

# Public Document Pack



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1 June 2020

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held as a Remote Meeting - Teams Live Event on Thursday 11 June 2020 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

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

Chief Executive

## Planning Committee Membership:

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

## AGENDA

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

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

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

4 **ITEMS DEFERRED** (Page 5)

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

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**

(Pages 6-11)

5 **APPLICATION NO DOV/20/00197 - 26 BALMORAL ROAD, KINGSDOWN** (Pages 12-16)

**Erection of single storey rear extension, front and rear dormers and raised side terrace**

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

6 **APPLICATION NO DOV/20/00146 - 27 COWPER ROAD, RIVER** (Pages 17-25)

**Erection of first-floor extension, roof extension with two dormer windows, front porch, insertion of four rooflights and alterations to existing doors and windows, together with landscaping, terracing and the construction of external steps (part retrospective)**

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

7 **APPLICATION NO DOV/19/00821 - AYLESHAM VILLAGE EXPANSION, AYLESHAM** (Pages 26-44)

**Section 73 application for variation and removal of conditions in relation to planning permission 15/00068.**

**Variations in respect of 1 (amended drawings), 58 (phasing), 62 (numbers of dwellings), 66 (design addendum), 71 (Travel Plan), 72 (Village Traffic Impact Assessments), 73 (Junction Improvements), 82 (ecology), 83 (ecology), 84 (ecology), 85 (ecology), 95 (allotments), 99 (playing pitch at Hill Crescent), 100 (surface water details), 112 (sound insulation), 121 (construction method statement).**

**Removal of conditions 2-56 (full permission), 61 (sales marketing), 65 (live work units), 67 (phasing plan), 69 (public realm management), 70 (maximum number of vehicle parking), 74 (road details), 77 (sight lines), 78 (sight lines), 80 (underground services), 92 (earthworks), 103 (soakaway suitability), 104 (code for sustainable homes), 105 (BREEAM), 106 (renewable energy statement), 107 (live work units), 108 (workforce scheme), 109 (waste management plan), 110 (site environmental plan), 113 (traffic noise mitigation), 122 (construction method statement)**

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

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

### **8 APPEALS AND INFORMAL HEARINGS**

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

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

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

### **10 EXCLUSION OF THE PRESS AND PUBLIC (Page 45)**

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

### **11 SITE AT HOLLYOAK, MARSHBOROUGH, WOODNESBOROUGH**

To consider the report of the Head of Regulatory Services and the Head of Planning, Regeneration and Development (to follow).

#### **Access to Meetings and Information**

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

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 11 JUNE 2020

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

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

- 1. DOV/19/00642      Outline application for the erection of 100 dwellings with associated parking and means of access (all matters reserved except for access) – Site at Cross Road, Deal (Agenda Item 7 of 13 February 2020)**

**Background Papers:**

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

**LOIS JARRETT**

Head of Planning, Regeneration and Development

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



## Remote Meetings

### Planning Committee

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

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

#### Joining a Remote Meeting

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

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

#### Public Speaking

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

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

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

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

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

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

### Feedback

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



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

### The Reports

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

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

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

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

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

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

### Site Visits

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

The following criteria will be used to determine usefulness:

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

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

### Background Papers

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

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

## **IMPORTANT**

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

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

### **The Development Plan**

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

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

## Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

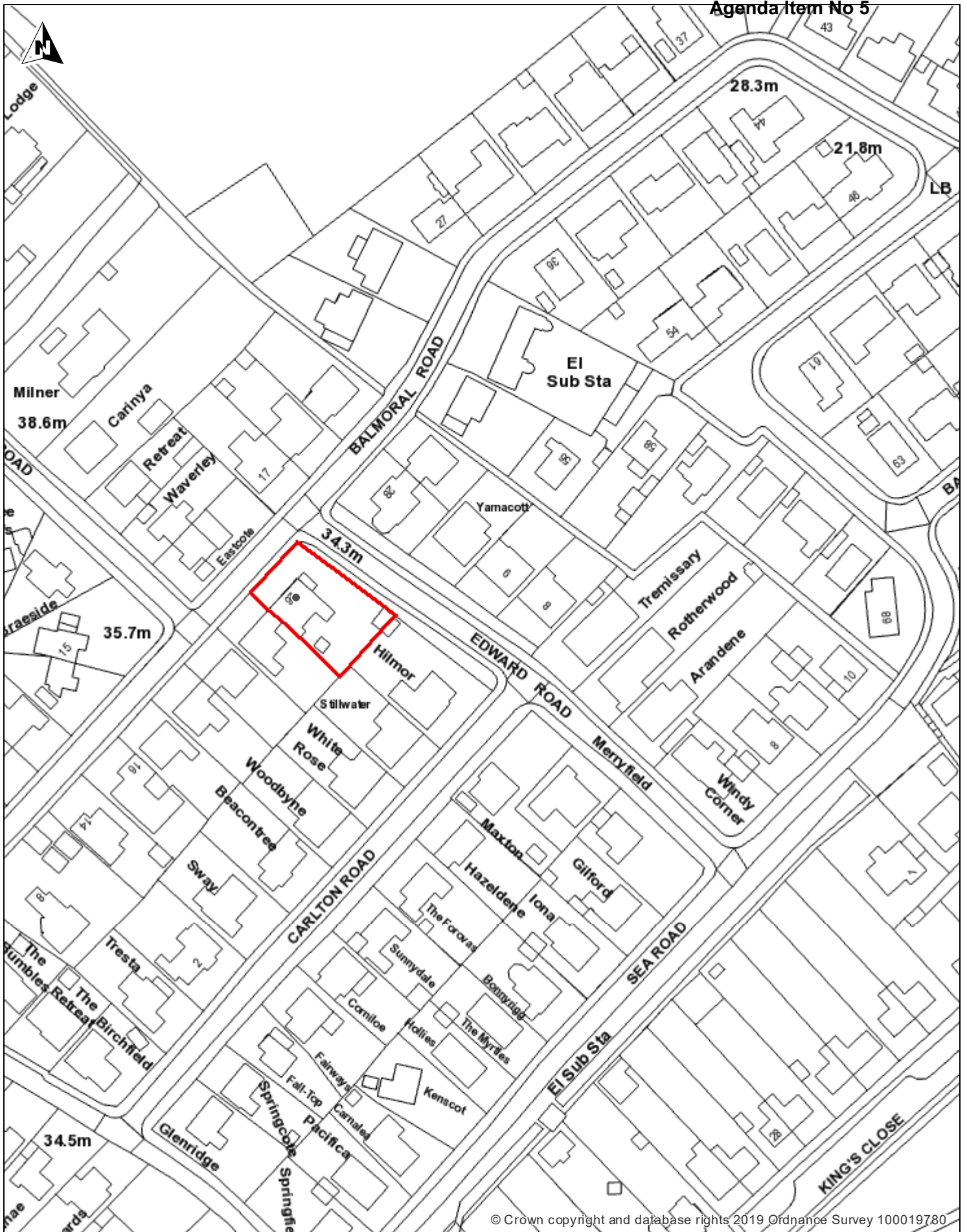
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

## PUBLIC SPEAKING AT PLANNING COMMITTEE

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



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DOV/20/00197  
26 Balmoral Road  
Kingsdown  
CT14 8DB

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/20/00197 – Erection of single storey rear extension, front and rear dormers and raised side terrace - 26 Balmoral Road, Kingsdown**

Reason for Report: Seven contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

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

National Planning Policy Framework (NPPF)

NPPF 2019

Achieving sustainable development - Paras 7-14

Achieving well designed places - Paras 124-132

d) **Relevant Planning History**

88/00076 – Two-storey extension – Granted

19/00946 - Erection of first floor roof extension with terrace and balustrade, single storey side extension with steps, terrace and balustrade, rear extensions, dormer window to front roof slope and alterations to windows and doors (amended plans) – Refused

19/01439 - Erection of a single storey rear extension, first floor level dormer window extension to front and rear roof slopes, installation of balustrades to ground and first floor level and external alterations - Refused

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

Ringwould Parish Council – Object as this would overlook neighbouring properties

A total of six local residents have raised objections to the proposal summarised as follows:

- Out of Character
- Overlooking and loss of privacy
- Light Pollution
- Noise and disturbance from upstairs living room

Two local residents offer their support on the grounds that there are other properties in the area with similar extension and dormers

1. **The Site and the Proposal**

The Site

- 1.1 The application relates to a detached bungalow with accommodation within the roof space. There are existing single storey side extensions either side of the property and an existing 3.5 metres single storey flat roofed extension on the eastern corner of the dwelling. There is an existing two panel side hung door in the north east facing gable which appears to have replaced the original top hung window at some time after 2009. This door gives access to the garage roof but unlike the details proposed by the previously refused applications there are no other alterations to the garage roof to facilitate its use as a terrace.
- 1.2 On the north eastern (Edward Road) flank of the property there is a brick wall surmounted in places by trellis and a degree of hedging supplemented in places by trees on the adjacent highway verge. The principal elevation faces Balmoral Road and contains a gravelled car parking area sufficient for two cars. The neighbour to the south west has a similar bungalow albeit on slightly higher land. There is a substantial hedge separating the respective gardens. The rear boundary of 26 Balmoral Road abuts the rear boundary of a similar dwelling on Carlton Road. This property is somewhat lower than the applicant's property although there is a well maintained evergreen hedge on the common boundary.
- 1.3 The area comprises a quiet, well-established residential neighbourhood comprising single storey dwellings and chalet style dwellings with dormers within the roof slopes. The single storey bungalows are of a noticeably consistent low profile and dormer windows to both front and rear are a fairly common feature in the area.
- 1.4 The land slopes down gently from the north west to south east with the result that the application site is in a noticeably prominent corner plot at the junction formed by Edward Road and Balmoral Road. The bungalow is therefore widely visible from the surrounding streets.

### The Proposal

- 1.5 The proposal involves a number of elements:
  - The design concept for the house envisages a partial 'upside down house' with a large living area in the converted attic.
  - Two dormers are proposed on the front (road and north west) facing roof slope
  - A full width dormer on the rear (south east facing) roof slope with glazing over most of its width. It is set about half a metre below ridge height and half a metre back from the eaves and is slightly less than 20 cubic metres – i.e will be within the limitation of 50 cubic metres for a detached dwelling. In itself therefore the proposed dormer accords with the limitations for a Roof Extension granted Planning Permission under Part 1 Class B Permitted Development Rights.
  - A ground floor extension to the existing single storey flat roofed extension on the south east facing elevation by about 2.5 metres in depth. This extension to an existing extension would follow the existing flat roof addition, providing a three panel side hung window into the rear garden and patio doors inward looking to a semi enclosed patio area.
  - A ground level side terrace area with balustrade and steps down to the garden

## **2. Main Issues**

2.1 The main issues for consideration are:

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

### **Assessment**

#### Principle of Development

##### Dover District Council Core Strategy 2010

2.2 Core Strategy Policy DM1 supports development within settlement confines. In this case the proposal accords with this policy.

2.3 The NPPF identifies that planning decisions should play an active part in guiding development towards sustainable solutions. The development proposed is a simple extension to a lawful dwelling which is acceptable in principle subject to considerations of details discussed below. The proposal is considered to comply with the objectives set out in paragraph 8 (b) to retain a range of homes to provide the needs of present and future generations. It is also considered compliant with paragraph 8(c) in that it makes effective use of land whilst protecting the natural environment

#### 2.4 Design Concept

The physical alterations to the exterior of the building appear to be designed to allow the first floor of the house to be used as the main living area. This would allow the occupants to take advantage of the outstanding views available from the property. Internal alterations to the layout of the house do not in themselves require planning permission but the design concept may have an impact on external features which do require planning permission.

#### Character and Appearance of the Area

2.5 The front dormers are of a simple box design and are acceptable in the street scene. There are other similar dormers in the surrounding area. The rear dormer straddles the width of the roof slope and is set about half a metre below ridge height and about half a metre back from the eaves. Whilst large it is similar to others in the surrounding area. Other elements of the proposal, individually, would have little impact on the street scene or character of the area.

#### Residential Amenity

2.6 In the case of the front dormers they primality overlook the semi-private public realm. The property on the other side of the road however has a rear garden and private area side on to the proposed front dormers. Because: (a) the ground 'drops away' from this resident's rear garden i.e. the garden level to the neighbours property is slightly higher than that of the application property, (b) there is significant vegetation on this boundary, and (c) the private area is some distance from the dormers (in excess of 15m), I do not consider there would be any undue harm to this resident caused by the front dormers.



- 2.7 In the case of the short extension to the existing side extension of the south west flank of the property this area is well screened by existing vegetation and is in any case to the north east of the neighbour at number 26 Balmoral Road, I do not consider there would be any loss of privacy or overshadowing caused by the element of the proposal.
- 2.8 In the case of the residents of Carlton Road (to the south and south east) of the proposed rear dormer and rear extension there is a distance to boundary of about 16 metres and a minimum wall to wall distance of about 30 metres. This being the case, and notwithstanding the change in ground level, I do not consider that the proposed rear dormer, in itself, would unacceptably intrude into these resident's privacy and amenity. Because of the considerable amount of glazing on the rear I consider there may be a perception of overlooking and loss of privacy, but I do not consider that it would be reasonable to refuse planning permission on this ground especially in view of the fallback position being that this element of the proposal falls within Permitted Development allowances.
- 2.9 In the case of the side terrace areas with balustrade, this is low level and in view of existing boundary treatment would have no adverse impact on residential privacy and amenity.

### **3. Conclusion**

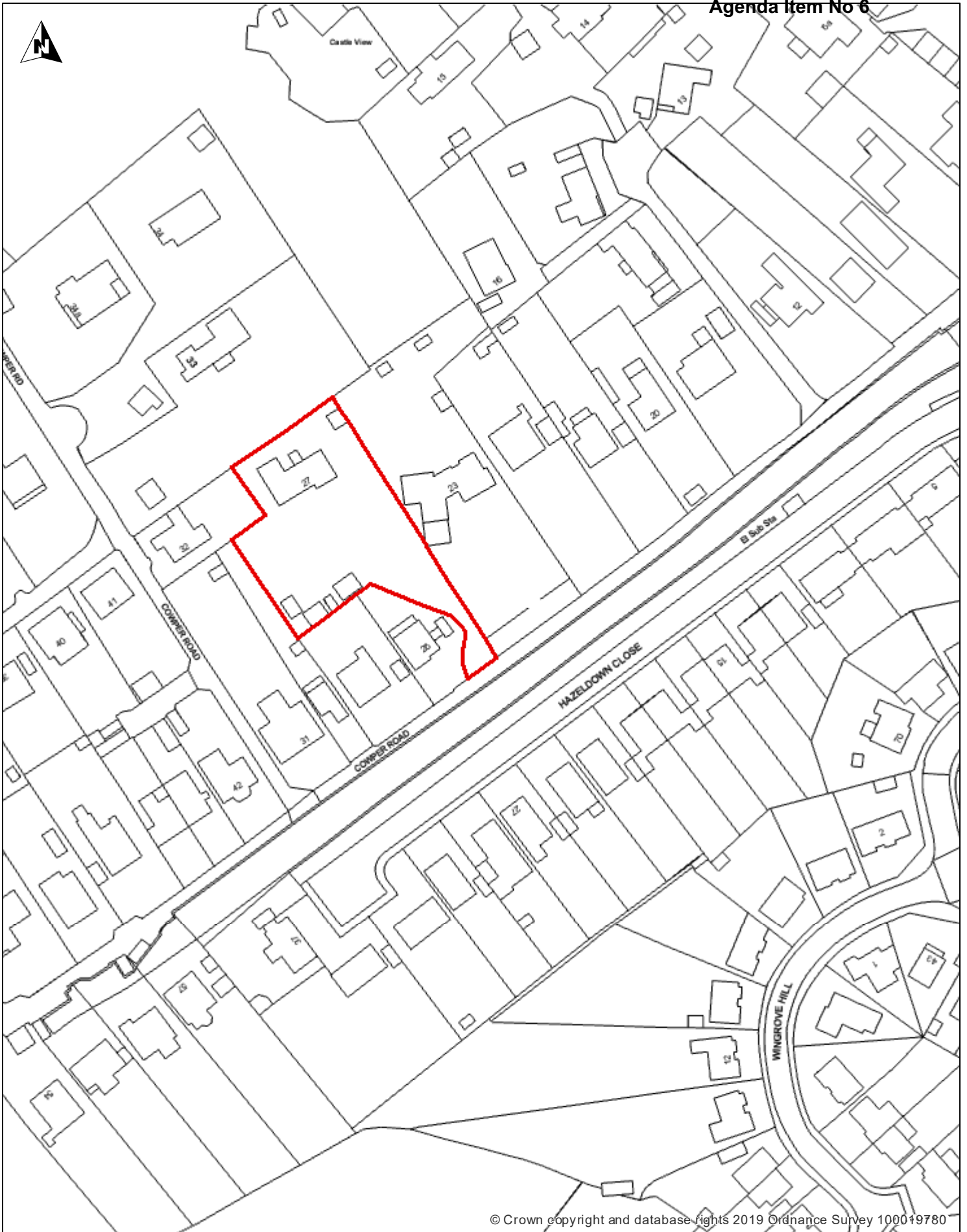
- 3.1 After two unsuccessful applications for alterations and extensions to this property which failed on design and residential amenity issues the current application is considered to be acceptable and has sufficiently addressed previous concerns.
- 3.2 I therefore recommend planning permission be granted.

### **g) Recommendation**

- I Planning permission be GRANTED subject to conditions to include (1) time, (2) compliance with plans (3) Matching materials
- 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 planning committee.

#### Case Officer

Tony Jarvis



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DOV/20/00146  
27 Cowper Road  
River  
CT17 0PQ

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/20/00146 – Erection of first-floor extension, roof extension with two dormer windows, front porch, insertion of four rooflights and alterations to existing doors and windows, together with landscaping, terracing and the construction of external steps (part retrospective) - 27 Cowper Road, River**

Reason for report – Number of contrary views (7 Public)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

**Core Strategy Policies (2010)**

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM13 – Parking Provision

**National Planning Policy Framework (NPPF) (2019)**

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

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 identifies the three overarching objectives of the planning system in relation to the aim of achieving sustainable development; an economic, social and environmental objective.

Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

#### National Planning Practice Guidance

#### National Design Guide (2019)

#### Kent Design Guide (2005)

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

#### SPG4 Kent Vehicle Parking Standards

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

DOV/19/01306 - Erection of first floor extension, roof extension with front and rear dormers, incorporating a front balcony and insertion of 4no. rooflights. Landscaping, terracing and the construction of external steps – Withdrawn

The above application featured a dormer window on the front roof slope, together with a glazed two storey front extension and apex glazed front projection with a first floor level balcony and taller ridge and eaves level. Due to concerns raised in respect of visual and residential amenity, this scheme was withdrawn and a revised scheme; the current application, was submitted.

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

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

River Parish Council – It is noted that this a resubmission of previous application 19/01306. We raised no comments to the previous application although it is understood that a number of objections were raised by others. It is evident that the new proposal has gone some way to alleviate previous problems of overlooking and loss of privacy to nearby properties. Therefore, no further comments are deemed necessary.

#### Public Representations:

7 members of the public have objected to the proposals (as of 28th May 2020) and the material considerations are summarised below. Comments are available to view in full in the online planning file.

- Design - proposed plan is not much different from the first (withdrawn), just without the balcony. Concerns building is 3 storeys in height. Additional level has a detrimental visual impact on the area. Concerns regarding the scale – road is unique with predominantly bungalows and chalet bungalows – this development is too big. Out of keeping and would dominate the landscape. Roof height is much higher than existing
- Loss of privacy & overlooking – first floor and roof extension which will overlook all the neighbouring properties and many up the road too. Would

overlook gardens. Window on the SW side looks directly into and is close to lounge of neighbouring property – request that this is removed and if this were addressed, this objector would be more comfortable with this application.

- Planting/boundary treatments - shrubs, plants and trees were removed and replaced with a two metre high fence placed alongside neighbouring fence prior to planning permission. Removal of planting means neighbouring properties can now see this property where it used to be private.
- Highways – road (including passing places) has been blocked for hours due to deliveries and construction workers vehicles – could pose risk to life if emergency vehicles are unable to get through. Neighbours not notified of the road being blocked. If a full development went ahead what would happen when deliveries are made?
- Concerns regarding additional discharge to sewage network already at full capacity – how will this be compensated with more occupants and more waste created. Concerns regarding access to manhole cover serving main sewer and whether this has been built on – there was previously a sewerage leak into neighbouring garden due to blockage in the main sewer
- None of one objectors' previous objections to application 19/01306 (withdrawn application) have been addressed in any way and their objections still stand.

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

- 1.1 The application site relates to a detached three bedroomed bungalow located on the northwest side of Cowper Road. The site slopes upwards towards the north and is bounded by approximately 2m high timber fencing and a tall, dense hedgerow along the northwestern boundary. The bungalow is set within the northern half of the site and is finished in white render with a brick base, white uPVC windows and a tiled roof. There are two extensions to the rear (north) and there is a projection to the front (eastern half of the dwelling) which has a gable roof. To the southeast of the dwelling, set at a lower ground level is the gravelled driveway of the site. There are also several outbuildings and a garage within the western half of the site.
- 1.2 The area has an irregular residential layout. While most properties have a frontage to Cowper Road, some are set back from the road, with others, such as the application property, positioned further to the rear. The site is bounded by No. 23 Cowper Road to the east, Nos. 28 and 29 Cowper Road to the south, No. 30 Cowper Road to the southwest, No. 32 Cowper Road to the west and No. 33 Cowper Road to the north.
- 1.3 This application seeks permission for the erection of first floor extension, roof extension with 2no. dormer windows (front and rear), front facing first floor window within a projecting gable, insertion of 4no. rooflights, front porch and alterations to existing doors and windows. Landscaping, terracing and the construction of external steps (part retrospective).
- 1.4 The landscaping and construction of external steps to the southeast of the dwelling has already been carried out. The extension would result in the creation of two additional bedrooms (bringing the total no. of bedrooms to 5) with en-suite bathrooms. The eaves height would be increased by approximately 0.8m (from approx. 2.8m as existing to 3.6m as proposed) and the ridge height of the main roof would be increased by approximately 1.7m (from approx. 5.1m as existing to 6.8m as proposed). The roof would be finished in fibre cement slate and would

have a barn hipped end to the western half, with a hipped roof to the eastern half, connected to the new barn hipped roof of the front projection (which would have a lower ridge height than the main roof by approximately 0.3m). There would be a dormer window with a pitched roof on the front roof slope (serving a bedroom) and a dormer window on the rear roof slope serving an en-suite bathroom. There would also be one rooflight on the rear roof slope (serving another en-suite bathroom), one window on the front roof slope serving a landing and two rooflights on the southeast roof slope serving a bedroom.

- 1.5 Since the advertisement of the application, and following concerns raised by objectors, an amended floor plan and elevation have been submitted which remove a window originally shown on the southwest elevation at first floor level (serving the proposed bedroom).

## **2. Main Issues**

- 2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity

### **Assessment**

#### Principle of Development

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

#### Impact on the Character and Appearance of the Street Scene

- 2.3 The site is located within the village confines, in a residential area. Cowper Road is a narrow private lane which slopes upwards to the north and land to the northwest falls downwards from the road, before rising again to the north. The street scene is predominantly comprised of detached bungalows or chalet bungalows, set back from the public highway within deep plots. At the southwestern end of Cowper Road, there are two two-storey dwellings, however these are not directly visible from the site. The dwellings of Cowper Road, whilst varied in character, are predominantly finished in brick, with either hipped or pitched roofs, with several properties featuring dormer windows on the front and rear roof slopes.
- 2.4 Due to the slope of site and positioning of the dwelling, as well as the 2m boundary fencing, the proposals would be visible in wider views of the site, particularly from the east, where the ground level of Cowper Road is lower than the site. The proposed roof extension would be finished in fibre cement slate, with cladding installed on the flank (southwest) elevation at first floor level and below the eaves level on the front (southeast) and flank (northeast) elevations. Cladding would also be installed on the front dormer window and at first floor level of the front projection. Black powder coated aluminium windows and doors would be installed, which would contrast with the white rendered walls of the dwelling. It is considered that the proposed materials would modernise the appearance of the dwelling, whilst the use of dormer windows would respect the

character of the street scene, where dwellings have been extended using dormer windows. Nonetheless, in the interests of visual amenity, it is considered appropriate to recommend that conditions requiring samples of materials be submitted and that a condition requiring details of hard and soft landscaping, including boundary treatments be submitted.

- 2.5 Consequently, the design, siting and scale of the proposals are considered to preserve the varied character and appearance of the streetscene and add to the overall quality of the area, in accordance with Paragraph 127 of the NPPF.

#### Impact on Residential Amenity

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

##### *23 Cowper Road*

- 2.7 Located to the east of the site and set at a lower ground level than the application property (by several metres), this detached bungalow features several windows on the rear elevation from which the proposal would be directly visible. As raised in comments, planting and vegetation within the garden of the application site, have been removed and 2m tall boundary fencing has been installed. Whilst the proposal would be directly visible from this neighbouring property, due to the design and appearance of the proposed extension, the development is considered unlikely to result in a significantly overbearing impact on the residential amenities of the neighbouring property. A window would be installed at first floor level in the front projection. This would have an outlook primarily over the front garden of the application property. Two additional rooflights are proposed on the northeast roof slope, all serving a bedroom. It is considered appropriate to suggest a condition that these rooflights be fitted with obscured glazing and fixed shut, in the interests of the privacy of the neighbouring occupants. Subject to this condition, the main outlook would primarily be of the front garden of the application site and the development would be unlikely to result in significant harm to privacy. Due to the orientation of the site and sun path, the development is considered unlikely to result in significant overshadowing or harm to the residential amenities of the neighbouring occupier.

##### *28 Cowper Road*

- 2.8 Located to the southeast of the site, this detached bungalow has windows and a conservatory from which the proposal would be visible. Set at a lower ground level than the application property, the access to the site runs along the northeast boundary of this property. Although planting within the garden of the site has previously been removed (and boundary fencing installed), there are several outbuildings, including a garage within the garden of the application property, which restrict views of the neighbouring property. Nonetheless, due to the difference in ground levels, the proposed dormer window would be visible from this neighbouring dwelling. This window would predominantly overlook the garden of the application site and, whilst occupants of the neighbouring property may experience some perceived overlooking, as this window would serve a bedroom (where occupants would be likely to look out of the window during the mornings and evenings, rather than for prolonged periods throughout the day) and would be some 27/8m away from the boundary with no. 28, the development is considered unlikely to result in any significant harm to privacy. Furthermore, due to the design and appearance of the development and the distance from

no.28, the proposals are considered unlikely to result in any significant overbearing impact. Due to the separation distance between the dwellings and path of the sun, the proposal would be unlikely to result in overshadowing or harm to the residential amenities of the neighbouring occupants.

#### *29 Cowper Road*

- 2.9 Located to the south of the site, this chalet bungalow has windows on the rear elevation at ground and first floor level (dormer window) from which the proposals would be visible. Again, whilst vegetation has previously been removed from the site and boundary fencing installed, there are several outbuildings within the garden of the site which restrict views of the neighbouring property. Whilst the proposed extension would be visible from this neighbouring property, and due to the difference in ground levels, occupants may experience some perceived overlooking, due to the separation distance (some 29m from the extended property to the garden boundary with no.29) and room use served by the proposed dormer window (a bedroom) the proposal is considered unlikely to result in unacceptable harm to the privacy of the neighbouring occupants. Furthermore, due to the design of the proposals, as well as separation distance between the two dwellings, the development is considered unlikely to result in a significant overbearing impact. Due to the direction of the sun path and siting of the proposals, the development would be unlikely to result in significant overshadowing to the neighbouring amenity.

#### *32 Cowper Road*

- 2.10 Located to the west of the site, this detached bungalow has windows and a conservatory on the rear (east) elevation from which the proposals would be directly visible. As discussed at paragraph 1.5, the advertised plans included a first floor level window on the southwest elevation which would serve a bedroom. Following concerns due to overlooking (due to the proximity of the neighbouring garden), this window was removed from the proposals. As such, it is considered that the development would not harm the privacy of the neighbouring occupants. Nonetheless, it is considered appropriate to suggest a condition preventing the installation of windows at first floor level on the southwest elevation be imposed, in the interests of residential amenity. Furthermore, due to the design and appearance of the development, the proposals are considered unlikely to result in any unacceptable overbearing impact on the neighbouring amenity. Whilst the proposed roof of the application property would be approximately 1.7m taller than existing, due to the barn hipped end, separation distance and sun path, the development would not result in any significant overshadowing to the residential amenities of the neighbouring property.

#### *33 Cowper Road*

- 2.11 Located to the north of the application site and separated by tall dense boundary planting, this dwelling is set at a higher ground level than the application site. A dormer window and rooflight, both serving en-suite bathrooms, would be installed on the rear roof slope of the application property and would face towards this neighbouring dwelling. As such, it is considered appropriate to recommend a condition that these en-suite windows be fitted with obscured glazing. Subject to this condition and in view of the separation distance and land level difference between the properties, it is considered that the proposal would safeguard the privacy and amenities of these neighbouring occupants.



### *Other Dwellings*

- 2.12 The proposals would be visible from a number of other nearby dwellings, however, due to the siting, scale and design of the proposals and separation distance, no adverse impacts would occur to other residential occupiers. The proposal would accord with the objectives of Paragraph 127 of the NPPF in respect of impact on amenity.

### Impact on Parking/Highways

- 2.13 Cowper Road is a narrow lane with limited passing places and turning areas, however, no changes are proposed to the access onto Cowper Road and as such, the proposals are considered unlikely to result in significant harm to highways safety. The proposals would result in the creation of two additional bedrooms within the dwelling, bringing the total number of bedrooms to five. At least two independently accessible parking spaces are available within the driveway of the site (with an existing garage providing an additional space), and as such, the proposals would accord with the minimum parking requirements set out in Policy DM13.
- 2.14 Concerns have been raised by a number of local residents in respect of the impact of the construction phase of the development on the local highway network. Due to the narrowness of the road and limited number of passing places, it is likely that the highway would be blocked when materials are being delivered to the site. In the interests of minimising the impact of the development during the construction phase, a condition is suggested for a construction management plan to be submitted to include details of loading and unloading of plant and materials, parking for construction workers and hours of construction working.

### Other Matters

- 2.15 The application site is located in Flood Zone 1, which has the lowest risk from flooding and the development is therefore considered acceptable in this respect.
- 2.16 Concerns have been raised in respect of the impact on sewage capacity. No change is proposed to the existing arrangements for foul sewage disposal as part of this application. Furthermore, concerns have been raised in respect of a condition shown on the land charges register that no large development is to take place. Breach of a restrictive covenant does not form a material consideration and cannot be considered as part of this planning application and would be a private matter for the applicant/owner to resolve.

## **3. Conclusion**

- 3.1 The application site is located within the settlement confines and the proposals are acceptable in principle in accordance with Policy DM1. Due to the design and appearance of the development, the proposals are considered to preserve the character and appearance of the street scene, adding to the overall quality of the area. Furthermore, for the reasons outlined in the report, the proposals are considered unlikely to result in significant harm to the residential amenities of surrounding residents. It is considered that, subject to the conditions suggested below, the development would accord with the aims and objectives of the NPPF.

**g) Recommendation**

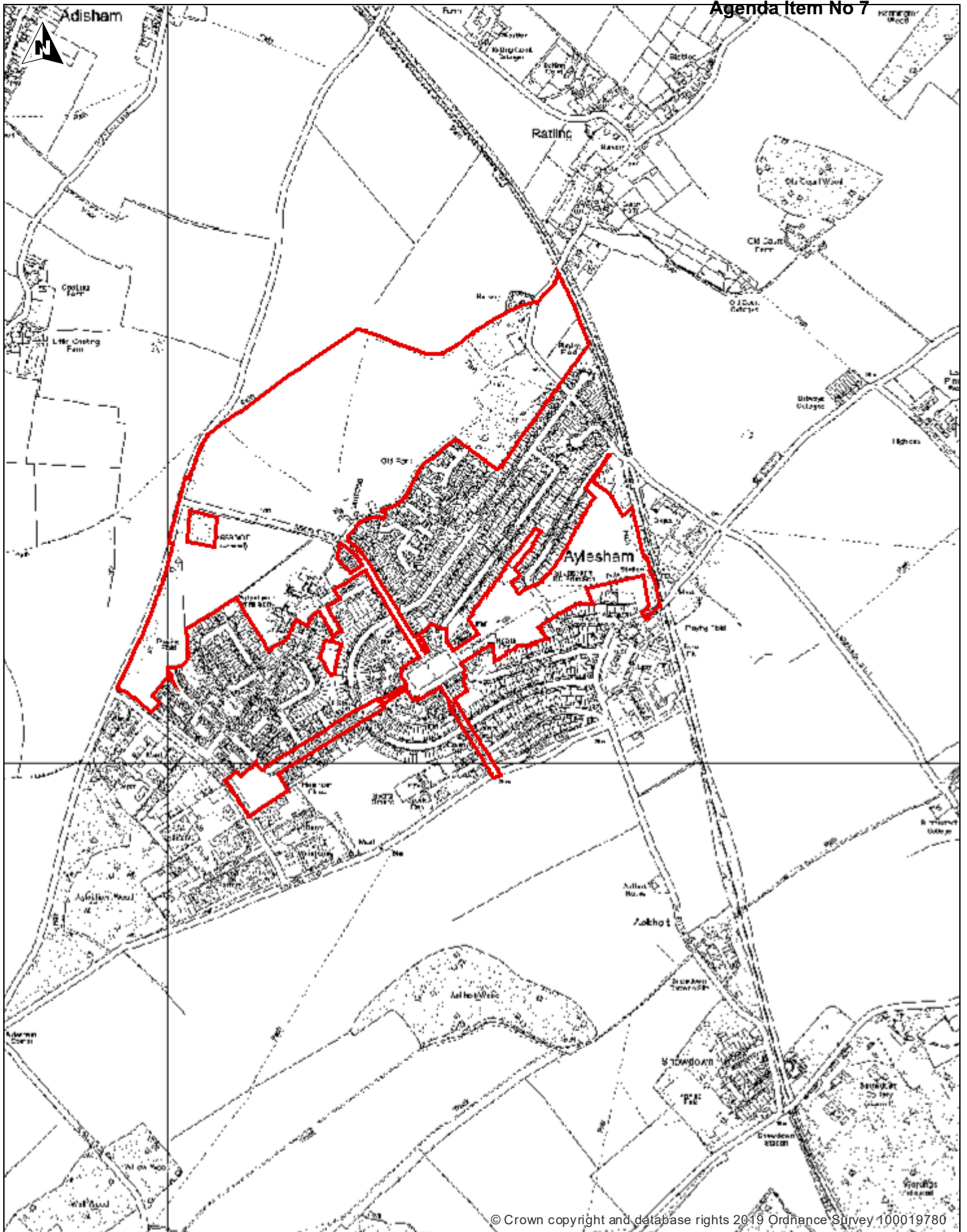
I PERMISSION BE GRANTED subject to conditions:

(i) Standard time condition, (ii) list of approved plans (iii) samples of materials (iv) details of hard and soft landscaping, including boundary treatments (v) restriction of permitted development rights for the installation of windows at first floor level in the southwest and northeast elevations (vi) installation of obscure glazing in the first floor level en-suite bathroom windows and rooflight and installation of obscure glazing and non-opening rooflights on the northeast roof slope (vii) construction management plan (to include details of loading and unloading of plant and materials, parking for construction workers and hours of construction working)

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

Case Officer

Rachel Morgan



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DOV/19/00821  
Aylesham Village Expansion  
Aylesham

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



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

- a) **DOV/19/00821 – Section 73 application for variation and removal of conditions in relation to planning permission 15/00068. Variations in respect of 1 (amended drawings), 58 (phasing), 62 (numbers of dwellings), 66 (design addendum), 71 (Travel Plan), 72 (Village Traffic Impact Assessments), 73 (Junction Improvements), 82 (ecology), 83 (ecology), 84 (ecology), 85 (ecology), 95 (allotments), 99 (playing pitch at Hill Crescent), 100 (surface water details), 112 (sound insulation), 121 (construction method statement). Removal of conditions 2-56 (full permission), 61 (sales marketing), 65 (live work units), 67 (phasing plan), 69 (public realm management), 70 (maximum number of vehicle parking), 74 (road details), 77 (sight lines), 78 (sight lines), 80 (underground services), 92 (earthworks), 103 (soakaway suitability), 104 (code for sustainable homes), 105 (BREEAM), 106 (renewable energy statement), 107 (live work units), 108 (workforce scheme), 109 (waste management plan), 110 (site environmental plan), 113 (traffic noise mitigation), 122 (construction method statement) - Aylesham Village Expansion, Aylesham**

Reason for report: Number of public representations

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP4 - Developments of 10 or more dwellings should provide 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 that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 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.
- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

Land Allocations Local Plan

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

#### Dover District Local Plan 2002 (Saved Policies)

- AY1 – Land is allocated for up to 1000 dwellings, petrol filling station, formal playing fields and associated children’s play, employment land, a primary school and food retail.
- AY2 – An outline proposal for the strategic expansion of Aylesham should cover the whole development area and be accompanied by and based on a master plan.
- AY3 – Proposals for residential development in the development area will be permitted provided: the overall net density shall be at a minimum of 30 dwellings per hectare; at least 15 percent of all dwellings are for affordable housing; provision is made for children’s play; and the development has variety in design, is energy efficient and avoids standard estate layouts.
- AY7 – Sets out requirements for structural landscaping and long term management of all open space.
- AY8 – Land is allocated to meet additional primary school provision.
- AY10 – Proposals will not be permitted unless they include provision for a spinal footpath and cycle network, extending where practicable into the existing settlement.

#### Aylesham SPG 2005

- A supplementary planning guidance document aims to guide and inform the physical aspects of the development to bring about high quality cohesive place that will be perceived as a carefully considered whole rather than an isolated village expansion.
- The SPG defines a masterplan and the preliminary design code for a number of opportunity sites in the village. The document does depart from some of the policies set out in the Dover District Local Plan (2002 saved policies), but these changes are given reasoned justification. The proposals contained within this application are considered to be in line with the masterplan strategies.

#### Aylesham Design Code

- The Design Code is a guide for developers, setting out best practice, and codes for the delivery of the vision for Aylesham. It builds on the Aylesham masterplan document adopted in 2004 and published in 2005 which set out to: ‘regenerate and expand the village to provide a seamless integration of new and existing uses, creating a strong and vibrant community centred on walkable, interconnected and sustainable neighbourhoods.’
- In pursuit of the above, the Design Code provides an illustrative masterplan from which developers could plan individual parcels of land. Detailed advice was provided for in each development area including such issues as: analysis of character areas; building typologies; street types; detailed design approach; landscaping and open space and environmental standards.

- Current phases of the development to date have largely followed the approved design code, subject to minor variations to allow for specific site conditions.

#### National Planning Policy Framework (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 permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- Paragraph 59 states that the Government’s objective is to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 97 states that existing open space should not be built upon unless: an assessment has clearly shown the open space to be surplus to requirements; loss would be replaced by equivalent or better provision in terms of quantity and quality; development is for alternative sports and recreation provision which outweighs loss.
- Paragraph 109 – states that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of well designed buildings and places is fundamental to what the planning and development process should achieve.
- Paragraph 127 sets out the principles to achieve high quality design, including: developments that will function well and add to the overall quality of the area; visually attractive; sympathetic to local character and history; establish a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible.

#### d) Relevant Planning History

The site has an extensive planning history relating to the various phases of the Aylesham Village Expansion, including numerous amendments to previous consents. The following applications are those which are considered to be materially relevant to the current application:

DOV/07/01081 granted in 2012 – A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic

management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off-site highway works: and

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works, including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village.

Since the original grant of permission, a number of applications to vary the conditions were submitted including 14/01206, 14/00338, 14/00759 and 13/00120. The latest application was variation of conditions under application no 15/00068 which was granted in 2015. Each time conditions are amended, a new outline permission is created but in the meantime, the original permission has been part implemented through the approval of Reserved Matters for the various early phases. This is important in that the original permission remains extant and therefore is capable of being fully implemented should the developer so desire (subject to approval of reserved matters) notwithstanding whether there have been any changes in government or local development plan policy in the meantime.

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

Public Representations – 5 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Increase in traffic – potential for rat runs through villages
- Loss of open space
- Need for more amenities in area
- Social housing should be retained
- Original conditions should be retained
- Too much profit being made by developers
- Climate friendly project being changed to profit led development
- Loss of informal footpath to Cooting Road
- Development in phase 2C would be very close to adjoining industrial works

Aylesham Parish Council – concerned about potential noise nuisance on Cooting Road parcel of land; no social housing; parking condition should be re written; questions why sustainable homes condition is being removed.

Wingham Parish Council – objects on the grounds that traffic has not been adequately assessed since the surveys of 2014. Concerned about congestion at junction of Red Lion with A257 which is already congested.

Shepherdswell Parish Council – considers that SPA mitigation is required.

Ward Councillor – supports Aylesham Parish Council comments and is concerned that social housing has been replaced by affordable housing. Priority for S106 monies should be that they go to Aylesham.

**Technical Representations**

Network Rail – No comments.

Kent Police Crime Prevention Officer – Makes a number of recommendations regarding detailed layouts aimed at reducing impact of crime.

Kent County Council Archaeological Officer – No specific comments and notes that the overall archaeological framework for the development area has been previously agreed.

Southern Water – No objections.

Kent County Council Rights of Way – Notes that current discussions being held with developers in relation to diversion of existing public footpaths.

Kent County Council Lead Flood Authority – No objections to proposals for surface water discharge.

Natural England - No comments on removal of conditions. Would wish to be re consulted if adverse impact upon natural environment.

Environmental Health – Concerns about potential noise from industrial units in relation to proposed development on the Cooting Road parcel. Noise assessment needs to be carried out.

Environment Agency – No comments.

Kent County Council Development Contributions – The following contributions have been requested as an update to categories of contributions previously agreed as part of the current S106 Agreement. Primary education - £224,370; secondary education £277,790; Health Centre rental £36,268; Independent living technology £1,301; Library contributions £8,317.50; Youth provision £9,825; community learning £2,463; Improvements to waste recycling centres £13,908. Further requests are made to ensure provision for wheelchair adaptable dwellings and for the installation of high speed fibre optic broadband.

Planning Casework Unit, Department for Communities – Responding on behalf of the Secretary of State in relation to being consulted on the Environmental Impact Assessment Addendum, the casework unit has no comments to make.

Highways England – Following receipt of revised plans/ information no objections are raised towards phasing. Previous concerns regarding traffic generation have also been satisfactorily addressed following further traffic surveys in December 2019 and clarification on methodology used. In particular it is noted that based on actual surveys there is a reduction in around 30 two way trips for both the am and pm peak than was originally envisaged and consequently there are no further comments. Although some amendments such as deletion of the proposed live/work units, may increase traffic generation, impacts are likely to be small. No objections are raised to the revised Travel Plan. In summary Highways England is satisfied the proposals will not affect the safety, reliability or operation of the Strategic Road Network and consequently no objections are raised.

KCC Highways - Following receipt of revised plans/ information, KCC Highways accepts that on the basis of actual surveys carried out in December 2019, numbers of overall trips from 1360 dwellings would be less than previously assessed and agreed for 1210 dwellings. Overall it is considered that the proposal would be unlikely to lead to a greater number of trips on the highway network than that anticipated when the 2007 application was approved. The amended Travel Plan is acceptable. Details relating to junction alterations are considered satisfactory. Proposed alterations to the Cooting Road link are considered acceptable in principle although further amendments are required in relation to pedestrian safety crossing Cooting Road. Re assurance is requested that details of roads, visibility splays etc are covered in other conditions. Finally, the comments of Wingham Parish Council are noted, and it is advised that the concerns will be considered in the next Village Traffic Impact Assessments submitted with future detailed housing



phases. In that respect, it is noted that updated traffic surveys for these have been delayed by the Covid 19 pandemic.

Sport England – Raises no objections to the proposal.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site comprises the Aylesham Village expansion area which includes the existing village of Aylesham itself, together with the new development areas which mainly lie on adjoining land to the north of the built up area. The total area of expansion is approximately 56 hectares, compared to the original village size of approximately 120 hectares. The overall site is broadly bounded by the Adisham Road (B2046) in the north, Cooting Road to the west, Spinney Road to the South and Ratling Road to the east. Development of the early phases is well underway and over 700 houses and flats are now occupied together with supporting infrastructure such as shops, open space, new roads and play areas.
    - 1.2 Because of issues of viability as construction has gone on, and in order to respond to current market conditions, the developers now propose a number of changes which form the basis of the current submission. These include: an increase in the overall number of units by 150 from 1210 to 1360; removal of the requirement for live/work units; amendments to the phasing plan, including the relocation of proposed allotments; and an increase in the amount of affordable housing on the site from 20% to 22% (58 out of the proposed 150 units).
    - 1.3 The application has been submitted as an application to vary conditions under section 73 of the Planning Act. In addition to other conditions listed above, the fundamental one is condition 2 of 15/00068 which limits the total number of units to 1210. Although this is a slightly unusual procedural route, following legal advice submitted by the applicants in support of such a process, officers consider it is valid and have processed the application accordingly. As referred to above, in effect, a new permission would be created if members accept the officer recommendation, and therefore can be subject to new conditions as well as any required S106 Agreement relating to developer contributions. The assessment is therefore fully subject to new considerations although clearly the existing extant outline permission and completion of early phases remain material considerations which carry significant weight in the decision making of this application. Members are asked to bear that in mind in reaching a decision.
  - 2 **Main Issues**
    - 2.1 The main issues are:
      - The principle of the development
      - Conformity with the SPG and Aylesham Design Code
      - Affordable Housing
      - Open Space provision
      - Environmental Impact Assessment addendum (Traffic, Noise and Air Quality)
      - Ecology
      - Development Contributions
      - Other Matters
      - Variation and removal of conditions

### **Assessment**

#### **Principle**

- 2.2 The proposed increase in housing units is all to be accommodated on land already identified for development and included within the extant outline permission. In particular no new greenfield land is proposed for additional housing, there would be no loss of any identified open space and all proposed Strategic Infrastructure works will be undertaken. As such, it is considered that the additional housing would remain consistent with saved policies in the 2002 Local Plan, with the exception of policy AY1 which relates to the overall numbers of units.
- 2.3 In terms of housing supply, whilst the Council is currently able to demonstrate a five year supply with regard to allocations and permissions, its actual rate of housing delivery is below the Government's Housing Delivery Test. Given that construction is well advanced and that some of the future phases at least are likely to continue at current rates, any boost to both supply and actual delivery is to be welcomed. This is consistent with advice within the NPPF which says that proposals should make efficient use of land, taking into account the need for development and market conditions.
- 2.4 The deletion of the area previously identified for live/work units arises because of the developers report a lack of any local demand. This is backed up by work being done on the review of the Local Plan where the 2017 Strategic Housing Market Assessment (SHMA) indicates that there is little actual demand for such units. Additionally, a number of the larger units already built and those in later phases, include provision for smaller bedrooms which could also be utilised for homeworking if required. Future phases will include a mix of housing and size of units so this opportunity will continue to be available. Accordingly, it is not considered reasonable to insist on the provision of live/work units. Instead, it is proposed to develop that area for wholly affordable housing, which has sometimes been difficult to deliver on other housing sites and is therefore to be welcomed in principle. This is considered in more detail below.
- 2.5 The anticipated breakdown of house types from the increase in numbers is likely to be 110 flats and 40 houses. This has been demonstrated through Reserved Matters submitted to date, but not determined, and informal layouts for future phases. Such a mix responds to market conditions which is indicating a higher demand for smaller units, but in overall terms a variety of housing types and size would still be present throughout the development, consistent with the original SPG and Policy CP4 in the Core Strategy.
- 2.6 The proposed changes in phasing reflect a more logical continuation to building on adjacent sites which will enable a smoother transition between construction projects. There is no radical departure from the originally approved phasing in that the same areas for development are included, together with indications as to when Strategic Infrastructure such as play areas and open space will be delivered.
- 2.7 Drawing the above together, provided that more detailed considerations are acceptable in terms of built form and other technical issues, which are considered below, there is no objection in principle to the proposed increase of 150 units.

#### Compliance with SPG and Design Code

- 2.8 The increase in the 150 units is to be achieved by a total of 48 affordable units on phase 2C, with the remaining 102 units spread between 4 other phases. As referred to above, the majority of these will be flats with the increase in numbers achieved through a combination of smaller units than previously approved and slight increases in height.

- 2.9 In support of these increases, schematic plans have been submitted to show how increases in density and storey height would impact on the development as a whole. In terms of density, the main increases would be along road frontages in areas already identified for higher density development in both the SPG and the Design Code. These would be similar to the areas of development already completed for parts of phase 1 such as Dorman Avenue North. Visually therefore there will be no significant difference given the spread of units throughout the whole area. The exception would be for phases 2D and 2E where a slightly higher density is proposed than originally envisaged. However, such a density would be directly comparable with adjoining existing built development and would therefore not look out of context. Similarly, in terms of storey heights, the majority of development will continue to be two storeys, but with pockets of three storey buildings at key vista points such as at the end of a road or area of open space. Again, this is consistent with guidelines already within the Design Code and has taken place in the early phases of the development.
- 2.10 The detailed implications of the increase in numbers and any three storey heights will be assessed in individual Reserved Matters submissions, three of which have currently been submitted in respect of phases 2B.2, 2C and 2D. Although these are yet to be determined, early assessment of the overall layouts demonstrate that the minor increases in density and storey heights can be accommodated without conflict with the approved SPG or Design Code. Should that not be the case however, either with the existing submissions or for the future submission of Reserved Matters, there would be a separate decision making process in place for the Council to consider the merits or otherwise of those application submissions. The current development proposal therefore relates more to the principle than the detail.
- 2.11 Schematic plans have also been submitted to show that proposed changes to phasing and increase in numbers will not affect issues such as disposition of land uses and overall pedestrian connectivity. Some changes are proposed from the previously agreed masterplan. In particular, the proposed allotments will now be at the north eastern end of the site adjacent to Ratling Road and a proposed community woodland area. These are considered to be acceptable and as above, the detailed considerations will be addressed through either separate Reserved Matter submissions, or through individual discharge of conditions.

#### Affordable Housing

- 2.12 The original approved SPG required that the development provide 20% of the total number of dwellings as affordable dwellings. Policy DM5 of the Core Strategy would now increase that figure to 30%, but the development to date has been built in accordance with a 20% provision target since that forms the basis of the approved outline permission and supporting documents. The principle has also been that the design of the buildings would not differ from that of the market housing with the same house types and materials being used. As such, the affordable housing areas would be indistinguishable from the market housing.
- 2.13 The phases to date have delivered 169 affordable dwellings in keeping with the principles outlined above. In looking at a revised strategy, the developers are proposing an increase to 25% affordable for the remaining phases so that eventually the overall level of provision will be 300 new affordable dwellings which equates to 22% of the overall total.
- 2.14 Such an increase is to be welcomed given the difficulties of delivering affordable housing generally, as referred to earlier. Although phase 2C with 48 dwellings is proposed to be wholly affordable, the limited size of the site and the inclusion of a

number of flats would make it difficult for integration with open market housing as has been done elsewhere. However, the site directly adjoins existing residential areas and the design approach will be the same as the remainder of the new development in terms of architectural style, detailing and use of materials.

- 2.15 With regard to concerns expressed by the Parish Council and Ward Councillor in terms of loss of social housing, that is not the case as indicated above. It is primarily a question of terminology and the management of the affordable housing will still be delivered through appointed Registered Providers who will ensure that the provision of different tenure types will be available at less than market prices. This is normal practice and has been the case for the existing early phases of development. Condition 64 of the current outline permission will remain in force which requires approval of details of tenure type and management arrangements by an affordable housing provider.

### Open Space

- 2.16 The original outline permission was accompanied by an Open Space, Sport and Recreation Study. This set out details of where areas of informal open space, formal areas and also play areas were to be located throughout the development. Since that time there have been some alterations to formal play areas in particular with the deletion of formal playing pitches at Aylesham Primary School, Ratling Road, and Crescent Hill Park. The first two were agreed by the Council in 2014 on the basis that there would be financial contributions towards further formal playing space through a revised S106 Agreement. This was subsequently included and those monies remain available. The deletion of the junior pitch at Crescent Hill Park has recently been proposed on the basis that recent studies have shown it would not be suitable for a formal playing pitch. Instead, the intention is that this would become informal open space together with the inclusion of a formal children's play area.
- 2.17 Because of the above, the applicants were requested to provide an up to date analysis of open space in accordance with the standards set out in Policy DM27 of the 2015 Housing Allocations Plan. That policy provides the standards to be provided for various types of open space based on hectares (ha) per 1000 population.
- 2.18 The analysis demonstrates that even allowing for the additional 150 dwellings, the overall level of provision of open space throughout Aylesham exceeds the standards by 2.22 ha. Breaking that down into the various component parts, the level of informal accessible open space exceeds the standards by 2.96 ha whilst equipped children's play areas (of which there will be four throughout the development in addition to a skateboard park) exceeds the standards by 1.61ha. The provision of allotments and community gardens is slightly below standard with a deficit of 0.71 ha. However, the proposed new allotment site will be larger and more usable than the previously agreed site which was on a narrow strip of land between two rows of existing houses.
- 2.19 In terms of formal outdoor open space provision, the analysis shows that there would be a deficit of 1.63 ha when assessed against current standards. In that respect, a recent draft report for the Council to look at a review of the current playing pitch strategy has identified the existing 3G pitch at Aylesham Welfare Sports Ground as in need of upgrading. Following discussions with officers, the developers are therefore proposing a short and long term strategy to address formal outdoor space provision.

- 2.20 In the short term a financial contribution of £97,758 will be provided on the back of the current proposal for the increase in 150 dwellings, in order to fully fund the upgrading of the 3G pitch. In the longer term, further discussions will be held with the operators of the welfare sports ground in order to assess the potential for future formal sports provision on that site and to ensure it can operate on a commercial and sustainable basis. Existing financial contributions for formal sports provision which have either been submitted already, or are due upon formal completions of future phases, can then be used towards the provision of such facilities. However, it is recommended that the scope of use for those contributions be widened slightly in the revised Section 106 to relate to sport and leisure purposes generally. This would give greater flexibility depending upon the extent and range of need established, including community driven projects discussed below. That process has now commenced, and discussions are underway to appoint consultants to carry out the necessary appraisals. Officers are supportive of such a strategy as a means of ensuring a satisfactory level of formal sports and leisure provision within the Aylesham development, to serve both the existing and new residents on a long term basis. Members will also note that Sport England raises no objections to such an approach.

#### Environmental Impact Assessment – Transport, Air Quality and Noise

- 2.21 When the original planning application was submitted for the expansion of the village (application 07/01081), it was accompanied by an Environmental Assessment to consider all the various environmental effects associated with the development. These were taken into account in the decision to grant planning permission. An addendum to that Environmental Statement (ES) was subsequently submitted in connection with a variation of the original permission in 2013 (application 13/00120). A second addendum to the ES has been submitted in relation to the latest proposal and it was agreed with officers, through a formal scoping opinion, that any additional likely impacts would arise from traffic and transport, air quality and noise. Accordingly, the revised ES addendum considers those topic areas.

#### Traffic and Transport

- 2.22 The 2008 transport assessment which accompanied the first master plan collected traffic data from eight sites on the local road network. Applying that data to nationally accepted TRICS (Trip Rate Information Computer System) rates, traffic flow forecasts for the originally approved 1210 dwellings were then calculated. These showed that it was anticipated that the proposed development of 1210 dwellings would generate some 750 vehicle movements in the am peak and 786 in the pm peak. Such traffic flows were considered to be acceptable on the local road network, subject to certain improvements at various junctions. A transport assessment submitted with the current application updated the survey information with additional surveys at two locations. This showed that results were not dissimilar from the 2008 study and with various junctions having been improved since, it demonstrated that the roads and junctions would have spare capacity to accommodate additional vehicles and that no further mitigation was necessary.
- 2.23 In order to gain a more accurate picture of actual traffic movements bearing in mind that over half the development is now complete and occupied, Highways England and KCC Highways requested more up to date survey information which assesses the actual and projected trip generation. This was carried out in December 2019 using a completed occupancy of 747 dwellings and based on survey data using camera technology. However, the actual occupancy rate at that time from Council records shows that a total of 722 dwellings were occupied. Applying the data recorded to the trip rates, KCC estimates that even for the

projected increase of 150 dwellings and therefore a total of 1360 dwellings, the projected increase in traffic movements would be 723 movements in the am peak and 737 in the pm peak.

- 2.24 Clearly that would be less than originally allowed for in terms of overall traffic generation and which has been accepted by the Council in terms of impact on the local highway network and nearby junctions. On that basis, KCC does not consider that the proposed increase in 150 dwellings would have any significantly greater impact in highway terms. Members will note that Highways England also accepted the revised traffic predictions and similarly raises no objections in terms of any increased impact upon the Strategic Highway Network.
- 2.25 Whilst the overall increase in numbers of vehicles from the additional 150 dwellings is considered to be acceptable, there may be variations in terms of trip distribution around surrounding roads which may alter local highway conditions or junctions. Wingham Parish Council for example has expressed concern about the impact of additional traffic at the junction of the B2046 with the village at the former Red Lion public house. Although some increase in traffic at that junction was always anticipated and expected, it may be that the precise levels have changed because of driver behaviour not predicted at the time. For this reason, condition 72 of the current permission requires Village Traffic Impact Assessments (VTIA) to be submitted with each phase of development to identify impacts upon surrounding villages. Such assessments also require details of any necessary traffic mitigation measures to be implemented.
- 2.26 The condition is to be retained but proposed to be amended as it was considered onerous for a full assessment for each phase if only a limited number of additional dwellings were proposed. Updated surveys were planned for April /May 2020 but have been suspended because of the national pandemic. It is likely that these will be carried out in September 2020. However, the key point is that for future detailed phases of development, the assessments will pick up any variation in trip distribution that was not originally anticipated, and if necessary, provide for any mitigation that might be required.

#### Air Quality and Noise

- 2.27 In relation to Air Quality, detailed modelling and predictions were carried out which were compared to the original forecasts relating to potential increases in air pollution arising, primarily from traffic generation. These were in relation to the development generally, and in particular to Aylesham Primary School. Additional impacts were shown to be negligible and no additional measures were identified as being needed, arising from the increase in the numbers of dwellings proposed.
- 2.28 With regard to Noise, the approved 2008 ES and the first addendum to that ES demonstrated that subject to suitable mitigation, there would be no significant adverse effects arising. The updated ES also concludes that would largely be the case, including the proposed changes to the phasing of development. In relation to the proposed change of the live/work units to standard residential development on phase 2C, the analysis shows that there would be no change in noise considerations due to traffic generated noise. However, there might be some potential effects arising from existing industrial sound which would need to be considered further. Representations have raised similar issues.
- 2.29 In order to address the above, a noise assessment survey for the Cooting Road parcel of land has been submitted with the application documents which demonstrates that subject to satisfactory mitigation measures in terms of layout, careful positioning of window openings or acoustic glazing, the impact would be

acceptable in relation to adjoining industrial noise. The precise details would depend upon the detailed layout and would be further assessed with the Reserved Matters submission for that phase. However, it demonstrates that some form of residential development would be acceptable on that part of the site and would comply with national standards in relation to noise.

### Ecology

- 2.30 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.
- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 For proposed housing developments in excess of 14 dwellings (such as this application in relation to the proposed increase in 150 dwellings) 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 secured a payment to fund this mitigation at the outline application stage.
- 2.36 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.

### Development Contributions

- 2.37 The original development was approved with a S106 Agreement which related to a range of development contributions paid for by the developer. These were considered to be necessary in order for the development to be acceptable and

without creating an unreasonable burden on community infrastructure. Revised S106 Agreements have carried these contributions forward with various amendments. The current Agreement signed in 2015, provides for just under £5 million pounds in total in terms of various contributions, and well over that figure when index linked to the actual payment of such contributions. In that respect, the existing Agreement contains a number of trigger points, based on numbers of units being occupied, which then provides for phased payments of the various contributions. To date, contributions have provided for key infrastructure such as the rebuilding of Aylesham Primary School, contributions towards secondary education in the District, rental of rooms within Aylesham Health Centre, the funding of a Community Development Officer to assist the integration of new residents with the existing community, a youth project, the provision of a skate board park and an artificial grass playing pitch.

- 2.38 Significant monies remain to be allocated because detailed projects such as those relating to sustainable transport, have not yet been finalised, or the payment has not yet been triggered. However, the key point to note is that with the exception of contributions geared towards secondary education (because there are no secondary schools within Aylesham) all other contributions have or will be spent in Aylesham itself.
- 2.39 Since the nature of the development has not significantly changed in terms of it being anything other than housing, and that there will continue to be a similar housing mix, albeit with a higher proportion of smaller properties, the framework for existing contributions was used as the basis for updating additional contributions required in connection with this development. As part of that process, officers have sought to make sure that all the contributions requested would be compliant with the Community Infrastructure Levy (CIL) Regulations and the policy tests set out in the NPPF. Essentially, contributions are required to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 2.40 With the above in mind, officers and the developers have now agreed the following list of additional contributions as being necessary to the development and satisfying the CIL and NPPF tests. The figures include some index linked adjustments where original figures have been used and the formal Agreement will make sure that the index is applied to all future payments : 1) Continuation of contributions to the funding of the Community Development Officer post - £32,513; 2) Contributions for primary education in relation to an additional one form entry at St. Joseph's primary school (to be used in conjunction with existing contributions) - £224,370; 3) Additional contributions to secondary education - £277,790; 4) Continuing contributions towards rental of rooms in the Health Centre to facilitate occupation by Carers Support for East Kent - £43,632; 5) Digital Care technology for the elderly in Aylesham to enable them to live independently in their own homes - £1,565; 6) Additional contributions towards library books in Aylesham library - £8,317; 7) Additional contributions towards sustainable transport - currently identified towards increased bus provision connecting Aylesham with Dover and Canterbury - £87,992; 8) Additional contributions towards mitigation for the Thanet and Sandwich Bay Special Protraction Area - £8,948; 9) Contributions towards Adult Education services within Aylesham - £2,463; 10) Contributions towards the replacement of the existing 3G pitch at Aylesham Sports Ground as referred to earlier in the section on open space provision - £97,758. 11) Additional contributions towards maintenance of existing approved public realm, primarily arising from increased wear and tear from a further 150 houses. All maintenance of open space is now to be carried out by the District Council. Detailed figures are awaited but a pro rata increase of the previous level of contributions towards public



realm would amount to £193,693. The final figure is likely to be significantly less but has been allowed for at this stage for the purposes of viability calculations.

- 2.41 In addition to the above, KCC had also requested a contribution of £13,908 relating to improvement works at recycling centres in Dover District, aimed at increasing their capacity. This is a fairly new request from KCC and the detailed justification is due to be circulated shortly in a revised Development Contributions consultation document due out this summer. Until that has been assessed and the District Council comes to a formal view on the matter, officers consider that it would be unreasonable to require such a contribution in relation to current developments, including this proposal. With regard to the request for wheelchair accessible dwellings, the current agreement allows for the provision of 4 one bedroom homes designed specifically for wheelchair occupants, and this will be carried forward in the revised Agreement.
- 2.42 The total of the above amounts to a further £991,331 making a total of nearly £6 million of contributions which the total development will have provided for the wider Aylesham community by the time it is completed. The latest requirement for contributions will be incorporated within a revised S106 Agreement.

#### Community Bids for S106 Contributions

- 2.43 When it became known that the current application would attract further development contributions, a series of bids emerged from local community groups for funding towards local projects. Officers were aware of potential interests and advice was given prior to bids being made that any such requests would need to meet the requirements of the CIL Regulations. In addition, it would need to be understood: when any funding allocated would actually be used; how any project would be delivered; if a request was for the whole funding; and at what stage the project was at i.e. if the project couldn't be delivered, it wouldn't meet the CIL test of making the development acceptable in planning terms. It was also advised that should bids come forward, it would be necessary to consider whether other services/facilities existed locally that might be capable of meeting the need identified.
- 2.44 Four such bids were received which are as follows:
- A community hub proposal to provide a facility that meets the needs of all age groups and where people can meet for entertainment, the arts and family recreation. This is a well developed proposal by a group calling itself Aylesham Hub Ltd. which is registered as a Charitable Community Benefit Society. The details of the project's total costs and funding opportunities are considered to be commercially sensitive by the Group who have asked that they should not be shared. However even with a sizeable request for S106 monies, it is clear that there would be a significant funding gap to deliver the project.
  - Additional funding for the existing Sunshine Corner Nursery at Aylesham Primary School but with no specified amount.
  - A request for £20,142 from Nonington Parish Council towards speed reduction measures on the road through the village. The amount relates to the various component parts identified, such as warning signs and road build outs.
  - A variety of ideas from a member of the public including provision of water butts and washing lines for new houses, improvement to the Co-op car park, an updated street plan of the new development, addition of bus shelters, a new post box, relocation of the library and a new public house.
- 2.45 Whilst all the above bids are interesting ideas and community driven, they are either not yet sufficiently developed, proven to be necessary or fully funded to

satisfy the various CIL Regulations identified above. They are also outside of the main areas of the Development Contributions framework previously established for the development to date, for which there has been established and ongoing proven need. However, that is not to say that they should necessarily be discounted at this stage in that the projects identified or parts of them at least, may come forward in connection with the main contribution headings indicated above, subject to further work being carried out on funding, proven need and deliverability. For example, in connection with the community hub, there is already a substantial sum from existing contributions set aside for a new sports hall and it may well be that the two projects could be combined in some way if the definition of the existing contributions is widened to include reference to sports and leisure purposes generally as previously mentioned. The deliverability of such a project would need to be the subject of further investigation. With regard to the request for traffic management measures, the requirements could potentially come forward from the detailed village traffic management assessments referred to earlier, should that requirement be proven, whilst nursery funding could potentially fall within either the education or youth provision headings.

- 2.46 At this stage, officers advise that the contributions listed earlier should be the main ones required of the developer as meeting the full test of CIL requirements. Additionally, officers would point out that the Development Contributions Executive Committee (DCEC) may also have a part to play in this process. The role of this committee is to advise where there are competing priorities for development contributions or where there are competing projects, and to make recommendations to the Executive or Planning Committee accordingly. Indeed, this was how the existing skateboard park on Abercrombie Garden East was delivered. Officers consider that the DCEC would be best placed to deliberate further on any emerging community bids should they be in direct conflict with other projects arising from the established framework of contributions, and therefore it is not necessary to decide on them in any detail in connection with the current proposal.

#### Other Matters

- 2.47 A detailed flood risk assessment has been submitted which notes that the area is in Flood Zone 1 and has a low annual probability of flooding from fluvial sources. Since the houses will be set slightly above ambient ground levels, no flood mitigation measures are proposed. Previous surface water discharges have been from shallow soakaways and deep bore soakaways, and it is anticipated this will continue, together with a continuation of existing SUDs methods, including storage of storm water. Foul drainage will be routed into the foul sewerage network by gravity. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.
- 2.48 A detailed travel plan has been submitted which outlines proposals to encourage users to travel by alternative means of transport, including rail, bus and cycling. Targets are included within the Plan, including monitoring and review, and it will remain 'live' for the duration of the development. The Travel Plan includes reference to sustainable design improvements throughout the site to encourage cycling and walking, traffic calming, enhancement of facilities at the railway station and bus improvements. In respect of the latter, reference is made to the substantial S106 funding of £590,000 towards such provision. Travel Plan co-ordinator's have been appointed and welcome packs provided for new residents. KCC made some initial comments in relation to the original submission but is now supportive of the revised Travel Plan.

- 2.49 In respect of other highway matters, the current proposals include amending a section of the Cooting Road link to Boulevard Courrieres to allow two way vehicle movements. The reason for this is that the bus operator does not use the previously agreed restriction for buses only on a two way basis. KCC is satisfied that it would not have any significant impact upon traffic flows or the highway network, subject to further details on pedestrian crossing safety. This is currently being finalised at the time of report compilation. KCC is also satisfied that submitted highways evidence shows that it is no longer required to have any alterations to the junction of Spinney Lane with Adisham Road, or to the Woolage village junction.
- 2.50 At the time of report preparation, the phasing numbering is in the process of being amended to reflect the land agreement. This is purely an administrative purpose with no planning implications, the delivery and size of each phase being the same. Revised plans and documents will be updated accordingly prior to the formal issue of any decision.

#### Variation and Removal of Conditions

- 2.51 The current hybrid permission granted under 15/00068 has 123 conditions attached to it. Some of these are required to be amended as a result of this application, such as the condition limiting total numbers of units. Others such as those relating to the full permission are no longer relevant since that section has been fully built out. For others, the opportunity has been taken to review the list of conditions in the light of recent construction and experience to date and to either remove those no longer necessary or revise/combine others so that future discharge of conditions will be more manageable. The details are as follows:

**Condition 1 – *Approved plans*** – to be updated accordingly

**Conditions 2-56** – to be removed as they relate to the full permission for the early phases which have now been built out.

**Conditions 58 & 67 – *Both relate to phasing***. To be combined and updated.

**Condition 61 – *Marketing accommodation*** – No longer required as no further marketing centres proposed.

**Condition 62 – *Total number of dwellings*** – To be amended to reflect the increase from 1210 to 1360 dwellings.

**Condition 65 & 107 – *Live/work Units*** – To be removed as lack of demand is accepted.

**Condition 66 – *Design Code*** – Amended to reflect updated Design and Access Statement submitted with this application.

**Conditions 68 & 69 – *Public Realm maintenance and management*** – Remove as it has now been agreed that DDC will manage all areas of open space on the site, paid for by a commuted sum as part of the S106 Agreement.

**Condition 70 – *Parking spaces total*** – Remove as parking considered as part of assessment for each Reserved Matter submission.

**Condition 71 – *Travel Plan*** – Amend to compliance only as Travel Plan for the remainder of the site approved as part of this submission.

**Condition 72 – Village Traffic Impact Assessment** – Amend to refer to scheme to be submitted prior to occupation of remaining phases, rather than with the reserved matter applications. Proposed survey delayed owing to pandemic and there is an important need to ensure continuity of construction to aid economic recovery. Also, provision to be made to include final VTIA at end of development.

**Condition 73 – Junction Improvements** – Amend to further details being required for junctions 8 & 9 only.

**Conditions 74, 77 & 78 – Details of roads and sight lines** – Remove as such details are considered as part of assessment for each Reserved Matter submission.

**Condition 80 – Underground ducting** – Remove as that is the practice for the whole site.

**Condition 82, 83,84 & 85 – ecological conditions including bat and reptile surveys** – Amend to compliance conditions as survey work and strategy proposals have been completed and approved separately.

**Condition 92 – earthworks** – Remove as no significant earthworks proposed on remaining phases.

**Condition 95 – Allotments** – Amend to reflect changes in phasing.

**Condition 99 - Open space at Hill Crescent** – Amend to reflect that area will now be informal open space and a children’s play area rather than a formal playing pitch.

**Conditions 100 & 103 – Surface water drainage** – Combine as both relate to the same issue.

**Conditions 104, 105 & 106 – Code for Sustainable Homes, BREEAM and energy strategy** – Remove as Government has since changed approach so that requirements for sustainable homes requirements and energy strategy previously set out in Planning policies, now considered as part of Building Regulation approval. BREEAM requirement only related to Live/Work units.

**Condition 108 – Workforce agreement** – Remove as established procedures are now in place for existing and future part of development.

**Conditions 109 & 110 – Site Waste Management & Environmental Plans** – Remove as procedures are now in place and also covered by developers code of construction.

**Conditions 112 & 113 – Noise mitigation** – Combine to be one condition.

**Condition 121 - Construction Method Statement** – Amend to reflect updated procedures.

**Condition 122 – Construction Method Statement** – Remove as duplication with condition 121.

### 3. **Conclusion**

- 3.1 In officers’ view, the addition of 150 dwellings over and above the approved number of 1210 dwellings can be achieved without adversely impacting upon the

principles established with the SPG and the Design Code. In particular, no new areas of development land are proposed and densities and storey heights will be compatible with existing approved development. The detailed considerations can be assessed through individual Reserved Matter submissions which will involve a separate decision making process. There will be adequate informal open space and play areas to accommodate the additional number of dwellings. Whilst there is a slight deficit in formal outdoor playing provision, it will be addressed through upgrading of an existing 3G pitch, together with a review of other existing playing pitch facilities. The latter will ensure that existing contributions for such additional provision are allocated in a sustainable and commercially sound basis. The provision of additional affordable housing is to be welcomed and will increase the overall % of affordable housing throughout the site.

- 3.2 The conclusions of the revised ES addendum have been considered and accepted. Traffic assessments based on data arising from actual flow rates of completed development to date, indicate that even allowing for the overall increase in numbers of dwellings, the total number of vehicle trips is likely to be less than originally predicted and previously accepted by the Council. Further analysis of both air quality and potential noise pollution indicates there are unlikely to be problems, including on the Cooting Road parcel of land where a detailed assessment demonstrates that a development can be acceptable on that site.
- 3.3 In relation to Development Contributions, the developers have agreed to almost a further £1 million of contributions towards provision of infrastructure within Aylesham, making a total of nearly £6 million for the whole development. Whilst the Community Bids received for such contributions do not presently satisfy the CIL requirements and are outside the previously agreed framework of contributions, there may be scope to consider them at a later date subject to further investigation, as referred to earlier.
- 3.4 The revised conditions will ensure a more manageable discharge of conditions for future phases, whilst ensuring that sufficient detail is submitted to ensure quality development.
- 3.5 In summary, officers consider that the proposed increase in 150 dwellings does not give rise to any planning objections or a departure from the previously agreed approach towards new development at Aylesham in terms of principles and quality of development. In that respect there is no conflict with Development Plan policy or national planning guidance referred to earlier in this report, and permission is recommended accordingly.

g)

**Recommendation**

- I Subject to completion of S106 agreement in relation to Development Contributions and amendment of conditions as set out in the report above, OUTLINE PLANNING PERMISSION BE GRANTED
- II Powers to be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters connected with the proposed S106 Agreement, in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Kim Bennett

DOVER DISTRICT COUNCIL

PLANNING COMMITTEE – 11 JUNE 2020

**EXCLUSION OF THE PRESS AND PUBLIC**

**Recommendation**

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

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Site at Hollyoak, Marshborough, Woodnesborough	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
	5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings