded condition, it is no longer considered that the proposal would harm the character of the landscape, and as such, the proposal is considered to be acceptable.

Heritage

2.33. Heritage considerations remain as per those under DOV/19/00912. Gore Court, at a distance of approximately 95 metres from the site, is the nearest heritage asset, a grade II listed building. Gore Court appears to form part of an enclosure around a former farmyard, where two other buildings are also listed. This is supported by historic maps and aerial photography. The setting of Gore Court certainly relates to the former farmyard, which has since been split into separate residential ownerships and to its garden which extends north east to Selson Lane, opposite the application site. While its garden has been integral to the court for some time, historic maps appear to suggest that this was not always the case. Where the garden meets Selson Lane, its boundary is formed by hedgerow, with a five bar gate providing access. All taken together, it is considered that the development of the site as proposed in form and scale would be consistent with the duty of the local planning authority to have special regard to the desirability of preserving the building or its setting, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.34. Taken as a whole, while the proposal is not considered to cause harm to the heritage assets at and around Gore Court, harm is identified in terms of the design of the proposal and how it would impact on the ability of the council to protect the countryside, in accordance with adopted local and national policy.

2.35. Residential Amenity

Consideration of key impacts in terms of residential amenity remain more or less as they were under DOV/19/00912. Such considerations relate to the siting of the buildings and any overlooking that might arise as a result. The buildings are sited such that overshadowing impacts are unlikely to occur, and neither would overbearing impacts.

2.36. No overlooking would occur from the barn style building, which is laid out over a single, ground floor, storey. Therefore, the cottages form the key consideration. One window is proposed at first floor level facing south east towards the private amenity area at the rear of Sunhollow. The window serves a bathroom and could reasonably be expected to be conditioned to be obscure glazed and non-opening up to 1.7 metres above internal finished floor level. In the north east elevations at first floor level, facing towards the side and rear of the proposed barn building, there are four windows which serve bedrooms. These windows would preferably not overlook the neighbouring part of the development, however, given that this is

a new build proposal any impact would be on residents that would be able to make the choice whether or not to live there.

- 2.37. The residents at Gore Court remain concerned that the proposed cottage buildings overlook their rear garden. It is true that some views would be available into this area, however, the garden is approximately 90 metres from the house to the boundary with Selson Lane. As such, it is reasonable to expect that while some privacy may be lost at the far extent of the garden (closest to the application site), there would still be a sufficient area of the garden that would remain private (closest to Gore Court). It is also worth noting that where the garden meets Selson Lane, there are a number of views into it at ground level, meaning that it is not absolutely private in any case.
- 2.38. The proposed access arrangement does mean that there would be vehicles moving in close proximity to the rear of dwellings, however, this is already the case with the existing access drive, and as such, the addition of perhaps four more cars (using the barn style dwellings) would not result in undue harm arising.
- 2.39. The proposed development is therefore considered to be acceptable in terms of residential amenity.

Trees and Ecology (Including Appropriate Assessment)

Trees

- 2.40 Discussion with the DDC tree officer, confirms that the individual quality of the trees forming the western site boundary is average to low. Nevertheless these trees do make a contribution to the rural amenity at this location. Accordingly, the proposed tree protection plan is decompact soil depositions laid on the tree roots, resulting from the development of the three dwellings fronting Gore Lane, and to retain the trees, which are estimated mostly to have 20 to 40 years of life remaining.
- 2.41 The tree officer advises conditions for tree protection measures and an arboricultural method statement. Where there may be pressure on these trees resulting from residential occupation, a condition is proposed which will not allow works to these trees without written approval from the LPA, so that any impact can be properly considered.

Ecology

- 2.42 Over time the composition of the site has changed and has been repeatedly disturbed. When the land fronting Gore Lane was included in the Eastry settlement boundary, the site was partial woodland, albeit appearing to be mostly self-seeded. The site was subsequently cleared ahead of the first application to develop. The rear of the site was used for storing building materials in connection with the development fronting Gore Lane and spoil from that site was deposited over the tree roots at the rear of the current application site (forming the western site boundary). The centre of the site is now grassed over and acts as informal open space, while weeds have established along the boundaries (southern and western).
- 2.43 As such, it is considered that the site itself provides limited habitat at present, comprising the maintained grass to the area where the dwellings are proposed and trees along the north western boundary which are now to be retained. Having

regard for Natural England's Standing Advice, it is unlikely that the development would adversely affect protected or notable species. For these reasons, it is not considered that ecology is a constraint to this development. However, in accordance with the aim of the NPPF to incorporate biodiversity improvements in and around developments, it would be proportionate to request that details of ecological enhancements be submitted for approval and implemented prior to the first occupation of the development.

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

- 2.44 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.
- 2.45 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.46 Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.47 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.
- 2.48 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.
- 2.49 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

2.50 Highways and Traffic Impact

As with DOV/19/00912, concern has been raised about the highway safety implications of the proposal. Due to the scheme being for four dwellings accessing an unclassified road it is outside of the KCC Highways consultation protocol. However, given that there is an existing site access, and the proposal would likely result in four more cars using that access, it is unlikely that a severe impact would

arise on the functioning of the highway.

- 2.51 This leaves the individual driveway spaces that would access directly onto the highway from the cottages. It is considered that the proposal as submitted would likely be acceptable subject to the provision and maintenance of a two metre deep visibility strip along the Selson Lane frontage. Where front gardens would have been formed, and where the proposed driveways are of a reasonable size themselves, it is considered that this is likely achievable, particularly in such close proximity to a junction where traffic would typically be travelling slower than might otherwise be the case.
- 2.52 In this regard it is considered that the technical highways aspects of the proposal, including parking provision, are likely to be acceptable.
- 2.53 As noted above, policy DM11 seeks the refusal of development outside of settlement boundaries, which would result in travel movements, unless justified by other development plan policies. In this case, while the proposed development is outside of settlement boundaries in absolute terms, its proximity to that boundary means that refusal based on this fact and its interpretation under DM11 is unlikely to be satisfactory.

Other Matters

Infrastructure

- 2.54 Concern has been raised in relation to the ability of the local infrastructure to be able to accommodate this development. While this concern is acknowledged, development proposals of less than ten dwellings net do not typically attract funding requests from infrastructure providers, and it is the government position, at least in relation to affordable housing, not to seek contributions from smaller developments.

Land ownership

- 2.55 Some comments have suggested that the applicant has not been correct in declaring what land is and is not in their ownership. The onus in the application form is for the applicant to provide correct information. It is the case that applications can be made on land not owned, which would necessitate notice to be served. In this case, the local planning authority does not consider the proposal to be acceptable in principle so has not pursued this matter further.

3. Conclusion and Sustainability

- 3.1 Planning is required to deliver sustainable development, according with three individual roles – economic, social and environmental. Given that the proposal is outside of the settlement boundary, but the presumption in favour of sustainable development is nevertheless engaged, it is considered prudent to assess the proposal in light of these roles.
- 3.2 Economic - The proposed development would deliver a time limited economic benefit in terms of the construction contract. A smaller, but more long-term benefit would be the introduction, potentially, of new people to the area. This would depend on whether they were concealed households or new to the area.
- 3.3 Social - If the new residents were new to the area then this would represent a benefit in terms of creating or maintaining a critical mass of population to support

local facilities. The creation of new housing is also considered a social benefit.

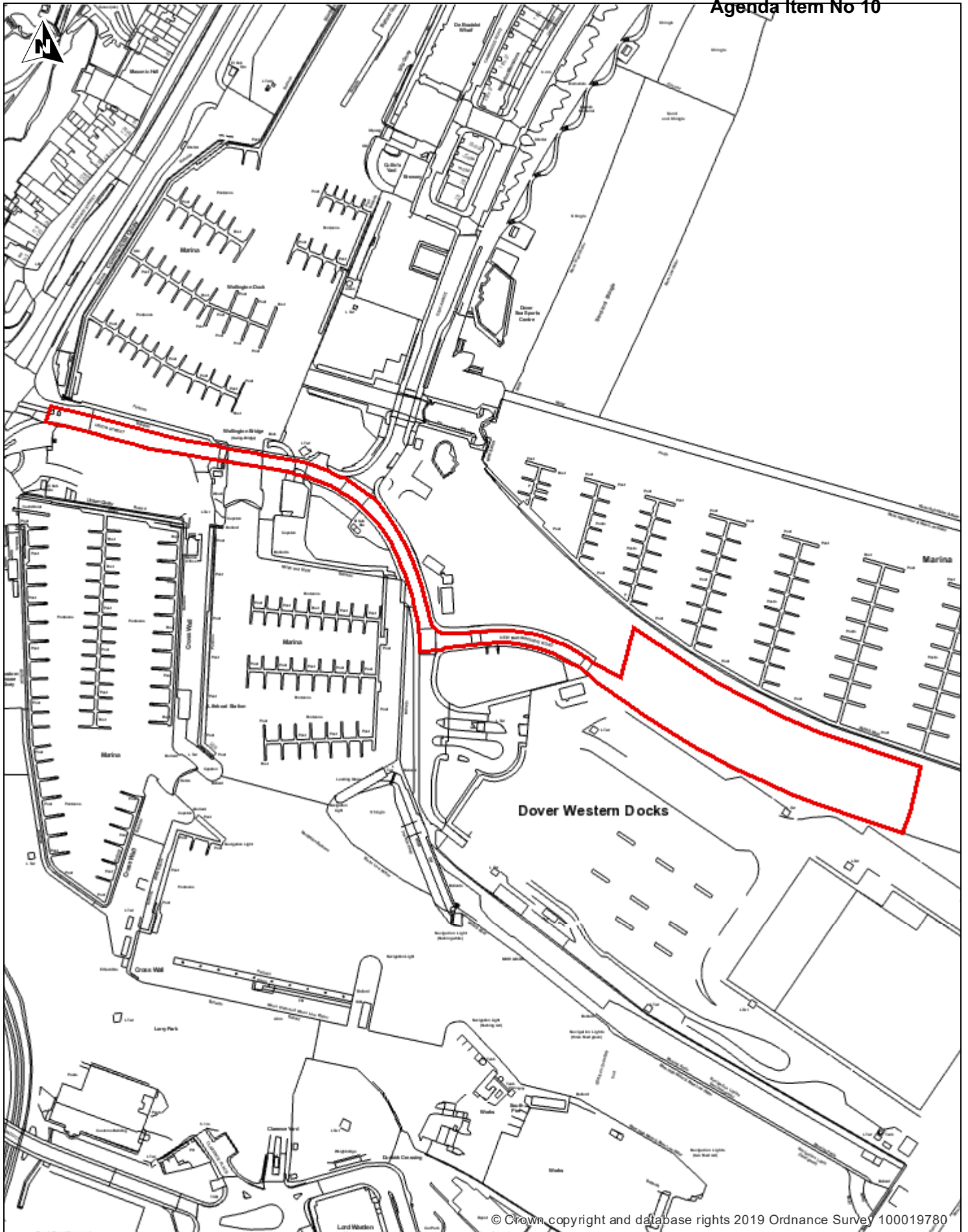
- 3.4 Environmental - In environmental terms, while some of the development proposal is considered to represent acceptable design that has taken some cues from the immediate context, some effects of the proposal have the potential to be adverse. It is considered through the proper use of planning conditions that adverse effects, as discussed in this report, can be satisfactorily mitigated.
- 3.5 The proposed development is considered to be acceptable and the recommendation is to grant permission.
- 3.6 Considering the presumption in favour within the NPPF at paragraph 11, adverse effects, particularly in light of the inspector's comments for the appeal under DOV/19/00912, are not considered to be of such magnitude that they outweigh the benefits of the proposal.
- 3.7 The previous reason for refusal was combined in terms of both design and principle. The design has been amended and the principle of development is now considered to be acceptable, with regard to the above material considerations. Accordingly, where mitigation might be required to help embed the proposal into its environment, this is considered achievable through the use of the following planning conditions.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including the following:
 - (1) Time limit
 - (2) Plans
 - (3) Materials
 - (4) Hard and soft landscaping, schedule of planting, means of enclosure, gates
 - (5) Land contamination
 - (6) Earthworks, contours
 - (7) Removal off-site of excess spoil; existing, and resulting from development hereby permitted
 - (8) Sections, thresholds
 - (9) Foul and surface water drainage scheme
 - (10) No surface water discharge onto highway
 - (11) Bound surface, first 5 metres from road
 - (12) 2 metre deep visibility strip, Selson Lane frontage
 - (13) Bicycle parking
 - (14) Refuse storage
 - (15) Obscure glazing, first floor window east elevation
 - (16) Arboricultural method statement including tree protection
 - (17) No further works to trees without written agreement from LPA
 - (18) Biodiversity enhancement plan
 - (19) PD restrictions, classes A, B, C, E
 - (20) Archaeology
 - (21) Construction environmental management plan
- II. That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Darren Bridgett



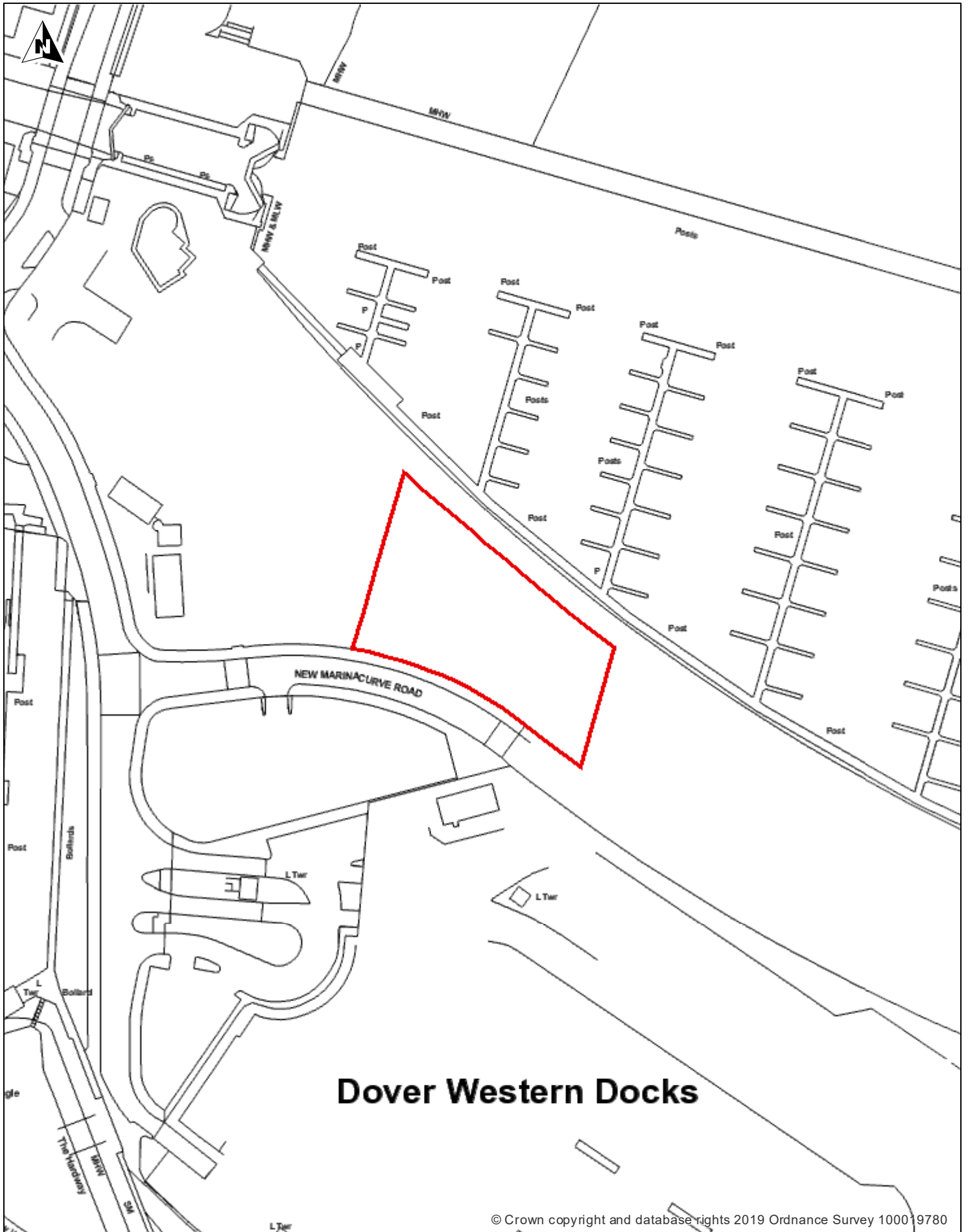
20/01236

Dover Marina Curve Phase 1A
Dover Harbour
Dover

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



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



Dover Western Docks

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20/01220

Dover Marina Curve Phase 1B
Dover Harbour
Dover

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



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

- a) **DOV/20/01236 – Erection of 5 three-storey (90 bed) motel buildings; 1 two-storey reception building; 2 single storey buildings for welfare and storage; installation of solar panels to roof of motel and reception buildings; and associated coach, lorry and car parking – Dover Marina Curve Phase 1A, Dover Harbour**

and

DOV/20/01220 – Erection of mixed-use development comprising swimming pool, restaurant, bar and mixed-use Class E (Commercial Business and Service) - Dover Marina Curve Phase 1B, Dover Harbour

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permissions be Granted for both proposals.

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.

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- CP8 – Dover Waterfront. The area within the policy boundary is allocated for a mixed-use scheme including retail, leisure, offices and hotel. The current application sites lie outside the policy area boundary, but figure 4.2 in the Core Strategy diagrammatically shows the area to form a buffer between the new ferry terminal (Terminal 2) and the waterfront, to include leisure uses.
- DM1 – Development will not be permitted outside the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.

- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.
- Although not directly reflected in a policy, paragraph 3.23 of the Core Strategy notes the potential for additional hotel accommodation in Dover.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 80 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- Paragraph 86 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- Paragraph 87 states that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- Paragraph 89 states (in summary) that when assessing applications for retail and leisure development outside town centres, an impact assessment should be required,

but this is not required if the development is below a (default) threshold of 2,500m² gross floorspace.

- Paragraph 91: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction (for example through mixed-use developments), are safe and accessible, and enable and support healthy lifestyles.
- Paragraph 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared spaces, community facilities and other local services.
- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and ultra-low emission vehicles.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change, establish or maintain a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit, and create places that promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 170 says that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.
- Paragraph 189 states that, in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected.
- Paragraph 192 states that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable

communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

- Paragraph 193: When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation.
- Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- Paragraph 197: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The National Design Guide and Kent Design Guide (KDG)

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

d) Relevant Planning History

The Dover Harbour Revision Order 2012 (SI 2012 No 416). This, in effect, granted planning permission for extensive works to construct Terminal 2 at Dover Western Docks, including the creation of a marina and the formation of the quay on which it is based, thus creating much of the land where the current applications are sited. However, it did not specify any built development on this land.

e) Consultee and Third-Party Responses

DOV/20/01236 (Motel)

Dover Town Council – Object.

Highways England – No objection. While we do not necessarily agree with the approach taken in the Addendum to the Transport Statement, nor with much of the evidence and suppositions submitted, it contains sufficient information to have enabled us to assess the impacts of the proposed development. As such, Highways England is now satisfied, that even if all the trips associated with the site were to be new, these could be accommodated onto the Strategic Road Network without causing a severe impact.

KCC Highways – I concur that the majority of patrons of the hotel are likely to be using the ferry terminal and therefore the associated vehicle trips will already be on the highway network. Both these and new trips are likely to be mainly distributed along the A20 trunk road, with a small number on other routes connecting to the same. There is therefore unlikely to be a severe impact on the KCC highway network that would warrant a recommendation for refusal. This also applies when taken in combination with the associated mixed use proposals under DOV/20/1220.

No objection subject to conditions to cover:

- Submission of a Construction Management Plan
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans
- Provision and permanent retention of secure, covered cycle parking facilities

- Provision of suitable vehicular, pedestrian and cycle access between the highway and the site prior to the use of the site commencing, in accordance with details to be submitted to and approved by the Local Planning Authority.

Also requests the consideration is given to the provision of electric vehicle charging points. Informative requested regarding works on highway land.

KCC Archaeology: No response received.

Kent Fire and Rescue – Off-site access requirements have been met. On-site access requirements will be dealt with under the Building Regulations.

Southern Water – Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Requests a pre-commencement condition for the submission and approval of details of surface and foul water disposal.

Has also provided details of the precautions to be taken to protect existing infrastructure within and adjacent to the site, and considerations to be taken into account in the design and management of SUDS. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. These matters can be dealt with through Informatives.

NHS CCG: No response received.

Kent Police Designing Out Crime Officer – Applicants/agents should incorporate Crime Prevention Through Environmental Design and Secured By Design (SBD). We cannot recommend approval for this application as shown on the planning portal at 04/12/20 as there are no security details yet with regard to the layout, use and design. There is a carbon cost for crime and new developments give an opportunity to address it. We request a Teams meeting with the applicant/agent about site specific designing out crime and physical security.

DDC Inward Investment and Tourism Officer – (Summarised): Support.

While the Covid-19 Pandemic has undoubtedly brought many challenges to the tourism and visitor sector through 2020, the proposed investment (£8 million of inward investment into Dover) and uses that these applications bring to the locality has, perhaps, never been more important; it provides a huge vote of confidence and will add to the growing list of developments that will help kickstart the interest in this locality and aid recovery going forward.

Tourism is a vital industry across the country and district in terms of economic growth with the potential to grow much further. We recognise that tourism is a crucial driver for regeneration and our economy, and any opportunity to explore and harness new projects should be encouraged. Our strongest market is currently the day visitor sector which currently welcomes over 4.2 million people annually; however, in comparison our overnight market is low and welcomes 424,000 visitors annually. There is huge scope to grow this market and along with our commitment to grow the economy further across the district, we need to explore all options to convert some of this day activity to the short-break/staycation market that domestically has been reborn following the impact and restrictions of COVID-19.

These proposals are an opportunity to positively improve tourism and boost the visitor economy in not only Dover, but across Dover District as a whole. An opportunity that is extended by the developments proposed quirky and innovative accommodation and clear focus upon sustainability, placemaking and creating lively experiences for guests.

The proposed creative and bold design and concept is also in harmony with the Tourism & Visitor Economy Strategy, and Cultural Survey & Framework, and follows the example of other successful restoration/regeneration projects beyond Dover, such as Folkestone Harbour Arm, SEA LANES & Brighton Sea Front and Ramsgate Marina & Royal Harbour.

It is well documented by Visit Kent, Tourism South East and England's Coast (National Coastal Tourism Academy) that there is a shortage of accommodation, especially mid-scale to luxury hotel stock and trade suitable hotels, across all English coastal regions, in Kent and across the South East. White Cliffs Country is no different and this proposed 90 room motel development could help to partly address this need, as well as meet the demand from business and leisure markets.

The proposed 'sustainable' design aspects of the plans should also be noted and welcomed given the Council's aspirations around the green agenda; including the use and installation of recycled hightop shipping containers, solar panels (generating around 85,000 KWH per annum; self-sufficient in energy use during core hours), electric car charging points (all car parking spaces for the motel have electric car charging points) and landscaped areas of planting (aiding biodiversity).

DDC Environmental Health – Raises no objection, but recommends a condition requiring a site-specific Construction Environmental Management Plan.

DDC Waste Officer – Has provided details of bin requirements for residential developments.

The Dover Society – The Dover Society is greatly concerned about these two applications. There is very little to commend them and, quite frankly, we are amazed that Dover Harbour Board should allow them to be brought forward other than out of desperation to develop the site as cheaply as possible.

We fully support the principle of hotel and retail development on this newly reclaimed land as has always been part of the Dover Western Docks Revival project and we welcome the beneficial impact that this would have for the town as a whole. But to achieve this by construction of a motel and other facilities from shipping containers is totally inappropriate for the site. The application clearly regards a commercial port as an appropriate context for such a design but Dover is nothing like Rotterdam and it completely ignores the status of the iconic waterfront setting which has long been a major tourist attraction. No reference is made to the Waterloo Crescent Conservation Area, and the Grade II listed buildings of Waterloo Mansions, Cambridge Terrace, New Bridge House and Charter House. The proposal would debase the area so that its full potential for regeneration would not be realised. The site requires something of quality that better reflects the historic and cultural context that it adjoins.

With specific regard to the motel, we regard the size of rooms to be barely adequate, with no room to move about. This is not the kind of accommodation that is likely to attract visitors who should be the vehicle of regeneration.

We are particularly concerned that there is no intention of providing quality holiday accommodation for tourists but that it will be used as a refugee or homeless hostel. In a DDC Press Release dated 28th June 2018 headed "*Number of People in Temporary*

Accommodation fall as DC tackles homelessness”, the final paragraph states “*Dover District Council is also developing plans for more affordable housing. Projects currently in the picture include the potential to build new council houses, modular and sheltered housing and investing in affordable homes on new private housing development.*” There was interest where the “modular” units would be sited and at the time DDC declined to comment.

The application refers to close consultation with Dover Harbour Board and to meetings with DDC for pre-application advice and describes this as Community Involvement but neither DDC nor DHB have sought Community Consultation and the town is being presented with a sub-standard *fait accompli*.

In view of the above we strongly OBJECT to these applications.

Private representations – Ten objections received, two expressions of support and one neutral comment.

The objections raise the following issues:

- The structures are ugly and do nothing to enhance the area
- Out of keeping with the historic setting
- The term “motel” has a cheap and tacky vibe – Marina holiday village would be better
- The quality of the development is likely to attract transient people and be associated with accommodation for migrants
- The Marina has the transport links and space to provide more than at Folkestone or Ramsgate; there is the opportunity for this to become a true destination; this has been squandered
- Scheme does not reflect the aspirations set out during workshops on DWDR and a lifetime opportunity for regeneration has been lost
- Reference to Western Docks being a ferry terminal is incorrect as it is now a container handling facility
- Use of shipping containers means this will not act as a buffer zone to the port
- Uniform modular design with simple external form and repetitive visual appearance
- Proposals here should be sustainable, economically, and this is not
- Rooms too small for anything other than a one-night stopover
- Containers are not safe for public health
- Lack of community involvement (as referred to in the application)
- Questions impartiality of DDC as the Council appears to have been involved in promoting the scheme
- There is the opportunity post-Covid to make more of this coastal location
- The scheme might be OK if elevations were disguised by photos on supported membranes
- Any approval should be limited to three years, as these are temporary structures
- The Marina Curve should be retained for maritime uses
- No need for a budget hotel

The issues raised in support of the proposal are:

- Container developments have been made successfully (Trinity Buoy Wharf, Brixton Pop and Box Park)
- Will attract young visitors to Dover
- Whilst it would be wonderful to have a Regency style building added to the seafront there are no proposals on the table and therefore happy to accept the

- current proposal as something that can be created quickly in an area that needs urgent regeneration for local people and tourists
- Will be an attractive alternative to current facilities on offer and adaptable in the longer term

The neutral response questions the need for another hotel on the seafront.

DOV/20/01220 (Mixed-Use Commercial and Leisure Development)

Dover Town Council – Object.

Highways England – Comments as for DOV/20/01236. Supports KCC Highways request for a Construction Management Plan.

KCC Highways – I concur that the majority of the vehicle trips associated with the proposals are likely to already be on the highway network. Both these and new trips are likely to be mainly distributed along the A20 trunk road, with a small number on other routes connecting to the same. There is therefore unlikely to be a severe impact on the KCC highway network that would warrant a recommendation for refusal. This also applies when taken in combination with the associated hotel proposals under DOV/20/1236.

The comments on vehicle parking are noted and the proposals in this respect are unlikely to lead to an unacceptable impact on the highway bearing in mind the parking restrictions in place on the nearest highways and the availability of other parking. Whilst not a highway matter, the applicant may wish to consider the provision of parking spaces for the mobility impaired in close proximity to each of the proposed buildings.

No objection subject to conditions and informatives as for DOV/20/01236.

KCC Archaeology: No response received.

Kent Fire and Rescue – Comments as for DOV/20/01236

Sport England – The proposal only relates to the provision of a sports facility of local significance and does not relate to a sports facility of wider strategic importance. Sport England therefore does not wish to comment.

Southern Water – Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. Has also provided detailed considerations to be taken into account in the design and management of SUDS. The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. These matters can be dealt with through Informatives.

NHS CCG: No response received.

Kent Police Designing Out Crime Officer – Comments as for DOV/20/01236

DDC Inward Investment and Tourism Officer – (Summarised): Support.

Comments are broadly the same as for DOV/20/01236, with additional case-specific comments:

The mixed-use (commercial, leisure and tourist facility) scheme's focus on character, appearance and providing a lively and well-articulated space, that compliments and

enhances its working harbour and marina setting, also fully embraces White Cliffs Country's adopted 'purposeful and playful' identity, as originally identified within the Cultural Survey & Framework for Dover (2009).

Dover District is fortunate to have a strong and extensive range of history, heritage, attractions and open outdoor spaces, but as the visitor market continues to change and evolve, many are seeking new experiences and opportunities alongside the more traditional offer. Diversifying and making greater use of vacant 'buffer' space on the edge of Dover town centre within a well-connected and accessible location, this proposed substantial and sustainable accommodation & mixed-use proposal (containing 90 room hotel, workspace, function/event space, restaurants, bars, shops and swimming pool) could also complement and add to this new and growing experiential market, as well as having the potential to attract a new demographic to the area providing visitors, young and old, somewhere new to stay and enjoy, time and time again.

Part of the Port of Dover's 'Dover Waterfront Strategic Plan' (adopted in October 2020), the development has the potential to substantially benefit and provide new opportunities and additional revenue to local business and local producers, as well as further employment opportunities to residents. The proposed combined creation of 45 full-time jobs and 30 part-time jobs that are listed as part of these two applications (60 FTE) is extremely beneficial to residents. It would equally be expected that such a development would also herald further employment within the wider area of Dover, due to factors such as associated increased secondary spend and increased footfall in the town centre and surrounding area. The inclusion of opportunities for new local businesses to be established in associated incubator units within the development is also of merit and will potentially also help local business and Community Interest Company (CICs) start-ups.

In proximity to the England Coast Path, Saxon Shore Way, North Downs Way and National Cycle Network Route 1 & 2 this combined innovative and potentially iconic destination development (which would be a new, unique attraction within Dover District and Kent) also has the potential to tie in to growing walking and cycling visitor markets and we are heartened to see the inclusion of cycle parking within the proposals. The 'green' credentials of this combined development may also prove popular to this market.

DDC Environmental Health – Comments as for DOV/20/01236

DDC Waste Officer - Comments as for DOV/20/01236

The Dover Society – Comments as for DOV/20/01236

Private representations – Five objections received and three expressions of support.

The objections raise the following issues:

- Shipping containers will look cheap and unattractive and will denigrate what should be a site of quality
- Will be out of place in the context of other seafront buildings
- Scheme does not reflect the aspirations set out during workshops on DWDR and a lifetime opportunity for regeneration has been lost
- Reference to Western Docks being a ferry terminal is incorrect as it is now a container handling facility
- Use of shipping containers means this will not act as a buffer zone to the port
- Lack of community involvement (as referred to in the application)
- Questions impartiality of DDC as the Council appears to have been involved in promoting the scheme
- Any approval should be limited to three years, as these are temporary structures

- A retail impact assessment is needed to check there is no dilution from existing retail offer in the town; St James currently has nine empty units
- Whilst the swimming pool will replace a lost facility, and this is welcomed, the design and materials are not
- No opportunity to preserve the heritage retrieved from DWDR
- The practical lifespan of re-used containers is questioned
- Lack of parking
- Stacked containers are susceptible to high winds and will blow over

The issues raised in support of the proposal are:

- Container developments have been made successfully (Trinity Buoy Wharf, Brixton Pop and Box Park)
- Will attract young visitors to Dover
- Scheme will look appropriate in proximity to the freight containers
- Will be a vibrant and interesting alternative to De Bradellei wharf
- Will be inclusive and accessible, not exclusive and sterile
- Opportunity to simulate the success of similar developments at Whitstable and Folkestone
- The pool will be a good attraction
- The containers will offer flexibility and adaptability in the short/medium term, but the offer needs to be up to date and vibrant; a positive step in contrast to other development nearby
- Low maintenance costs will assist small businesses

f) 1. The Site and the Proposal

- 1.1 Although these proposals have been submitted as two separate planning applications, in many ways they need to be seen as complementary to each other. They are on adjacent sites and share the same access via Union Street. They have been designed as an integrated whole and are intended, to a degree, to interrelate functionally. Although the two applications need to be determined separately, they do raise many of the same issues and it is appropriate to consider them in parallel.
- 1.2 Both sites abut the southern (landward) side of the quay that was created to build the new marina. Immediately to the south of the site areas is a new marina access road, beyond which is the port cargo handling facility. This includes a new cargo storage building and a large apron for storing stacked shipping containers. The commercial/leisure development sits immediately to the southeast of the refurbished Clock Tower Square, with the hotel site extending eastwards beyond. Much of the land forming these application sites is “new land” created as part of the scheme for Terminal 2, pursuant to the Harbour Revision Order approved in 2012. Although the HRO envisaged the clock tower and associated buildings being relocated to a position further north, these relocations have not been initiated and the clock tower remains in its original position at the landward end of the former Prince of Wales Pier, and that area is undergoing refurbishment and restoration to create a public space. Many of the other works envisaged in the HRO scheme have not, as yet, been taken forward in the approved form. Technically, part of the application sites lies outside the defined urban confines of Dover, as shown on the adopted Policies Map, but only because the boundary was drawn to reflect the shoreline/edge of the land as it then existed.
- 1.3 All the proposed buildings are to be constructed from recycled high-top shipping containers, generally either 6.06m or 12.2m in length, 2.4m wide and 2.9m high.

These are then fitted together in various configurations so, for example, two-storey buildings are 5.8m high and single-storey buildings are 2.9m high. Each building is treated externally in a distinctive colour (or colours) to create variety and vibrancy.

- 1.4 Application DOV/20/01220 proposes the erection of four two-storey buildings and a small single-storey building, arranged to create a walkway from the pedestrian route through the new Clock Tower Square to the walkway by the marina (and in front of the proposed hotel) with the clock tower itself sitting at the origin of this axis:
 - A restaurant in the northwest corner of the site, adjacent to Clock Tower Square. The “front” part of the building, closest to the marina, will be single storey with a first floor roof terrace with a glazed balustrade. The rear part will be two storeys with a flat roof. The marina-facing elevation will be staggered to reflect the alignment of the marina, with provision for outdoor seating. External finish will be in a gold colour.
 - To the south of this, also adjacent to the Clock Tower Square, will be a part single-part two-storey building accommodating an outdoor saltwater swimming pool (nominally 25m long), accessed from a roof terrace and changing rooms at first floor level, with a series of lock-up flexible use commercial units alongside at ground floor level. External finish will be light green.
 - To the east of the restaurant, again overlooking the marina, will be a bar/restaurant building with first floor function room; essentially a two-storey building with open first floor terrace. External finish sky blue.
 - Opposite this, and to the east of the swimming pool building, is a two-storey building providing 412m² flexible office space (plus roof terrace) finished in slate grey.
 - Behind this would be a single storey mixed use lock-up building made up of three units.
- 1.5 The hotel accommodation in application DOV/20/01236 would be provided in five, three-storey buildings ranged out along the southern edge of the marina, with six rooms on each floor in each block. Access to each building would be from the rear, with a central staircase providing access to a walkway/veranda on each floor, on the marina side of the building, from which individual rooms would be accessed. One block would include rooms adapted for disabled use. Externally, the hotel blocks will be finished in white.
- 1.6 At the western end of the hotel complex, between the first hotel block and the site of application DOV/20/01220, would be a two-storey Reception building, also accommodating restaurant, bar roof terrace and admin facilities. Part of this building would have a second floor element cantilevered out, overlooking the marina. The main part of the building will be finished in blue, black and grey, with the overhang having multi-coloured vinyl wrap.
- 1.7 All the buildings associated with the hotel would have roof-mounted PV panels. Parking will be provided to the south of the hotel buildings, between these and the access road leading to the port facilities; a total of 117 car parking spaces is proposed, plus a coach bay and two lorry bays for servicing; most of the parking

will be in two ranks either side of a central aisle. The application states that the parking spaces to the rear of the motel site will be covered by a large car port, the roof canopy of which will be used to capture solar energy. All the car parking spaces will have electric car charging points. A landscaped buffer zone will be created between the parking area and the internal access road.

- 1.8 The applications are accompanied by a Planning Statement (incorporating Sequential Test and Statement of Community Involvement), Design and Access Statements (separate for each application), a Heritage and Archaeology Statement, a Transport Statement, and a Flood Risk Assessment.

2. Main Issues

- 2.1 The main issues are:

- The principle of developing this site for the proposed uses, including application of the Sequential Test;
- Design and visual Impact;
- Economic impact;
- Heritage issues;
- Parking and highways considerations.

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy CP1 identifies the town of Dover as the major focus for development within the District, suitable for the largest scale developments. 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. Although part of the current application sites falls outside the defined urban confines, as shown on the Policies Map, this is something of an anomaly that arises because of the land-forming works that have subsequently taken place under the HRO. For the purposes of determining these applications, it is safe to regard the whole of the sites as if they were within the confines and, on that basis, these proposals do not require any specific justification in terms of DM1.
- 2.4 Similarly, one of the objectives of policy DM11 is to focus development in sustainable locations, such as within existing settlement boundaries. So far as the location of the development is concerned, these proposals are consistent with DM11; assessment against the other objectives of DM11 (such as promoting sustainable means of transport) is dealt with later in this report.
- 2.5 In these respects, policies CP1, DM1 and DM11 may be regarded as up to date and broadly consistent with the NPPF, and the weight afforded to them should not be diminished. However, because there is no specific policy in the adopted Development Plan relating to these sites, and because there is no up-to-date policy relating to the types of facilities proposed, paragraph 11(d) of the NPPF (as quoted

above) applies. In this instance, there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the development; therefore, planning permission(s) should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is the over-arching judgement that needs to be made in determining these applications.

- 2.6 Although both sites lie outside the defined area of policy CP8, the surrounding text within the Core Strategy provides some context for consideration of the type of development that might be considered appropriate here. Figure 4.2 sits alongside CP8 and is intended to illustrate the issues associated with the type of redevelopment proposed under that policy, as well as informing the master plan that the policy anticipated. This shows (in diagrammatic form, bearing in mind that the Core Strategy was adopted prior to the finalisation of the HRO) the relationship between the Waterfront, new marina and proposed Terminal 2; this shows the area represented by the current sites as being a buffer area between the new ferry terminal and the marina and Waterfront, and the indication is that this will include leisure uses. This remains a cogent approach, notwithstanding that the detailed nature of the port activities has evolved somewhat differently than anticipated at that time (indeed, it might be even more appropriate in current circumstances). Much of the discussion of the impact of expansion of port facilities in paragraphs 4.7 – 4.10 of the Core Strategy has been overtaken by events, but it is interesting to note that one of the pre-requisites mentions the opportunity for innovative rather than solely functional design.
- 2.7 Elsewhere, paragraph 3.23 talks of the need for additional hotel accommodation in Dover. Various options are discussed, including the need for budget accommodation (partly to be met in the St James's development). Reference is also made to the need and scope for improved eating, drinking and related town centre and leisure-based uses. Although, at that time, it might have been anticipated that this could be realised in the defined Waterfront policy area and elsewhere within the town centre, that was before the new marina had itself come to fruition and, arguably, a whole host of other considerations have either shifted or come into play in the intervening ten years or so.
- 2.8 Taking all these considerations together, there is a very clear context for provision of the range of facilities now put forward on these sites. Not only is there the opportunity to take the best advantage of the relaxed waterfront setting provided by the marina and the wide-ranging views that this affords, but there is also a need to provide the sort of buffer or transition zone that was originally anticipated; this also fits very neatly with the renewal and upgrading of the Clock Tower Square and the surrounding buildings.
- 2.9 Nevertheless, and consistent with paragraphs 86 – 90 of the NPPF, care must be taken not to undermine or prejudice the vitality and viability of the town centre itself, either now or in the future. The combined floorspace provided for in both applications (including the hotel rooms) is in the region of 2,230m², below the 2,500m² threshold that would require a full impact assessment under NPPF para 89. Given the proximity to the area identified under policy CP8 (and also taking a broader "common sense" approach) it is reasonable to regard this as an edge-of-centre location, notwithstanding the physical discontinuity caused by the A20; it therefore broadly fulfils the requirements of paragraph 87. The applicants have provided a Sequential Test to demonstrate the availability or otherwise of suitable sites within the town centre itself, in accordance with paragraph 86. This included a search of property databases and concluded that there are no town centre sites

available for the proposed development, either as a whole or broken down into its constituent parts.

- 2.10 Notwithstanding that conclusion, there would undoubtedly be “added value” achieved through co-location of the various uses, and in the unique (for Dover) setting of the marina. It is worth noting that, with the exception of the swimming pool (Class F2) and bar (sui generis), virtually all the proposed facilities in the mixed-use development will fall within the new Class E of the Use Classes Order meaning that, unless specific provision is made otherwise, there is flexibility for movement between the uses without the need for a planning application. This reality is not yet fully reflected in NPPF advice; however, paragraph 80 advises that significant weight should be placed on the need to support economic growth, building on local strengths. The applicants estimate that the proposed development will generate £8 million of investment into Dover and potentially create around 60 jobs, as well as encouraging more visits to the town and, crucially, providing the opportunity for longer stays and more overnight stays.

Design and Visual Impact

- 2.11 The NPPF places a strong emphasis on the need to achieve good design. Paragraph 124 says 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 says that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, that they should be visually attractive as a result of good architecture, are sympathetic to local character and history (whilst not preventing appropriate innovation or change), and establish or maintain a strong sense of place, using (amongst other things) building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 2.12 The design ethos adopted for these proposals involves the use of recycled shipping containers fitted together in a variety of configurations to create a mixture of single-storey and multi-storey structures. The use of a range of external treatments, including the choice of colours, is used to provide variety and interest. This is clearly a relatively innovative, non-traditional approach. Despite the guidance provided by the NPPF, backed up by similar advice in the National Design Guide and Kent Design, Members will not need to be reminded that judgements concerning design issues can be highly subjective. In its broadest sense, this is the topic that has given rise to the greatest volume of public response to these schemes.
- 2.13 To a large extent, and as borne out by the NPPF, the particular context within which a development will sit is almost always the first consideration. The applicants have ventured to suggest that the context of the current sites provides little to go on being, as they are, somewhat isolated visually from the main built-up area. It is perhaps true that, seen from certain vantage points along the seafront, there is little by way of a permanent built backdrop against which these structures will be viewed. That said, whether it be vessels in port at the time, and the functional quayside paraphernalia, including the racking systems to house shipping containers and the shipping containers themselves, forming part of the cargo terminal handling facility (immediately to the south of the sites), a background context is provided, which reads predominantly as a commercial/working port. Seen in a broader context, the proposed structures will form part of views along the seaboard that encompasses a wide range of structures including historic

buildings and parts of the conservation area - the most immediate built context is provided, in part, by the clock tower and adjacent buildings. However, it's the backdrop formed by the working port and cargo terminal that provides the predominant context to these sites. This contrasts to some extent with the Clocktower Square environs which, lying west of the port operation area, visually relate more strongly to the prevailing sweep of buildings along the historic waterfront.

- 2.14 Reference has been made to this scheme not reflecting the aspirations set out during workshops on DWDR; so far as design issues are concerned, this is not something that can be afforded significant weight in planning terms, as those proposals will not have been subject to formal consideration by the Council in its role as local planning authority and indeed elements of that scheme (such as the location/form of buildings on marina curve) were for indicative purposes only. It's also contended that the form of development proposed, lying further east of Clocktower Square and seen relative to the working port environment, would not be viewed as inconsistent with or as detracting from the wider historic waterfront context – this being a point of concern for some third parties. Rather, given the prevailing port operational context immediately adjoining the sites, there's a strong case for concluding that the development typology would be seen as a playful and creative counterpoint to the 'harsher' port environment against which it would be predominantly viewed.
- 2.15 Whilst context is important, other factors also have a bearing, including the specific function of the development and the role that it may fulfil in adding to vitality and providing a sense of place. The applicants argue that the scheme design has an exciting appearance that will be complementary to the port activities and waterside development, and that the colour palette that has been chosen reflects colours dominant in the marine environment. The combination of building shapes and colours is said to create a distinctive and vibrant ambience that will create its own "sense of place" appropriate to the functions of the development. Reference has been made to developments elsewhere that have adopted similar techniques: Boxpark in Shoreditch, Trinity Buoy Wharf in the Stratford Olympic Park, and Wapping Wharf in Bristol, for example. These are all waterside venues offering eating/drinking and meeting facilities and, judging by the material available, the physical environment creates a lively and vibrant atmosphere which while distinctive, are considered to 'work' in their respective locations. There are also examples of hotel development based on the same principles but currently these appear to be mostly outside the UK.
- 2.16 There is a reasonable case for saying that the proposed form of development is appropriate to the intended uses, and that it has potential to contribute to the commercial success of the scheme. There has been some criticism that the scheme will lack longevity, either because of its physical components or because its attractiveness will be transient. Only time will tell. However, it's perhaps also pertinent to note that this form of development can be created relatively quickly, without long lead-in times for construction, that it is comparatively low cost, with low overheads, making it potentially attractive to small and start-up businesses, sustainable, versatile and adaptable. It's also worth noting that by virtue of the ephemeral nature of the proposals, the scheme should also be capable of being removed from site relatively easily in the event of any future development opportunities emerging which comprise more traditional/permanent building forms. In other words, the proposal wouldn't prejudice future/alternative development options. (This might lead to consideration as to whether these proposals could be determined on the basis of a temporary planning permission - such an approach

however would fail the test of reasonableness given the level of investment that this scheme would still require.)

- 2.17 On a very practical point, the proposals would also significantly enhance place making and complement/support the work being carried out to enhance the Clocktower Square as part of the DWDR. This would be achieved through creating a strong sense of enclosure to the eastern side of Clocktower Square. The introduction of built forms at this point will help screen the cargo terminal activities and introduce a more 'public friendly' bookend to the square with active frontages at ground and first floor level. It will also provide a degree of enclosure to the Square which will enhance its attractiveness and sense of place, as will the additional footfall generated by the new uses. The footprint and height of the hotel block will also create a visually stronger and more pleasing edge to the marina curve, introducing commercial activity and obscuring some of the less pleasing port infrastructure from public views on both the marina curve and further afield along the new pier and waterfront.

Economic Impact

- 2.18 Reference has been made above to the scale of investment proposed by this scheme and the employment opportunities arising. It's also important to say that the nature of this proposal has the potential to 'kick-start' interest in leisure-based harbourside commercial activity of a type that is currently under-represented within the Dover context and unlikely to emerge at this time through more traditional and more expensive/investment hungry development formats. From an Inward Investment perspective therefore, this is seen as a rare opportunity to boost the visitor economy in a highly sustainable location. It should also consolidate the waterfront as a destination in its own right, helping stimulate footfall and spend within this location to the benefit of adjoining areas including the town centre. The strong support for the proposal by the Head of Inward Investment will be noted.

Heritage Issues

- 2.19 The proposals need to be assessed in terms of their impact on nearby designated and undesignated heritage assets. These include Grade II listed buildings at the Clock Tower and former Lifeboat House, and Wellington Dock; Waterloo Crescent conservation area is some distance away to the north, but can be viewed in the context of the application sites from certain vantage points.
- 2.20 Section 66(1) of the Listed Buildings and Conservation Areas Act states that: *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses"*.
- 2.21 Section 72(1) states that: *"In the exercise, with respect to any building or land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 2.22 The applicants have submitted a detailed Heritage Statement, as required by NPPF paragraph 189 and the Council's Heritage Strategy. The Clock Tower and Lifeboat House date from the 1860s/1870s but were, apparently, relocated to their current position in 1892. They are two of the few remaining buildings in the Western Docks area that reflect the 19th Century development of the harbour. The

Clock Tower is the dominant building, having a height of 19.75m and, taken together, they are the focal point of the recently refurbished Clock Tower Square, and the layout of the surrounding space will reflect that. The closest of the new buildings (restaurant and swimming pool building) will be about 50m from the Clock Tower, but will be at the edge of the Square and potentially affect its setting. However, at 5.8m high these buildings are considerably lower and will not challenge the dominant role of the tower or detract from its role as the focus of the public space. Moreover, the layout of the scheme is such that the new buildings will frame views of the tower, when approaching from the marina in front to the hotel, thus emphasising and enhancing its pivotal role. The scheme therefore satisfactorily meets the tests of S66 in relation to these, the closest of the listed buildings.

- 2.23 Although Wellington Dock is also nearby, these proposed developments are unlikely to have a significant effect on its setting, given the variety of other visual influences on the dock itself. A similar conclusion may be reached with regard to the impact on the Waterloo Crescent conservation area. The submitted Heritage Statement also discusses the impact on the former Prince of Wales Pier, also Grade II listed; this has largely been concealed by 20th Century works to the harbour, but elements have been salvaged to be incorporated, it is anticipated, in the design of the Clock Tower Square.

Parking and Highways

- 2.24 In terms of access and traffic considerations, policy DM11 seeks to ensure developments are sustainably located and offer an appropriate choice of means of travel other than the private car. Policy DM12 resists development that would have an unacceptable impact on the strategic road network. Policy DM13 advocates a design-led approach to the provision of car parking, based upon the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.25 The submitted Transport Statement concludes that the site is reasonably accessible on foot and by bike, including being within 500m of National Cycle Network 2. It is also within about 650m of existing bus stops on Snargate Street, served by frequent services to a number of destinations. It is about 1.5km from the railway station. It is therefore concluded that there is a good level of accessibility to alternative transport modes, which represent a realistic mode of transport for staff and customers.
- 2.26 In assessing the likely traffic generation, it is noted that a significant proportion of hotel guests will be going to or from the ferry terminal (perhaps as high as 90%) and this traffic will therefore already be “on the network”. For the leisure uses, it is calculated that around 75% of the traffic could be “linked trips” and again already “on the network”. These assumptions are not necessarily fully accepted by Highways England. However, this all needs to be seen in the context of previous traffic assumptions around the anticipated development of Dover Waterfront and the HRO, including Terminal 2 and the associated infrastructure; this will have informed the design and capacity built into the remodelled Union Street/Snargate Street junction, completed in 2017. On that basis, both Highways England and KCC are satisfied that this development will not have an unacceptable impact on either the strategic or the local highway network. As Union Street is not an adopted public highway, it has been included within the application sites (the “red line” boundary) and appropriate access arrangements will need to be secured through these applications; this is a matter that can be adequately dealt with through conditions.

- 2.27 With regard to car parking, the Transport Statement puts forward the following strategy:

The application includes a total of 119 parking spaces. The primary demand for parking will be derived from hotel guests, as such each room is allocated with 1 parking space. The proposal also includes adequate parking facilities for large vehicles, such as coaches, RVs, and mobile homes. The balance of parking provision will be allocated to essential car users and staff. The provision of parking will comfortably accommodate the parking demand derived from the main demand generator, the hotel. Spaces will be pre-booked and allocated based on need. Given the access to sustainable modes of transport, location, and complementary nature it is considered appropriate to minimise parking supply for the leisure and commercial uses.

Within a comfortable walking distance of the proposed development are a number of car parks. Those owned and managed by DHB currently allocated for Marina users totalling 298 spaces. There is a possibility of adding a further 107 spaces by extending and creating additional further car parking. The 77 public spaces within Camden Crescent car park owned/managed by DDC and additional on-street public car spaces along the sea front (Marine Parade/Esplanade). To conclude, there is ample existing car parking provision that can be used by visitors to the new Marina and the mixed-use element of the proposal. There is also an opportunity for future expansion, depending on demand, which will future proof the proposal, removing any risk that overspill parking or associated congestion could affect local streets and roads.

- 2.28 Kent Highways is content with this approach; it reflects the anticipated propensity for linked trips to the leisure facilities whilst acknowledging that hotel users are more likely to arrive by car; it makes the most of existing (off-site) parking facilities and avoids an inordinate proliferation of additional parking; it is also consistent with NPPF principles.

Other Issues

- 2.29 The applications are accompanied by a Flood Risk Assessment, as part of the site is within Flood Zone 2, according to published mapping. However, the construction works undertaken to create the marina are designed to provide suitable protection against a surge tide, and the marina wall and lock gates are at an appropriate height.
- 2.30 Issues raised by Southern Water regarding drainage and sewerage, and the EHO request for a construction management plan, can be dealt with by conditions and informatives.

3. Conclusion and Sustainability

- 3.1 These two applications provide an opportunity to accommodate welcome investment to bolster the visitor economy. The hotel will provide further opportunities to encourage otherwise transient visitors to stay longer, an objective long recognised as a key element in promoting the tourism sector in the town and the wider district. Part of its 'USP' would also be measures to limit climate change using solar panels and 100% use of electric vehicle charging points. The sites are in a highly sustainable location and the development takes appropriate advantage of the setting and ambience provided by the new marina. The design is innovative and colourful and will provide a suitably upbeat context for the proposed uses. It

successfully balances this with appropriate respect for the historic elements of its setting. The overall package would significantly enhance the local environment by improving the setting of recent public realm enhancements undertaken as part of the DWDR and screen more visually intrusive areas associated with the commercial cargo handling activities. It would help to consolidate the new waterfront quarter as a destination in its own right, adding footfall and visitor spend, and creating local employment to the benefit of the town and local economy.

- 3.2 In terms of the three strands of sustainable development identified in NPPF paragraph 8, the schemes together support economic growth, building on local strengths, achieve the social objective of providing services to support a strong, vibrant and healthy community and support the environmental objectives of making effective use of land and making an appropriate contribution to the built environment. In terms of the overarching test in NPPF paragraph 11(d), there are no adverse impacts of the proposed developments that would significantly and demonstrably outweigh the clear benefits and, on that basis, planning permissions should be granted.

g) Recommendations

- I. **DOV/20/01236 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:

1. Standard commencement condition
2. List of approved plans
3. Submission of hard and soft landscaping scheme including details floorscape/ground surface treatments
4. Provision of car parking as shown on plans
5. Submission of details of access from the public highway (as required by Kent Highways)
6. Submission of details of cycle parking
7. Submission of details of refuse bin storage
8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
11. Provision of electric vehicle charging points
12. Submission of details of canopy for parking area
13. Submission of details of PV panels

- II. **DOV/20/01220 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:

1. Standard commencement condition
2. List of approved plans
3. Submission of hard and soft landscaping scheme including details floorscape/ground surface treatments
4. Provision of car parking as shown on plans
5. Submission of details of access from the public highway (as required by Kent Highways)
6. Submission of details of cycle parking
7. Submission of details of refuse bin storage
8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)

9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
 10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
 11. Provision of electric vehicle charging points
- III. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee, and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett