

# Public Document Pack



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25 August 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 3 September 2020 at 4.30 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. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Planning Committee Membership:

J S Back (Chairman)  
R S Walkden (Vice-Chairman)  
M Bates  
D G Beaney  
E A Biggs  
T A Bond  
J P J Burman  
D G Cronk  
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 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 23 July 2020 (to follow).

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**

(Pages 6-11)

5 **APPLICATION NO DOV/20/00249 - LAND AT 9 PARK AVENUE, DOVER** (Pages 12-18)

**Retrospective Application for Change of Use to a House of Multiple Occupation (HMO) for up to 7 people (sui generis)**

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

6 **APPLICATION NO DOV/20/00403 - LAND ADJOINING 22 BELVEDERE GARDENS, DEAL** (Pages 19-26)

**Erection of a detached dwelling and associated parking**

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

7 **APPLICATION NO DOV/19/01260 - LAND OFF CHURCH LANE, DEAL** (Pages 27-47)

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

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

8 **APPLICATION NO DOV/20/00358 - 90 NEW STREET, SANDWICH** (Pages 48-62)

**Erection of a detached dwelling (existing building to be demolished)**

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

9 **APPLICATION NO DOV/19/01025 - LAND ADJOINING 74 STANHOPE ROAD, DOVER** (Pages 63-92)

**Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping**

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

- 10 **APPLICATION NO DOV/20/00439 - PRESTON VILLAGE HALL, MILL LANE, PRESTON** (Pages 93-108)

**Erection of a village hall, creation of additional parking, bicycle parking, soft and hard landscaping and installation of new school safety barrier (existing village hall to be demolished)**

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

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

- 11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

- 13 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 109)

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**

- 14 **SITE AT CROSS ROAD, DEAL** (Pages 110-174)

To consider the attached report of the Heads of Governance and Planning, Development & Regeneration.

### **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.



## 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/20/00249  
9 Park Avenue  
Dover  
CT16 1ES

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/20/00249 – Retrospective Application for the Change of Use to a House of Multiple Occupation (HMO) for up to 7 people (Sui Generis) - Land at 9 Park Avenue, Dover**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework 2019 (NPPF)

Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.

Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and through providing safe and accessible places.

Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Kent Design Guide (KDG)

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

National Design Guide 2019

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

- d) **Relevant Planning History**

There is no relevant planning history.

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

Town Council: Raises an objection as; “there are a disproportionate number of HMOs in Dover compared to other towns in the district. Another HMO is likely to impact negatively on local amenities for current and future residents.”

DDC Environmental Protection: Has no observations.

Dover Society: Raises an objection on the over-intensification of use, the increase in on-street parking, the proximity of other HMOs and there has been an increase in HMOs in the Dover area in recent years that has placed stress on the area and a decline in its environment.

Public Representations: There have been 13 other responses received from the public consultation exercise, which raise objections to the application. The objections can be summarised as follows:

- The use would lead to additional parking on the road, where there is already high demand
- There is already an over-supply of HMOs in the area
- The proposal, alone and in combination with other HMOs, leads to an adverse change in the character and appearance of the area
- More refuse bins would be stored in the front garden area, and the property would be poorly maintained and its occupiers would be dis-interested in maintaining the appearance of the garden
- There would be a rise in anti-social behaviour and noise.

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

1.1 The application property comprises a four storey end of terraced building, with steps leading up to the ground floor and the main entrance to the property, and steps leading down to the basement area and passageway to the rear garden. There is a short, at grade, front garden area that is mainly hard surfaced that currently accommodates refuse bins.

1.2 The change of the use of the building took place in 2018 and is currently laid out as such:

- Lower Ground Floor/basement area: No.2 bedrooms, shower/WC, cupboard space, internal stairs to the ground floor, front entrance, rear bedroom has door to the garden
- Ground Floor: Lounge, open plan Dining Room and Kitchen, internal stairs, front entrance, dining room has a door and steps down to the garden
- First Floor: No.3 bedrooms, bathroom/W.C
- 2<sup>nd</sup> Floor/Attic Space: No.2 bedrooms, further room, shower/W.C.

1.3 There is a side gate and passageway to the rear garden area – access to the rear garden is also available from the shared dining room and the bedroom in the basement. The garden is mainly laid to lawn and contains a timber decked area, hard surfaced area and the potential to locate cycle storage and refuse/recycling areas.

1.4 The application building is an attractive late Victorian property, with no off street parking available in its front garden. It is located at the end of a terrace of similar properties – with steps up to the main entrance doors, and steps down to basement and rear garden areas.

- 1.5 Properties to the north of the application site are three storeys (without basement areas), and some of these have parking available within the front garden. Most of the properties along this stretch appear to have been built as houses, with some converted into smaller accommodation. There are also some purpose built flats.
- 1.6 The public responses refer to other HMOs within immediate proximity of the application site. In terms of the recorded planning history it appears that No.11 accommodates 3 flats, No.13 accommodates a bail hostel, No.15 accommodates 6 flats, No.16 accommodates 5 flats and No.18 is a home for the elderly. No.5 also appears as a care home. It seems that most of the other properties are family homes.
- 1.7 The recorded planning history might not accurately reflect the current uses of the nearby buildings; however, the information provides a degree of understanding as to the residential environment of the area.
- 1.8 The application property is located within the Dover area, within a residential environment, close to the town centre. On the eastern side of the road there are parking restrictions; whilst there is unrestricted parking along the western side of the road, along this stretch of Park Avenue.
- 1.9 The Proposal is to change the use of the building to a House in Multiple Occupation (HMO) to provide up to 7 single occupancy bedrooms. Apart from the bedrooms, the facilities in the house would be shared. This includes the lounge and dining /kitchen areas, bathrooms (with W.C) shower room with a W.C and access to the rear garden.
- 1.10 The applicant states that the property was acquired as an 8 bedroom property (including the small room in the attic space – which is not proposed as a bedroom under this application). The previous occupiers were a family of 7 people. No changes have been made to the room layout.
- 1.11 Cycle and refuse/recycling storage is proposed in the rear garden. No external alterations to the building are proposed.

## 2. **Main Issues**

2.1 The main issues are:

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

### Principle of Development

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

2.3 The Council does not have a development plan policy that seeks to regulate or limit the number of HMOs in any specific area. As such, each case needs to be determined on its own merits. However, there is support in the NPPF to

significantly boost the supply of homes where it is needed and that the needs of groups with specific housing requirements should be addressed.

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

#### Impact Upon Character and Appearance

- 2.5 The proposed change of use seeks to retain the residential accommodation provided within the building, although this will be of a different character to the previous use, as a family house. The proposal for an HMO within the context of the wider residential area would be appropriate to its residential character.
- 2.6 The previous occupation of the building needs to be taken into account. It accommodated a family of 7 people with 8 bedrooms. The current proposal seeks to accommodate 7 people in 7 bedrooms, with the smallest room in the attic not proposed as a bedroom.
- 2.7 The layout of the rooms has not been altered. As such, it is not considered that the proposed use of the building should be considered over-intensive as the rooms are being used in more or less the same way, as they were when the previous family lived there.
- 2.8 Ordinarily, the use of a building as a dwellinghouse is defined as either occupation by a single person or by people living together as a family, or occupation by not more than 6 residents living together as a single household (including a household where care is provided for residents). The proposed use will have strong similarities with the previous dwellinghouse use.
- 2.9 In view of the limited change in the nature of the use of the building, with no increase in the number of bedrooms within the building and with no external changes to the building, it is considered the proposed change of use will be compatible with the existing character and appearance of the area.
- 2.10 The refuse bins of the application property are currently located in the front garden (there were four at this officer's last visit). The properties immediately to the north (11, 13 and 15) have their refuse bins and containers within the front gardens of those properties and they do have an adverse impact upon the visual quality of the street scene. In particular, No's.13 and 15. The applicant has agreed to locate the refuse and recycling bins in the rear garden area – which in the location shown on the amended block plan.
- 2.11 There are no other obvious physical or visual signs that the building is in HMO use.
- 2.12 It is considered therefore that the proposal would assimilate within its immediate context and subject to suitable planning conditions, the use would not lead to a material deterioration in the visual quality or residential character and appearance of the area.

#### Impact Upon Residential Amenity



- 2.13 It is not anticipated that the proposed use of the building, with no increase in the number of bedrooms, will give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area.
- 2.14 The use has been taking place since 2018 and there have been no specific events reported through the consultation of this application that demonstrates that the use of the building harms the living conditions of the occupiers of nearby properties.
- 2.15 Although it is not anticipated or implied in the submitted business plan that there will be a significant number or certain type of visitor to the property, it is suggested that a Management Plan be sought from the applicant, through the imposition of a planning condition, to ensure that the operation of the use takes place in a manner that would be compatible with the occupation of the dwelling houses nearby.
- 2.16 In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded through the imposition of planning conditions.

#### Impact Upon Highway Safety

- 2.17 The unrestricted parking along the western side of the road is mostly used to capacity. It does not follow, necessarily, that the proposed use would lead to additional demand for on street parking that might cause harm to highway safety, or that the demand for on street parking would be materially different now from the demand generated by the family who previously lived at the property.
- 2.18 The proposed cycle storage area is welcome as an alternative means of providing travel to and from the site. In addition, the town centre is within a reasonable walking distance from the application property – thereby providing suitable and convenient access to goods and services for the occupiers of the premises.

### **3. Conclusion**

- 3.1 There is a need to accommodate single people in shared accommodation. In view of the retention of the same layout and reduction in the number of bedrooms, it is unlikely that the proposed use will materially affect the character and appearance of the area or the current living conditions of the occupiers of nearby properties.
- 3.2 A number of safeguarding conditions are recommended to help minimise the impact of the proposal, including the requirement for the submission of a management plan to be approved. With these safeguards in place it is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location.

### **g) Recommendation**

- I PERMISSION BE GRANTED with the imposition of the following conditions:

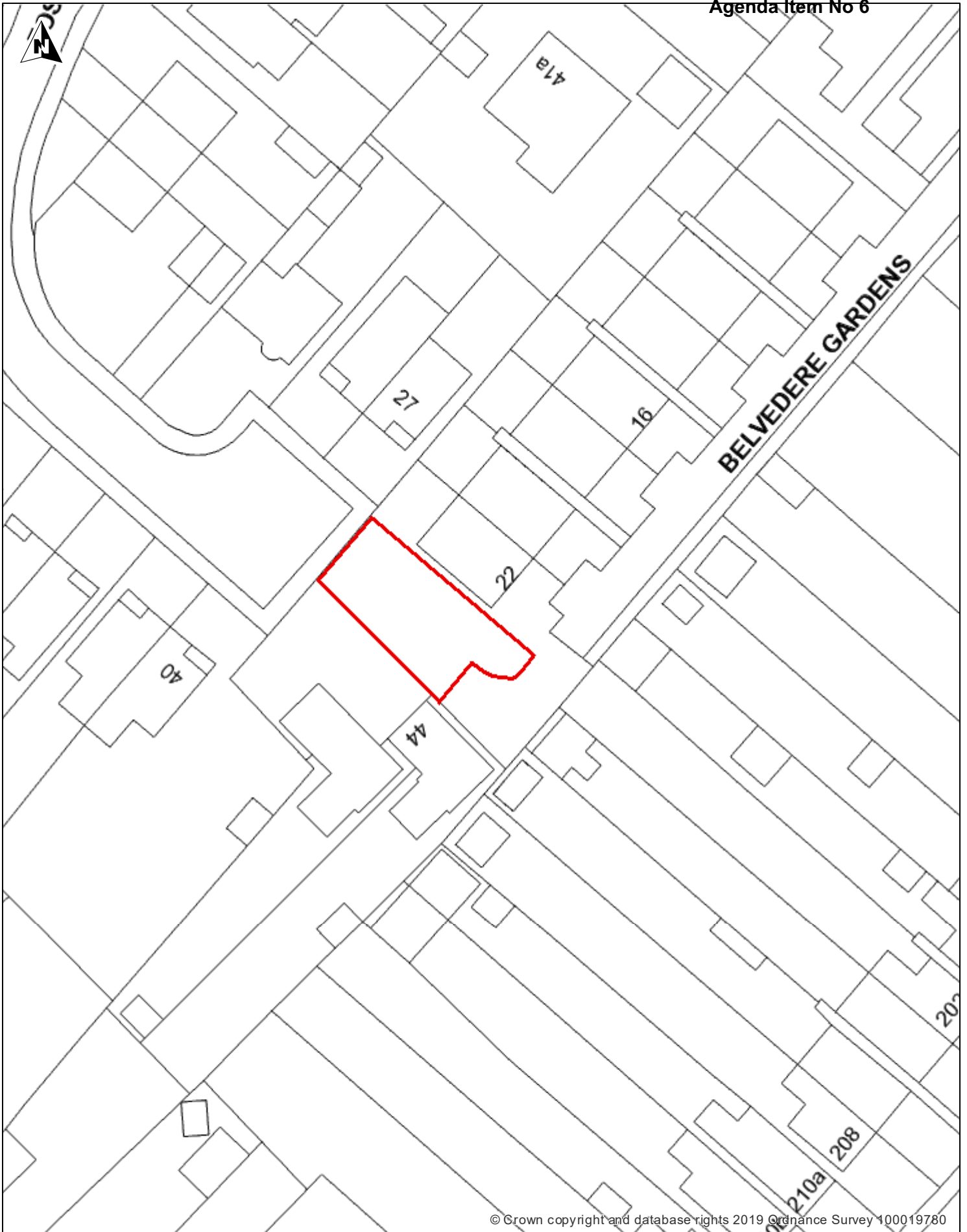
1) The layout of the building to be in accordance with the submitted drawings, (2) The use of the building to be limited to up to 7 persons at any one time, (3) The rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities, (4) A Management Plan to be submitted to and approved in

writing by the local planning authority within 3 months of the date of the decision. The Management Plan shall set out how the applicant will provide contact details and liaise with near neighbours and respond to concerns or complaints within a specific timeframe and monitoring how the use adapts to the local environment. (5) The premises shall not be open to visitors (they shall not gain access to the premises) outside the following hours, on any day: 0800 hours to 2100 hours.

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

Case Officer

Vic Hester



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DOV/20/00403  
Land Adjoining 22 Belvedere Gardens  
Deal  
CT14 9XU

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/20/00403 – Erection of a detached dwelling and associated parking - Land Adjoining 22 Belvedere Gardens, Deal**

Reason for report – Number of contrary views

b) **Summary of Recommendation**

The Planning Inspectorate be informed that if the decision had been made by the Planning Committee then the application would have been refused.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Deal is a District Centre and suitable for urban scale development  
DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework 2019 (NPPF)

Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.

Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Kent Design Guide (2005)

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

National Design Guide 2019

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

d) **Relevant Planning History**

The site has a lengthy planning history, however, the most relevant applications and appeals are:

DOV/17/01369 – Refused and dismissed on appeal (May 2018), for the erection of a single storey two bedroom bungalow.

DOV/20/00227 – Granted, in April 2020, for a Lawful Development Certificate (LDC), for a proposed outbuilding on the land (within the garden of No.22) for use as a workshop/store.

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

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

Town Council – Raises no objection

Southern Water – Initial response was to advise that a formal application to connect to the public foul sewer would be required. In response to further details submitted by the applicant, Southern Water objected to the proximity of the soakaway to the public water main, but then on receipt of further information, Southern Water removed its objection on the basis that the proposed development is no nearer to the water main than the adjacent development.

Waste Services – The applicant's plans incorporate an area to store and aid the collection of waste including recyclable materials to Local Authority requirements.

Public Representations:

58 representations of objection have been received and the material considerations are summarised below.

- Overdevelopment and cramped form of development
- Harm to the character and appearance of the area and residential amenity
- Loss of privacy, light, a garden, tree and natural environment
- Poor design, would not be in keeping in its context or the development in Foster Way
- The building removes the gap/openness between buildings and would increase the sense of enclosure
- The proposal is contrary to the decision of the Appeal Inspector
- The application seeks to benefit directly from Permitted Development rights
- There would be too many vehicles, the proposal would harm emergency access
- There is no need for the proposal
- There are discrepancies in the submitted plans

68 representations in support of the proposal have been received and are available to view in the online planning file and are summarised below;

- There is a shortage, need and demand for this accommodation
- The proposal would be in keeping and improve the appearance of the area
- The development would 'complete' the street scene and tidy up the site
- There would be an economic benefit

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

1.1 The application site comprises a rectangular plot of land at the end of a recently completed row of chalet bungalows (Belvedere Gardens), with more modest sized bungalows at its north-eastern end. The site currently forms the side garden of No.22 Belvedere Gardens. No.22 has a short rear garden, compatible with the rear gardens in the remainder of the terrace.

- 1.2 The application site is accessed from Dola Avenue with an access that runs in a straight line in front of the terrace of chalet bungalows to a turning head in front of the application site.
- 1.3 Adjacent to the turning head there is a modern development of two storey houses that front towards Foster Way. The application site is located adjacent to the front garden of No.44 Foster Way.
- 1.4 Foster Way is a cul de sac comprising a mix of chalet bungalows and two storey houses. The head of the cul de sac in Foster Way is located to the rear of the application site.
- 1.5 Since the submission of this application, a building has been constructed on the site. A building on this site was the subject of a Lawful Development Certificate which was issued under application DOV/20/00227 in 2020. In addition, a new wall has been constructed between the site and No.44 Foster Way.
- 1.6 At the most recent site visit, works were taking place on the building and on the land, but in effect the building has been substantially completed. Importantly, the building is visible from Foster Way and along Belvedere Gardens.

### The Proposal

- 1.7 The proposal seeks retrospective planning permission for a single storey building on the site for use as a two bedroom dwelling. The building has a rectangular form and is designed with a pitched roof and gabled ends. The building is finished in roof tiles and cream and red brick. The building is as deep as the adjacent property (No.22); it has a matching front and rear building line, depth of rear garden and a single parking bay in front.
- 1.8 The front elevation contains two windows (to serve two bedrooms), whilst the rear elevation has a window and patio doors to the garden (serving a kitchen/dining area and lounge).
- 1.9 At its nearest, measured from the submitted drawings, the side elevation is 1.9m from the boundary with No.44 Foster Way, 1.7m from the turning head in Belvedere Gardens, 5.7m from the rear boundary wall with Foster Way and 1.2m from the side elevation of No.22. The height of the building to the eaves is 2.2m and 4.1m to the ridge.

## **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
  - Other material considerations

### **Assessment**

#### Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in

accordance with the plan unless material considerations indicate otherwise.

- 2.3 The application site falls within the urban area of Deal. As such, under Policy DM1, the erection of a dwelling within the settlement boundary is acceptable in principle.

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

- 2.4 The design, form, appearance and location of the proposed dwelling on this site matches the proposed dwelling that was dismissed on Appeal in May 2018 under application DOV/17/1369. The Inspector's decision is a material consideration in the determination of this application.
- 2.5 The Inspector considered that the site is prominent in views along Foster Way and that the proposal would contrast with surrounding development. In particular, the roof would be visible and appear incongruous between the two storey houses at 42-44 Foster Way, chalet bungalows in Belvedere Avenue (Gardens) and at 27 Foster Way.
- 2.6 In conclusion, the proposed dwelling was considered to harm the character and appearance of the surrounding area. On considering "other matters" advanced with the appeal, the Inspector was asked to consider the potential for outbuildings to be constructed under permitted development rights on the appeal site. The Inspector opined that he was provided with limited evidence as to what may be possible, such as the grant of a certificate for proposed lawful development (an LDC), and in the absence of such evidence he gave little weight to this factor.
- 2.7 The proposed dwelling is visible from views from Foster Way and Belvedere Gardens and its single storey height appears incongruous in its immediate context and prominent location. This situation has not changed from the 2018 Appeal decision which weighs significantly against the proposal.
- 2.8 As such, it is considered that the proposal harms the character and appearance of the area and is contrary to Paragraphs 124,127 and 130 of the NPPF.

#### Other Material Considerations

- 2.9 It appears, by reason of the similarity between the Appeal proposal, the LDC proposal and this current application proposal that the applicant has sought to benefit from permitted development rights to achieve the outcome of a single storey dwellinghouse on the land.
- 2.10 The LDC building indicated two rooms (a store and a workshop). This application building is proposed to have a number of rooms, subdivided into habitable and non-habitable areas. As a matter of fact and degree a Class E permitted development outbuilding has to be designed and constructed and required for purposes incidental to a dwellinghouse and within its curtilage. The building as constructed appears to have footings and has been constructed with a timber frame, insulation and facing brickwork – which seems excessive for an outbuilding. It is also noted that a Building Regulation application has been submitted for the erection of a dwellinghouse which refers to "building works having been started". These factors weigh in favour of the building having been built for purposes other than as a curtilage outbuilding, although all of these factors do not preclude the possibility that the building could be used as a Class E curtilage building.

- 2.11 In addition, for the building to be considered as a Class E building it would have to be used/required for the domestic needs or personal enjoyment of the occupants of the dwellinghouse to which it relates. In this case, the applicant does not reside at No.22 Belvedere Gardens and it is stated on the application that there are no other “owners” of the land. The implication being that the occupants of No.22 are tenants and there is no indication as to why the tenants would require an outbuilding of the size and scale of the building in question which would be incidental to the enjoyment of the dwellinghouse at No 22. The building is not being used at present. On the balance of probability, as a matter of fact and degree, it is not therefore considered the building that has been constructed is likely to be required for purposes incidental to the enjoyment of the dwellinghouse and would not therefore be development permitted under Class E as such.
- 2.12 The building proposed on the drawings under this planning application is also dimensioned slightly differently to the LDC building – to the extent that its height and proximity to the side boundary would render the building not as permitted development.
- 2.13 In conclusion, whilst the fallback position is a material consideration – the weight to be afforded to the fall back needs to be determined by the Planning Committee in its decision. In this case, whilst a building could be erected on the site, to almost the same dimensions and location as the proposed building, the current building appears to have been built for primary residential accommodation purposes.
- 2.14 There is also a fallback position in that a building in this location, to match what would be allowed under permitted development rights would affect the gap between buildings and be seen from Foster Way. However, an outbuilding would be seen for what it is, and used for what it is – in connection with the dwelling house that it serves a purpose for. Whereas, there would be a different perception and impact of the proposed building if it was a separate dwelling – it would also be a separate unit of accommodation, with its own occupiers, visitors and related vehicle activities having independent use of the garden area, from No.22.
- 2.15 It is considered that with the strength of the recent Appeal decision and the harm that the Inspector identified, this proposal would equally cause the same harm to the quality of the street scene and the character and appearance of the area. The fallback position whilst in play, is not considered to outweigh the material harm.
- 2.16 The Appeal Inspector considered other matters in his decision, including the impact upon residential amenity. He did not consider that the scheme would materially affect the living conditions of the occupiers of neighbours, in particular 44 Foster Way. In accordance with the assessment of previous applications, it is considered that the development would be acceptable in terms of its impact on the highway network and car parking.
- 2.17 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity



of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.

- 2.18 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.19 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

### **3. Conclusion**

- 3.1 The proposal is considered to harm the quality of the street scene and the character and appearance of the area and this was the conclusion of the Appeal Inspector in 2018.
- 3.2 The applicant has sought to erect an outbuilding on the site under permitted development rights that almost replicates the design, appearance and location of the current proposal. It is considered that the building now erected has not been designed or erected for the purpose of an outbuilding "required" by the occupants of No.22 Belvedere Gardens for purposes incidental to the use of that dwellinghouse; and indeed, has not been erected in compliance with Class E of the General Permitted Development Order (2015) (as amended).
- 3.3 It is considered that the harm caused by the proposal is clear and unequivocal and that the fallback position advanced does not outweigh the harm caused.

### **g) Recommendation**

- I The Planning Inspectorate be advised that if the application had been considered by the Planning Committee it would have resolved to refuse planning permission for the reasons set out below.
- 1) The proposed development by reason of its design, scale, appearance and location be an incongruous form of development in its context that would harm the character and appearance of the area, contrary to Paragraphs 124,127 and 130 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to advise the Planning Inspectorate of the resolution and to make the case to the Planning Inspectorate for the appeal to be dismissed.

Case Officer

Vic Hester



DOV/19/01260  
Land Off Church Lane  
Deal

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



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

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

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

b) **Summary of Recommendation**

Planning Permission be Granted subject to conditions and S106 agreement.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

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

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Deal is identified as a District Centre and the secondary focus for development in the District, suitable for urban scale development.
- CP4 – Sets out strategic considerations for housing development, including the need to reflect the local housing market and provide an appropriate housing mix. Density should wherever possible exceed 40 dwellings per hectare.
- DM1 – Development will not be permitted outside the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of homes as affordable homes in home types that will address prioritised need, and for developments between 5 and 14 homes to make a contribution towards the provision of affordable housing.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent.
- DM13 – Parking provision should be design-led, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations, justified by the needs of agriculture or a need to sustain the rural economy, it cannot be accommodated elsewhere and it does not result in a loss of ecological habitats. Measures are to be incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with Development Plan allocations and incorporates any necessary avoidance and mitigation measures, or it can be sited to avoid or

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

### Land Allocations Local Plan

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

### National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

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

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

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

## The National Design Guide and Kent Design Guide (KDG)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Kent Wildlife Trust – No response received.

KCC County Archaeologist – No response received.

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

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

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

KCC PROW – Have no comments to make.

KCC Developer Contributions – Has requested the following contributions:

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

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

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

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

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

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

Public representations –

27 objections received raising the following issues:

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

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

7 representations in support, raising the following issues:

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

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

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

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

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

## **2. Main Issues**

2.1 The main issues are:

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

## **Assessment**

### **Principle**

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

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

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

#### Impact on Countryside and Landscape Setting

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

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

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

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

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

#### Impact on Residential Amenity

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



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

#### Parking and Highways

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

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

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

#### Contamination and Drainage

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

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

#### Archaeology and Heritage Issues

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

#### Ecology and Habitats

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

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

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

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

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

Viability and Developer Contributions

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

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

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

### **3. Conclusion and Sustainability**

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

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

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

**g) Recommendation**

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

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

**Informatives**

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

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

Case Officer

Neil Hewett



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DOV/20/00358  
90 New Street  
Sandwich  
CT13 9BU

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/20/00358 – Erection of a detached dwelling (existing building to be demolished) - 90 New Street, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

The Planning (Listed Buildings and Conservation Areas) Act 1990 Sections 66(1) and 72(1)

Core Strategy Policies

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

National Planning Policy Framework 2019 (NPPF)

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

considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

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

#### The Kent Design Guide (KDG)

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

#### The National Design Guide (NDG)

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

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

DOV/06/00527 - Change of use to Ice Cream Parlour, together with external alterations. Approved.

DOV/07/00085 - Erection of non-illuminated fascia sign. Approved.

DOV/10/01108 - Change of use to sandwich bar (A1) and insertion of window. Approved.

DOV/19/00664 – Change of use to dwellinghouse together with first floor extension and alterations. Refused.

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

DDC Heritage Officer – The site lies adjacent to Sandwich town walls: section from New Gate to Woodnesborough Gate which is a scheduled monument. The site is also

within the Walled Town Conservation Area of Sandwich and has listed buildings and structures in close proximity. This area of landscape has historic and aesthetic value and is a natural buffer in a prominent position as you enter Sandwich, with long range visibility within the surrounding area.

The existing building is of no interest and does not contribute to adjacent heritage assets or the Conservation Area. In terms of the proposed building, I appreciate Historic England's comments that the design is an improvement on the previously submitted application 19/00664 and in terms of its scale and material palette this new proposal relates far more to this context.

This proposal is a distinct improvement aesthetically than the existing structure and is well designed with features. If well executed, this would result in an attractive building that would be an enhancement to the Conservation Area.

Harm could be caused by poor execution or watering down of this design as the proposal would have a greater visual impact than the existing building particularly as you enter the CA along New Street. However, this case would not detract or cause harm from the established character and appearance of the CA.

If you are minded to support this proposal, I would recommend the following conditions:

- Brick & slate samples – highly quality new traditionally detailed examples would be essential
- Sample panel of brickwork
- Window & joinery details
- Position of windows within opening (to get a good reveal).
- Flues, vents & boundary treatments
- Eaves details

DDC Waste Officer – no objection raised.

KCC Archaeology – *Initial response received on 16 April 2020.*

The site is located on the southern side of the historic town of Sandwich. The development lies within the Sandwich Walled Town Conservation Area and immediately adjoins the town walls scheduled monument just outside the site of the town's New Gate.

Sandwich was, in its heyday, one of the great ports of medieval England and possessed the special privileges of a Cinque Port. Within the medieval town there are an exceptional number of listed buildings, including examples to the north on New Street. The town largely preserves its medieval street layout and benefits from near-complete defensive wall circuit enclosing the historic core. Sandwich's town walls were in place before 1360 and for the large part comprised stretches of earthen rampart with masonry gates that allowed access through the walls. One of these gates, the New Gate, lay immediately to the north of the proposed application site. As well as allowing access into the town the New Gate also protected The Delf, which entered the town here, and provided Sandwich's water supply. The long, straight section of the town's ramparts to the west of the proposed site is known as the Rope Walk and today is a popular leisure/amenity space. The section of the rampart here is fronted by a wet moat.

For these reasons the town has been rightly described as the '*completest medieval town in England*'. Across the town important archaeological remains associated with

the Sandwich's medieval past are often found at relatively shallow depth. Further detail on the significance of Sandwich's historic environment is included within the pre-application advice provided by Historic England to the applicant and submitted with this planning application. The significance of the port and town of Sandwich is described in Theme 2.1 of the Dover District Heritage Strategy.

### Recommendations

The application is accompanied by a Planning & Heritage Statement, but this makes no mention of the proposed development site's archaeological interest, focussing instead on visual and setting impacts on the conservation area and scheduled monument. This is disappointing, particularly in the context of Historic England's pre-application advice which clearly identifies that there are "*likely to be archaeological implications in any development in this area*". The NPPF states at paragraph 189 that where sites are known to have an archaeological interest that local planning authorities should require developers to submit an appropriate desk-based assessment. In this instance no such archaeological assessment has been provided.

I suggest that further information, perhaps in the form of an addendum to the existing Planning & Heritage Statement, should be requested from the applicant that considers the archaeological implications of the proposed development. In particular it would be helpful to understand the below ground impacts that will arise from the scheme and how these might affect archaeological remains, including for example from any foundations, services or any other below ground works that might be required to deliver the proposal.

It is very likely that archaeological works will be required, but without better understanding of the development impacts it is difficult to advise you of the precise scope of any archaeological requirements. If you are not minded to request such further information, then I would welcome the opportunity to advise further.

I would note that although the site lies outside the scheduled monument the building's redline appears to lie immediately adjacent to the scheduled monument. It is unclear whether any works will be required within the footprint of the scheduled monument to facilitate construction or what measures the applicant might be putting in place to ensure no accidental damage to the monument occurs.

### *Subsequent response received on 21 May 2020*

In the absence of any additional information from the applicant I would suggest that in terms of buried archaeological remains the primary issues still relate to 1) the potential for new impacts from the proposed works on below ground archaeology – although the proposed slab foundation and re-use of service connections would seemingly have minimised, as far as possible, this impact; and 2) managing the construction works in relation to accidental damage to the adjoining scheduled monument.

The first issue could be addressed by means of planning conditions requiring archaeological works (AR1) and agreement of foundation designs (AR2). The second issue could perhaps be dealt with by means of conditions requiring fencing to be erected about the scheduled monument (AR6) and a bespoke condition requiring agreement of a construction management plan (it is possible that you could combine the fencing and construction management plan requirements into a single condition). In light of the above, suitably worded pre-commencement conditions have been recommended.

Environment Agency - This proposal lies within FZ2 and as such the type of development proposed is compatible with the flood zone and is not required to meet the requirements of the Exception Test. However, the submitted FRA confirms that with 100 years climate change (the expected lifetime for residential property) the site could be subject to up to 1.09m of flooding. The FRA also confirms that in the event of a breach of the defences at Gazen Salts, the development site could experience 1.22m flood depths. Whilst we accepted the finished floor levels for the previous application at this site, this was for a change of use of the existing building and not for new build and would not have been subject to the Sequential Test (ST). With this in mind your Authority should ensure that both the lifetime of the dwelling and the potential flood depths are taken into account when considering the ST submitted with this new application. New development should only go ahead at this location if there are no suitable alternative sites in an area unaffected by flood risk for the lifetime of the development. If the ST is considered met and the principle of development is accepted, as minimum mitigation measures should ensure the safety of both the occupants and the property in the event of flooding. Ideally this would include floor levels for all living accommodation to be set above the design flood level. Whilst sleeping accommodation is on the first floor, living accommodation is proposed on the ground floor which could be subject to over 600mm of flooding in a breach of the defences.

The proposed development will only meet the National Planning Policy Framework's requirements if the LPA confirms the Sequential test has been met and the **following planning condition** is included.

**Condition** The development shall be carried out in accordance with the submitted flood risk assessment (Herrington's Consulting March 2020) and the following mitigation measures it details:

- Finished **first** floor level shall be set no lower than 600mm above design flood level, at a minimum of 4.54m Ordnance Datum (AOD).
- Ground floor levels to be raised a minimum of 300mm above existing ground level
- Sleeping accommodation to be set at first floor level only

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants.

Sandwich Town Council – made the following comments:

- recommend refusal
- the plans are not appropriate for the size of the property and the lack of available parking leading to highways issues.
- There are also concerns about the proximity of the proposal to a Scheduled Ancient Monument.

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

Historic England – *Initial response received on 24<sup>th</sup> April 2020*

Sandwich is one of the most complete medieval towns in England and was once a thriving and busy port, but is now about two miles from the coastline. Sandwich, which is mentioned in the Domesday Book as a Cinque Port, emerged as an important centre for trade and military operations during the early medieval period. Its position on the English Channel with a large natural harbour gave it access to Europe and the rest of the world while a network of roads going inland meant that goods could easily be transported from the port to larger towns. This strategic position gave the town two important advantages: it was acknowledged by the king as an important place for the royal navy, and it had a deep sea fishing fleet. These two factors gave the town enormous negotiating powers with both the church and the crown and its resultant prosperity was reflected in the growth of the town to a population of around 2000 by the end of the C11. The importance of the town's location also meant that, in the first half of the C14, Sandwich acquired defensible walls. Archaeological evidence shows that the development of these walls was carried out in several phases, with the stretches of rampart on the western side of the town away from the waterfront (The Rope Walk and The Butts) constructed in the second half of the C13, at an earlier date than the ramparts to the east (Mill Wall and the Bulwark). Additionally there were four main gates into the town: Sandown Gate to the east, New Gate to the south, Woodnesborough Gate to the west and Canterbury Gate to the north, though these were demolished in the C19. The Butts, Rope Walk, Mill Wall and the Bulwark make up more than two thirds of the town walls that surround Sandwich. As such, they form the major part of the most complete example of medieval earth ramparts surviving in England.

The Rope Walk is so named because reputedly it was used to lay the ropes for the rigging of sailing ships. On the north side of the walk there is a drainage ditch and on the south side a wet moat. These provided an important new element in the land drainage system at the time of their construction.

The town walls have great historical, evidential and communal value, representing the evolution of the town as a thriving historical port and preserving important archaeological evidence within their structure and surrounding ditches. The walls are now enjoyed as a leisure facility, with open park-like vistas and interpretation boards that enable their form and function to be appreciated by residents and visitors of the town. In addition, the town walls form part of the Sandwich and Walled Town Conservation Area, designated because of its great historical significance and distinctive range of historic buildings (many of which have individual listed status).

The visualisations provided indicate that the existing building is not particularly visible in longer views from the town walls, due to its low height and screening from vegetation. The wireframes indicate that the proposed development would also be quite unobtrusive in longer views from the monument. It would, as noted in our pre-application advice, cause a low degree of harm to the scheduled monument, as the flat roofed nature of the existing structure allows for open views that support an understanding of the scale and form of the walls. A building with a pitched roof would intrude slightly on these views and slightly harm our appreciation of the scheduled monument and its key importance in Sandwich.

In terms of the proposal's design we think that the design is a considerable improvement on the previously submitted application in 2019. The reference to historical pump house designs is, we think, suitable in this area given its location next to water. We also think that the design and materiality proposed has sought to minimise the harm to the scheduled monument by reflecting the adjacent built form and materials.

This notwithstanding, we draw your attention to the fact that in our pre-application advice we advised the applicant to contact Kent County Council's Archaeological Officer due to the proximity of the scheduled monument and the potential impacts of a scheme on undesignated archaeological remains in this location. We note that a short archaeological addendum has been provided which states that a raft foundation would be used, the existing connections would be reused to minimise archaeological implications, and that a watching brief would be undertaken. The lack of clear information regarding existing connections and proposed alterations make it difficult to ascertain the level of archaeological implications but we would expect further information on this to be submitted for assessment. We are happy to defer to KCC's Archaeological Officer on this matter unless archaeology of national significance is identified.

Furthermore, if it is necessary to carry out ground works outside the red line boundary into the scheduled monument, then Scheduled Monument Consent would be required. We also agree with KCC's Archaeological Officer's comments that it is unclear how the applicant would protect the monument from any accidental damage during construction works.

The National Planning Policy Framework 2019 (NPPF) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations (Paragraph 184). A scheduled monument is of the highest level of heritage designation and significance. It is required that applicants should provide sufficient information to understand the potential impact of the proposal (Paragraph 189). Your Council must then consider if the proposal has avoided or minimised harm to avoid conflict between the conservation of heritage assets and any aspect of a proposal (Paragraph 190) and if so whether any unavoidable harm has clear and convincing justification (Paragraph 194). Your Council will also need to weigh the harm against the public benefits of the proposal in the manner described in Paragraph 196 (for cases of less than substantial harm). In reaching your decision, your Council will need to be mindful of Paragraph 193 which sets out the need to give great weight to the conservation of designated heritage assets (and the more important the asset the greater the weight should be). It notes this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.

We think that there is a low degree of harm here to the scheduled monument through changes to its setting. This is because it removes some of our understanding of the walls, water and ditch as a defensive structure. However, we note that the level of harm has been minimised through the design of the building. The archaeological implications for the proposal and any implications for the scheduled monument adjacent remain unclear. While we defer to KCC's archaeological advisors on this unless archaeology of national significance is found or ground works are proposed that require scheduled monument consent, we recommend that the implications are adequately assessed prior to determination to fulfil the requirements of paragraph 189.

Recommendation: Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 190, 192, 193, 194 and 196 of the NPPF.

In determining this application you should also bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to

pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

*Subsequent response received on 20<sup>th</sup> August 2020*

The approach/conditions recommended by KCC Archaeology are considered acceptable.

Southern Water – no objection raised.

#### Public representations

8 letters of objection received raising the following matters:

- detrimental to this amenity which is enjoyed by many visitors to Sandwich.
- the area is very low lying and extra development in the area would increase the flood risk.
- no room for either a garage or a garden.
- no parking
- increase traffic issues
- the position does not make it suitable for habitation at all and it will be very unsightly and detrimental to the local ecology and environment of the ancient walls and walkways around this Medieval town.
- out of keeping with the Conservation Area.

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

- 1.1 The application relates to an existing single storey building which lies on the edge of the Conservation Area, immediately adjacent to the former west entrance to the town, and abutting the outer ditch of the town wall and Rope Walk.
- 1.2 The proposal involves demolition of the existing single storey building and erection two storey gable ended detached dwelling with flat roofed single storey projection abutting New Street. The proposed dwelling would be finished in grey brickwork in Flemish bond and have gauged arches. It would have cast iron fenestration. The gabled roof would be finished in slate whilst the flat roof would utilise the green roof concept. The proposed dwelling would utilise the existing access. The application does not propose onsite parking provision.
- 1.3 It is relevant to note that a previous application (DOV/19/00664) for a change of use to residential with erection of a second storey was refused by virtue of the harm to the heritage significance of both the scheduled town walls and the Sandwich and Walled Town Conservation Area and the absence of the sequential test.

#### 2 **Main Issues**

- 2.1 The main issues are:
  - The principle of the development
  - Visual amenity impacts and heritage
  - Highways/Travel Impacts
  - Impact on Neighbours
  - Living conditions of future occupiers
  - Drainage and flooding



- Ecology
- Archaeology

## **Assessment**

### Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Sandwich and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supported development in this location) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.7 It is considered that policies DM1 and DM11 which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be approved in accordance with the development plan unless material considerations indicate otherwise.

### Visual Amenity Impacts and Heritage

- 2.8 The site lies with the Walled Town Conservation Area of Sandwich. It should be noted that the application site lies within an undeveloped stretch of land which acts as a buffer and demarcates the old and new areas of Sandwich. To the north of the site beyond the 'buffer' are the listed buildings within the historic medieval core whilst there is a single storey MOT centre/petrol station immediately to the south forming part of the 19<sup>th</sup>/20<sup>th</sup> century expansion of Sandwich. The site lies within an important area of transition between these two areas. It immediately adjoins the historic Town wall which is a Scheduled monument. The stretch of land within which the building sits therefore has significant historic and aesthetic value.
- 2.9 The National Planning Policy Framework 2019 (NPPF) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations (para 184). A scheduled monument is of the highest level of heritage designation and significance. Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.10 The application is for the demolition of an existing single storey vacant building and erect a two storey gable ended detached dwelling with flat roofed single storey projection abutting New Street. The existing building is of little architectural merit and in this respect does not contribute to the townscape or enhance adjacent heritage assets. Having reviewed the design and access statement accompanied with the application, it is noted that the design of the proposed dwelling is influenced by Victorian Pump House designs. Pump houses are typically detached self-contained buildings, located near the courses of water. They often feature enlarged single storeys with proportioned windows, pitched roofs and corbelled brick work (and often detail courses). These buildings are typically rectangular in plan with a gable or hipped roof. Windows and doors are often Romanesque in profile. It is felt that given the context within which the site sits, the underlying inspiration of the proposed design approach is considered appropriate.
- 2.11 The visualisations provided indicate that the existing building is not particularly visible in longer views from the town walls, due to its low height and screening from vegetation. The wireframes indicate that the proposed development would also be quite unobtrusive in longer views from the monument. Historic England have advised that the proposal would cause a low degree of harm to the scheduled monument, as the flat roofed nature of the structure allows for open views that support an understanding of the scale and form of the walls. A building with a pitched roof would intrude slightly on these views and slightly harm the appreciation of the scheduled monument and its key importance in Sandwich. It is further stated that the level of harm has been minimised through the design of the building which reflects the adjacent built form and materials. The view in respect of the design of the building has been reiterated by the Council's Heritage Officer. The Heritage Officer has stated that the proposal is a distinct improvement

aesthetically and is considered well designed. If well executed, this would result in an attractive building that would be an enhancement to the Conservation Area.

- 2.12 Taking into account the advice received from Historic England and the Heritage Officer in respect of the visual impact of the proposal on the historic significance of the scheduled monument and the Conservation Area, it is considered that the proposal is well detailed and designed and would not cause harm to the character and appearance of the Conservation Area. By virtue of its slight prominence, it would cause harm to the setting of the Scheduled Monument, however it is considered that the harm caused has been sufficiently minimised. Paragraph 196 states, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*. As established above, the harm caused to the heritage significance of the Scheduled monument would be less than substantial harm which should be weighed against the benefit arising from the proposal. It is considered that the provision of a high quality dwelling in a sustainable location is a sufficient public benefit to overcome the limited harm identified.
- 2.13 In conclusion, having regard to both the statutory duty of the council under The ‘Act’ and the policy within the NPPF, no harm would be caused to the setting of the nearby Listed Buildings or the Conservation Area.

#### Highways/Travel Impacts

- 2.14 Policy DM13 requires that provision for parking should be a design led process based upon the characteristics of the site and the locality. Provision for residential development should be informed by guidance in the Table for Residential Parking (Table 1.1 in the DDCS), and cycle provision informed by KCC Guidance SPG4. In line with Policy DM13 of the CS the dwelling would require the provision of 1 off-street car parking space for a 1 bed dwelling in such a location.
- 2.15 The building sits within a tight site and there is no scope for the provision of any off-street parking. It is noted that there is limited on-street parking available within 200m of the site. A bus stop is located within 50m of the application site, the railway station is located 300m from the site and the majority of the local facilities are within easy walking distance. Having regard to these factors, it is considered that the site is in a sustainable location and would allow for a variety of modes of transport to be used, including more sustainable modes. Therefore, the proposal is not considered to cause severe harm to the local highway network or an unacceptable impact on the highway safety and would not warrant a refusal on this basis.

#### Impact on Neighbours

- 2.16 There are no residential properties in the vicinity to be directly affected by the proposal.

#### Living Conditions of Future Occupiers

- 2.17 Regard has been had to the paragraph 127 of the NPPF requires the developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It is noted that given the restrictive nature of the site, provision of amenity space has not been achieved. Whilst this is not considered ideal, by virtue of its location in a scenic area, the lack of amenity space in this instance is considered acceptable.

## Ecology

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

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

- 2.19 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.
- 2.20 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.
- 2.21 Following consultation with Natural England, the identified pathway for such a likely effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.22 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.
- 2.23 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

## Archaeology

- 2.24 The site is located on the southern side of the historic town of Sandwich. The development lies within the Sandwich Walled Town Conservation Area and immediately adjoins the town walls scheduled monument just outside the site of the town's New Gate. Sandwich has been rightly described as the '*completest medieval town in England*'. It is understood that across the town important archaeological remains associated with the Sandwich's medieval past are often found at relatively shallow depth. By virtue of the site's sensitive location, KCC Archaeology requested a further addendum to help understand the below ground impacts that would arise from the scheme and how these might affect archaeological remains, including for example from any foundations, services or any other below ground works that might be required to deliver the proposal. Following the receipt of further information, KCC Archaeology identified two main issues including the potential for new impacts from the proposed works on below ground archaeology – although it was acknowledged that the proposed slab foundation and re-use of service connections would minimise the impacts, as far as possible; and managing the construction works in relation to accidental damage to the adjoining scheduled monument. It was further advised that the first issue could be addressed by means of planning conditions requiring archaeological works and agreement of foundation designs whilst the second issue could be dealt with by means of conditions requiring fencing to be erected around the scheduled monument and a comprehensive

construction management plan. The above approach proposed by KCC has also been considered acceptable by Historic England. In conclusion, the proposal is considered acceptable subject to appropriately worded conditions and would accord with paragraph 189 of the NPPF.

### Drainage and Flooding

- 2.25 The application site lies within Flood Zone 2 which is considered to be an area at 'medium risk' from flooding. Where development within areas at risk of flooding is proposed, paragraph 158 of the NPPF requires that the Sequential Test is applied and, if necessary, that the Exception Test is applied. The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. However, development may be permitted where there are no reasonably available sites which are appropriate for the development in areas with a lower probability of flooding.
- 2.26 The application has been supported by a site-specific flood risk assessment (FRA) and a sequential test. The sequential test has been carried out in accordance with the methodology prescribed within the Council's SFRA Site Specific Guidance for Managing Flood Risk. The methodology within the guidance for the search of comparator sites refers to a number of sources of information available within DDC's evidence base for applicants which include the following:
1. Authority Monitoring Report (AMR) – this report provides information on sites with 'extant planning permission' and allocated sites.
  2. Economic Development Needs Assessment (EDNA) – This report provides information on strategic scale employment sites.
  3. Housing Economic Land Availability Assessment (HELAA)
  4. Brownfield Register
- 2.27 The SFRA also states that if it is not possible to identify a minimum of 2 sites for comparison from the sources above, applicants should approach local land/property agents. Land for sale is often advertised by size not capacity, and therefore in this circumstance applicants should request information on available sites which are  $\pm 10\%$  the size of the application site (in sqm).
- 2.28 The sequential test has been carried out in accordance with the methodology within the SFRA. The submitted sequential test demonstrates that no sequentially preferable sites have been found in the town of Sandwich which are available. As such, the sequential test is considered to have been passed. By virtue of the site being in flood zone 2, the application does not qualify to be assessed against the exception test as set out in the NPPF. This has also been confirmed by the Environment Agency (EA). EA have raised no objections in relation to the proposal and have recommended a condition (which relate to the flood mitigation measures) to be attached in the event of grant of planning permission.
- 2.29 Further to the above, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.30 Whilst Southern Water have raised no objection in this instance, it is considered that in the event of grant of planning permission, pre-commencement conditions requiring the

submission of detailed schemes for both foul water and surface water disposal should be imposed.

### **3. Conclusion**

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the wider Conservation Area. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and drainage. Finally, whilst it is considered to cause less than substantial harm to the historic significance of the adjacent scheduled monument, the harm is considered to have been minimised by virtue of the high quality design of the proposed dwelling, whilst the benefit arising from the proposal (an additional home) is considered to outweigh the minimal harm identified. Having regard for the above, it is recommended that the application be approved, subject to conditions.

### **g) Recommendation**

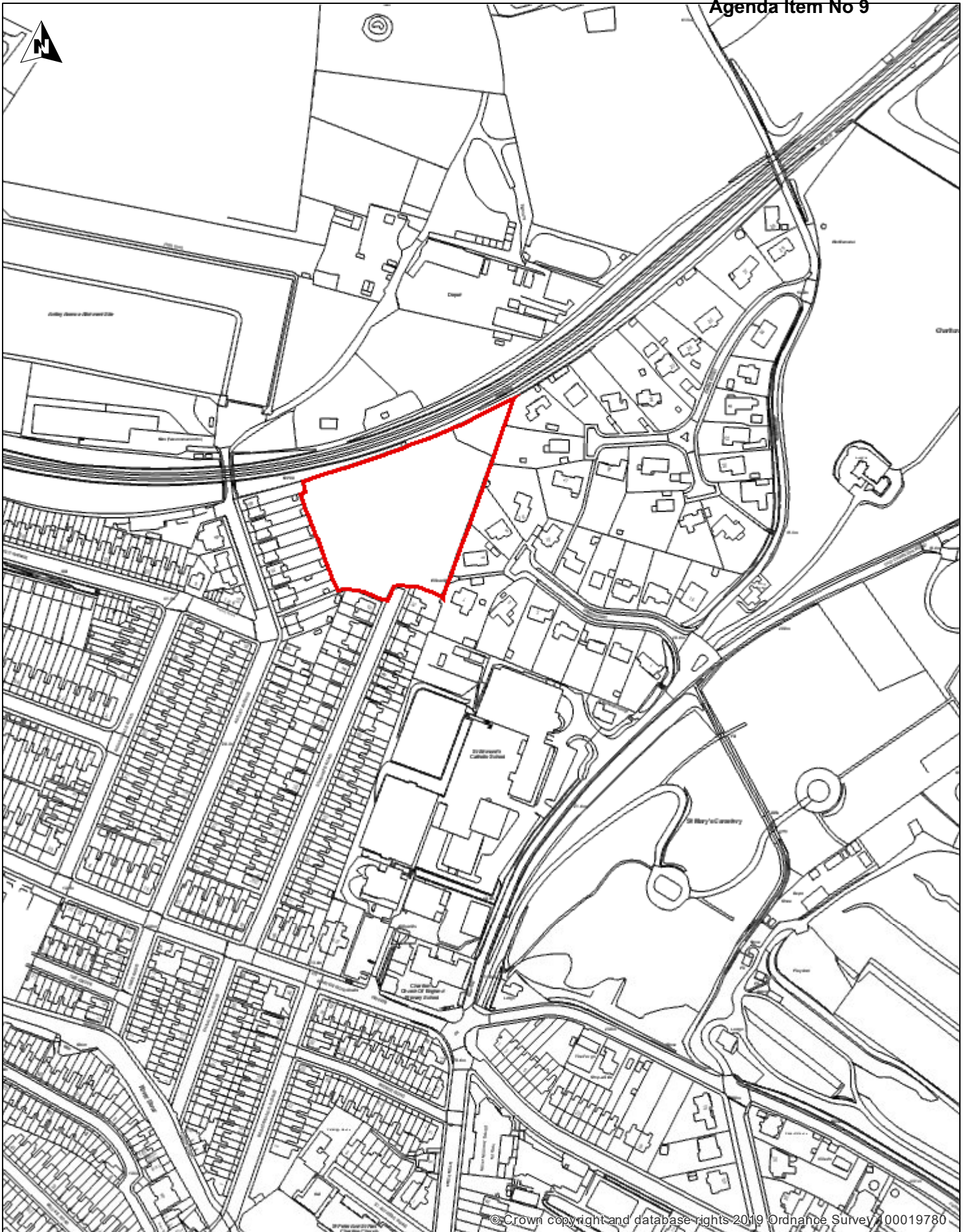
I Planning permission be granted subject to conditions:

(i) 3-year time limit (ii) Approved plans (iii) samples of materials (brick, slate etc) (iv) measures to prevent the discharge of surface water onto the highway (v) pre-commencement condition for Construction Management Plan (vi) pre-commencement condition – archaeological works (vii) pre-commencement condition – foundation design (viii) pre-commencement condition – temporary fencing (ix) removal of PD rights (classes A, B, C D and E) (x) Surface water disposal scheme (xi) foul water drainage scheme (xii) flood mitigation measures (Environment Agency) (xiii) sample panel of brickwork (xiv) Joinery details (xv) windows set in reveals (xvi) details of flues, vents and boundary treatments(xvii) eaves details.

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

### **Case Officer**

Benazir Kachchhi



DOV/19/01025  
Land Adjoining 74 Stanhope Road  
Dover  
CT16 2PR

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/19/01025 – Erection of 32 dwellings, formation of new vehicle and pedestrian accesses, associated parking and landscaping - Land adjoining 74 Stanhope Road, Dover**

**Reason for report:** Number of contrary views (117)

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Planning Policies and Guidance**

Core Strategy Policies

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

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within



the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

#### National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:
  - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Where there is a need for affordable housing, developments should typically provide this housing on site.
- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Paragraph 97 advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine of the NPPF seeks to promote sustainable transport. In particular, patterns of growth should be managed to maximise the use of public transport, walking and cycling and address potential impacts on transport networks. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

#### The Kent Design Guide (KDG)

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

#### The National Design Guide (NDG)

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

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

CH/2/54/0126 The erection of houses. Refused.

CH/2/57/0039 Use of land for education purposes. No objections.

CH/2/64/0075A Erection of 3 lock up garages Approved.

CH/2/73/0327 Provision of a playing field. Approved.

DO/78/1071 Renewal of Planning Permission CH/2/73/0327. Approved.

DO/83/1060 Use of land for playing field. KCC resolved to carry out.

DOV/89/01773 Provision of playing field. Approved.

DOV/94/00062 Outline planning application for 29 dwelling residential development. Refused and Appeal dismissed.

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

Dover Town Council – *Initial response received on 09 October 2019*

Support, subject to the provision of electric vehicle charging points and a resolution to the issues raised by County Highways.

*Subsequent response received on 09 July 2020*

Neutral

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

*Subsequent request received on 29 January 2020*

Further to the recent KCC request letter upon this application, our clients in KCC Education have been undertaking a review of Secondary school projects in Dover District. Following that review, we are requested to amend the Secondary School project upon this application to now Dover Christ Church Academy expansion.

The following contributions are being sought:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

DDC Ecological Officer - I have reviewed the ecological appraisal and support its recommendations for ecological enhancements to provide a biodiversity net gain in line with the requirements of the NPPF.

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

DDC Infrastructure Delivery Officer - *Initial response received on 13 November 2019*  
It is considered that the current proposal would be contrary to Policy DM25 of the Core Strategy and that a significant contribution towards open space would be necessary to overcome a potential policy objection under Policy DM27.

Notwithstanding the above, a compromise solution could be achieved were the layout to be redesigned in a manner that maximised the onsite open space provision. In particular, it should be explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward.

*Subsequent response received on 15 June 2020*

When I previously commented we did not have the benefit of the KPP Open Space work which we do now, albeit as draft and as part of the emerging Local Plan evidence base. The application site has been identified as amenity greenspace within this study. Within the Dover analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which loss of this site would erode further. It is however accepted that this is an emerging standard for which limited weight may be given at present.

Notwithstanding the above, DM25 is a multi-stepped policy which also requires consideration of quality of provision. In this regard, the KPP has identified deficiencies within the locality. It is therefore extremely disappointing little additional consideration has been given to improve the qualitative open space provision. In particular, it is disappointing that it has not been explored whether a Local Area for Play (LAP) could be provided on site as there is no such provision within Buckland Ward. In the absence of such, or appropriate financial contribution to improving the qualitative provision in the locality, it is considered that this application remains contrary to DM25 and DM27.

To overcome this objection, in the first instance it remains that onsite provision of a LAP with appropriate ongoing maintenance be provided. Were the applicant to explore overcoming this objection by way of off-site open space contributions, an indicative amount of £57,231.51 based on the below split and calculation, accounting for the loss of existing provision, should be sought. If the applicant did wish to explore this option, this would be subject to agreeing the most appropriate CIL compliant projects within the necessary accessibility standards.

*Further response received on 17 July 2020*

To overcome this, the applicant has now amended the scheme so that the proposed central amenity green space includes a Local Area of Play which is to accord with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm). It is stated that the area is to have an appropriately sized buffer zone to the nearest residential houses and will be fenced.

It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children's play space and offering public access to the site. It is also considered there is not an overall shortfall

of accessible greenspace within this analysis area when considered against the adopted DM27 requirements and limited weight can be given to the emerging KKP recommendations at this time.

Notwithstanding the above, the policy requirements of Land Allocations policy DM27 must also be met. An area of on-site accessible green space should be secured within the legal agreement. Based upon the provided layout this should be no less than 0.1754 ha. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

*Outdoor sports facilities* - A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, should therefore be sought towards Improved pitch quality at Danes Recreation Ground.

*Children's Equipped Play Space* - As discussed above in relation to DM25, the revised site layout shows a Local Area of Play which is to be provided on site. If the officer is minded to approve the application, it is considered the permission should be appropriately conditioned to ensure details of the Local Area of Play can be fully considered. This should include the location, layout, design of the playspace; and equipment/ features. Further, the provision and long-term maintenance/management of the Equipped Play should be provided onsite and secured within the legal agreement.

#### *Core Strategy CP6*

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. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of £1,654.96 therefore necessary for this site to be considered policy compliant.

The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. A proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought.

Network Rail - Due to the close proximity of the proposed development to Network Rail land, Network Rail recommends the developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team prior to any works commencing on site, with a view to enter into an Asset Protection Agreement to enable approval of detailed works. As well as contacting Network Rail's ASPRO Team, the applicant will also be required to follow the attached Asset Protection Guidance (compliance with the guidance does not remove the need to contact ASPRO).

KCC Fire and Rescue - I can confirm that on this occasion it is my opinion that the access requirements of the Fire & Rescue Service have been met.

Housing Development Manager - There is a need and demand for all types of affordable housing across the District, and this application provides 10 units of family housing for affordable rent. Our usual requirement is for 30% of the affordable housing to be for shared ownership, which on this site would be 3 of the 2 bedroom houses. However, there is a high need and demand for affordable rented houses in this location,

and I would support a deviation from the usual requirement for shared ownership in this case.

KCC Local Flood Authority – *Initial response received on 19 September 2019*

In principle, we are satisfied with the drainage arrangements including the proposed soakaways. Desk-based BGS information indicates freely draining bedrock geology and no superficial deposits present. Therefore, we would have no objection to the approval of this development. However, as an advisory, we would recommend that further information is provided at detailed design to support the operation of the soakaway system, such as:

1. The exact location of the 2 proposed soakaways- There is no indication on the drainage strategy drawing D-02 P1 (dha, August 2019) of the locations. Therefore, no confirmation that appropriate separation distances have been considered, such that there is a minimum of 5m between buildings and soakaways. There should be sufficient green space and parking area to accommodate this separation distance.
2. The location of infiltration testing- Unfortunately Appendix C does not state where ground investigation had been completed on site. We would recommend that a map is submitted. Pre-commencement conditions in relation to Sustainable drainage system are recommended to be attached to the permission.

*Subsequent response received on 07 October 2019*

We have reviewed the updated information and satisfied that the location of the infiltration testing has been provided.

DDC Environmental Health – Initial comments received on 26 September 2019.

No objection subject to conditions in relation to Construction Environmental Management Plan, Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works, electric charging points, land contamination and unexploded ordinance.

*Subsequent response received on 06 June 2020*

Note the amended plans and have no comments to make in this respect. Our previous comments, however, omitted recognising the contents of Pace Consult Noise Impact Assessment ref PC-19-0126-RP1 dated June 2019. The recommendations made within section 7: Building Envelope Sound Insulation are approved and must be employed on all dwellings within the development.

DDC Waste Officer – no objection.

Natural England – *Initial response received on 23<sup>rd</sup> September 2019.* No objection.

*Subsequent response received on 21 October 2019*

I note from the planning documents that the Ecology Report (attached) was carried out on 24th June 2019 and that '*No further protected species surveys have been recommended*'. Paragraph 3.2.1 of the Report states that '*The Site consists of an area of unused waste ground that has been periodically cleared down to the ground and then become densely vegetated, at the time of the survey the site had been cleared to the ground during the winter 2018/2019*'.

The standing advice (see 'When applicants need a species survey') states that '*The standing advice explains when and how to carry out a survey for a particular species. You can refuse planning permission, or ask for a survey to be redone, if: you don't have enough information to assess the effect on a protected species*'. You may therefore wish to seek advice from your in-house or County ecologist in relation to this matter.

KCC Highways – Initial response received on 26<sup>th</sup> September 2019

I refer to the above planning application and would comment as follows:

1. The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the three years to the end of September 2018. There is also currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility.
2. The proposals will also increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals will make passing more difficult, so passing arrangements should be formalised. Parking restrictions should therefore be provided for 10 metre lengths on one side of the road in the following locations:
  - Outside nos. 22/24
  - Outside no. 54 (partly replacing existing 'dog-bone' markings)
  - Outside no. 74These restrictions would result in 5 spaces being lost and replacement parking spaces could be provided within the new development.
3. I note the proposals would increase the number of dwellings served off Stanhope Road to one hundred, with no secondary emergency access available. The views of the Fire Service should therefore be sought in relation to the access proposals.
4. I note the new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
  - The proposed footway on the western side of the access road should be extended southwards to connect with the existing footway in Stanhope Road
  - The footway should continue completely around the adoptable turning head
  - Clarification of proposed carriageway and footway widths is required and should be shown on the plans
  - A speed restraint measure is required at the site entrance. If the road layout is fixed I suggest a raised table could be utilised encompassing the accesses to plots 1 and 28-30
  - The refuse vehicle must be able to make a suitable turning manoeuvre within the adoptable turning head, i.e. not need to overrun or overhang the private drives
  - Pedestrian visibility splays of 1 metre x 1 metre are required behind the footway on each side of each private drive access onto the adoptable highway. It appears this will not be achievable for plots 14-17 with the required footway in place
  - Block paved vehicle crossings in adoptable tarmac footways will not be acceptable
  - The access to plots 28-30 should be widened to the full width of the forecourt, to provide suitable manoeuvring room for the parking spaces to plot 30
5. In relation to the adoptable highway, the proposed parking arrangements require amendment as follows to deter unacceptable parking on the highway:
  - 4-bedroom dwellings (units 1 and 2) should have independently accessible spaces or be provided with an additional unallocated space in close proximity
  - 3-bedroom dwellings (units 3-5 and 14-17) should have only one allocated space each, with an additional 0.5 unallocated spaces each. If the tandem arrangements are to remain, an additional 0.5 unallocated spaces each are still required in close proximity

- Whilst the total amount of visitor parking is acceptable, its distribution is such that there is no such parking serving units 1-6, 14-17, 31 and 32. Visitor parking should ideally be located in the highway
- Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway.

I wish to place a holding objection until matters 2-5 above have been satisfactorily resolved.

*Subsequent response received on 22 May 2020*

I refer to the amended plans submitted for the above and note that the Fire Service have confirmed the access arrangements are acceptable to them. I would comment further as follows:

1. My previous request for formal passing places in Stanhope Road through the provision of parking restrictions does not appear to be included in the latest submission of plans and details of the same should therefore be provided, including replacement spaces within the site for those lost if possible.
2. I believe the revised new road is to be offered for adoption by the highway authority and the following matters therefore need resolving:
  - The kerb alignment opposite no 74 Stanhope Road should be a smooth transition from the existing road to the new and not as shown.
  - Forward visibility of 18 metres is required around the bends opposite no. 74 Stanhope Road, plots 1/2 and 6, with no obstructions over 1 metre above carriageway level.
  - The adoptable footway should run parallel to the carriageway rather than behind the private parking spaces P3-P11. This should assist with item 2 above.
  - The adoptable footway should also continue completely around the turning head.
  - Clarification of proposed carriageway and footway widths is required and should be shown on the plans, together with the proposed extent of areas to be adopted.
  - Swept path diagrams are required to demonstrate that an 11.4 metre refuse vehicle can suitably negotiate the proposed access road and turning area. Swept paths are also required to show that two cars can suitably pass each other through the 'S' bend in the initial section of access road.
- a. The amount of parking shown overall is acceptable and above the minimum required in policy DM13. There appears to be an excess of visitor parking across the site and therefore space P7 and three of spaces P57-P61 could be removed, the former helping to move the remaining spaces away from the bends in the access road. However, Parking spaces should be a minimum of 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. A note should be added to the drawing confirming these dimensions are provided.

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

*Further response received on 30 July 2020*



I refer to the amended plans submitted for the above on 14th July and confirm the proposals are now acceptable in respect of highway matters.

The trip generation rates in the submitted Transport Statement (TS) are acceptable and I concur with the TS that the addition of 16 two-way vehicle movements in the peak hours is unlikely to have a severe impact on the wider highway network. The proposals will increase the use of the Stanhope Road junction with Barton Road, however this is an existing junction in use for many years and there have been no recorded personal injury crashes at this junction in the five years to the end of 2019. The junction is protected by existing double yellow lines. Whilst it was noted on site that the lower section of Stanhope Road is used by some parents to park whilst dropping off children at the nearby primary school, the junction still operates satisfactorily.

The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult, so the proposals include mitigation to formalise regularly-spaced passing arrangements.

Parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations:

- Outside nos. 22/24
- Outside no. 54 (partly replacing existing 'dog-bone' markings)
- Outside no. 74

This will result in the loss of five existing on-street spaces, however 6 additional unallocated spaces are provided within the site as replacements, as well as the visitor spaces required for the development itself. Kent Fire and Rescue Service have confirmed that the access is considered satisfactory.

The proposed site layout provides suitable vehicular and pedestrian access and is laid out to be suitable for adoption by the highway authority. There is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.

The amount of parking, at 72 spaces, is acceptable and in excess of the minimum requirements under Policy DM13 of the Local Plan.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway network or an unacceptable impact on highway safety, and I would not therefore recommend refusal on highway grounds. The following should be secured by condition:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking/turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries (these will be restricted during school drop-off/pick-up times)
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
  - (f) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
- Provision of measures to prevent the discharge of surface water onto the highway.

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of each private access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Gradient of private accesses to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - o Footways and/or footpaths, with the exception of the wearing course;
  - o Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 1 metre x 1 metre pedestrian visibility splays behind the footway on both sides of each private access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Whilst not currently a formal policy in the Local Plan, I would request that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepointmodel list:  
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

#### Kent Police

Having reviewed the application on-line the following issues need to be addressed including:

1. Development layout – The communal green and SUDS areas need a boundary treatment to stop them being parked on.
2. Permeability The narrow footway alongside no. 57 is of concern. It is neither straight enough nor wide enough. If retained, it should be opened up and straightened to avoid recessed areas thus helping enable a safer route. The boundary treatments must not detrimentally affect no. 57.
3. The perimeter treatments to the boundary along the railway must be a min of 1.8m in height, reinforced with defensive planting or regularly maintained in order to help ensure no access to the railway.
4. Divisional treatments (fencing between rear garden spaces) to be min. 1.8m in height for privacy and security.
5. All gates to rear garden areas to be 1.8m high, lockable from both sides and as far forward to the building line as possible to avoid creating recessed areas.
6. The route from nos. 24-27 is of significant concern as it leads to an ungated route behind the 1.8m fence and the boundaries of the properties on Astley Avenue thus potentially reducing security to both sides. It needs to be designed out, moved or securely gated for use by nos. 24-27 only. The gate for Unit 8 should be brought forward unless the area of green space alongside its eastern boundary is communal.

7. Parking spaces should have maximum natural surveillance opportunity from ground floor "active" windows. For parking spaces including those for visitors, we strongly advise that residents have allocated spaces and all visitor spaces are marked as such with enforceable regulations to ensure they do not become additional parking for the nearest dwelling. Failure to address these issues result in nuisance especially if any vehicles are larger and affect the views and natural surveillance and can easily lead to conflict. It is important that at least one ground floor active window can see each tandem parking area.
8. External doorsets should meet PAS 24: 2016 UKAS certified standard, this includes the concertina doors.
9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.
10. Landscaping should enable natural surveillance with new shrubs maintained at 1m max height and new tree planting fastigiated - tall slim trees rather than low crowned species. If the plan requires the removal of on street parking spaces lower down the road, it is likely that flat landscaped areas near the entrance to this development would be ideal for parking on whether formal and designed in or not.

### **Public Representations**

117 letters of objection received raising the following relevant matters:

- In 1954 the then SoS declared this small piece of land unsuitable for housing.
- In 1994 the then SoS refused planning applications for building on the land on the East side of Stanhope Road.
- Stanhope Road is a steep gradient and there is a high incidence of "on street" parking as few houses have garages or parking spaces.
- The plans originally submitted in 1994 indicated a total of 32 dwellings but were amended to 29 houses and 49 car parking spaces subsequently rejected.
- the situation in Stanhope Road has worsened with more cars per household as car ownership has increased significantly.
- Car ownership has increased per family with up to 4 cars associated with one residence, in one case there are five with many now bringing their work vehicles/vans home.
- Will add to existing congestion.
- The additional traffic from the proposed development will exacerbate an already problematic situation of people trying to exit and access Stanhope Road into the arterial Barton Road which is particularly troublesome given this area is already heavy.
- Cars parked on double yellow lines.
- This land is home to various wildlife which include slow worms which are protected under the Wildlife and Countryside Act 1981. Foxes, rabbits, bats and other small mammals are also inhabited within. Clearance of this site has already seen a decline in such wildlife as existing trees and shrubs used for nesting etc have been excavated in anticipation of building.
- Serious impact on our standard of living
- This is a sloping land and it could have potential issues with the water drainage.
- Local drainage problems in the area.
- Loss of privacy
- Loss of wildlife habitat
- Cverdevelopment
- Would overlook Astley Avenue
- Loss of protected open space
- Risk of damage to the properties and cars
- Could give rise to hazardous situations during construction phase

- Further impact parking issues in Stanhope Road, Astley Avenue and surrounding roads
- The noise and pollution of dumper trucks and cranes etc going up and down the road will be unbearable.

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

- 1.1 The application relates to a triangular parcel of land which is located within the settlement confines of Dover and allocated on the Proposals Map as Open Space. Dover is identified as the 'major focus for development' in the District; suitable for the largest scale developments. The application site is located around 1.2km from the town centre, around 2km from Dover Priory Train Station and around 300m from the closest bus stops which provide regular services.
- 1.2 The site is located at the end of Stanhope Road in Dover. The site extends towards Astley Avenue to the west, backing on to the rear gardens of properties in Astley Avenue. A public footpath forms the southern edge of the site running between the western end property in Stanhope Road and between two pairs of semi-detached properties in Astley Avenue. The northern boundary of the site is formed by the railway line. To the east are detached post war properties in Danes Court. The slope of the site steeply rises from south to north; southwest to northeast and southwest to southeast. The terrain of the site is such that substantial part of the site towards the northeast and southeast are at a higher level than the properties within Danes Court to the east.
- 1.3 To the east of Stanhope Road and to the south of Danes Court is St Edmunds Catholic School and Charlton Church of England Primary School. The properties in Stanhope Road and Astley Avenue are predominantly terraced or semi-detached two storey properties. The area is predominantly residential. To the north of the railway line are allotment gardens and industrial uses including a skip/building business. The site extends to 0.87 hectares (or 2.16 acres). The site is currently vacant land. It is apparent that the site has recently been cleared of vegetation. There is a public footpath which runs between Stanhope Road and Astley Avenue to the north of No.57 Stanhope Road, but the footpath is fenced off and entirely separate from the Stanhope Road site.
- 1.4 It is relevant to note that the site was subject to a previous planning application (DOV/94/00062) i.e. approximately 25 years ago for 29 dwellings. The application was refused and dismissed at appeal. Since then there have been significant changes on the policy front. It is understood that the site was previously owned by KCC, who had aspirations at one time to develop it as playing fields for school use however, that development never transpired and the site was sold off and is currently under private ownership with no public access.
- 1.5 The proposal seeks permission for the erection of 32 dwellings with associated access and parking. The mix of housing for this proposal includes 12 x 2-bedroom dwellings, 18 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. The proposed dwellings would be two storeys in height and would incorporate a consistent palette of materials including brick, timber cladding, metal cladding, UPVC fenestration and artificial slate tiled roof. The proposed development would utilise the existing access from Stanhope Road albeit it would be widened to 5.5m. In total, 74 car parking spaces would be provided within the site.

2. **Main Issues**

2.1 The main issues are:

- Principle of the development
- Protected Open Space
- Open Space Contributions
- Housing Mix and Affordable Housing
- Character and Appearance
- Impact on Residential Amenity
- Highways
- Impact on Ecology
- Contamination, Drainage and Utilities
- Developer Contributions

**Assessment**

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and therefore accords with Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is located within the settlement confines, the development accord with Policy DM11. The occupants of the development would be able to access most day to day facilities and services within Dover and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located relatively close to public transport links.
- 2.5 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this location. Consequently, it is considered that DM1 reflects the NPPF (which also supports development within existing urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry weight.
- 2.6 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services and social integration. Insofar

as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.

- 2.7 Policy DM25 seeks to prevent the loss of open space unless one of five exceptions are met and where, in all cases except where the second exception is met, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. This approach is closely reflected by paragraph 97 of the NPPF, which also seeks to avoid the loss of open space unless one of three criteria are met, one of which is where the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location. Given the degree of consistency between Policy DM25 and paragraph 97 of the NPPF, it is considered that DM25 is not out-of-date and continues to carry significant weight.
- 2.8 It is considered that policies DM1, DM11 and DM25, which are the 'most important' policies for determining this application, are not out-of-date and continue to carry significant weight. As such, the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged and, instead the development should be determined in accordance with the development plan and any other relevant material considerations.

#### Protected Open Space

- 2.9 The site is designated as open space and is protected by Policy DM25 of the Dover District Council Local Development Framework Core Strategy 2010 (the Core Strategy). Policy DM25 states any proposal that would result in the loss of public open space will not be permitted, subject to certain exceptions. These exceptions include the situations where there is an identified deficiency of public open space, but the site is incapable of contributing to making it good; or where there is a deficiency that the site is capable of contributing to making it good, but where an alternative suitable area can be made available.
- 2.10 Further, Paragraph 97 of the National Planning Policy Framework requires that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 2.11 Whilst it is noted that the site is not currently accessible by the general public, the Dover District Council Land Allocations Local Plan 2015 (the Local Plan) states in paragraph 2.39 that "Non-accessible open space with current or potential amenity value is also recognised on the map" and that this can include land in private ownership "if it is the only remaining open space in an urban environment".
- 2.12 As part of the emerging Local Plan Evidence base, consultants Knight, Kavanagh & Page (KKP) have recently completed an assessment of all open spaces within the District to inform the emerging Open Space Standards and Playing Pitch Strategy. Whilst only limited weight may be given to what is an emerging strategy at this time, the underlining methodology is nonetheless considered robust and constitutes the most up-to-date quantitative and quality analysis of the districts open space.
- 2.13 As part of the emerging strategy, KKP are recommending that open space that is currently classified as accessible greenspace should be further refined to make the distinction between accessible greenspace which is more formal parks and gardens and accessible greenspace which is less formal amenity greenspace. The application site has been identified as amenity greenspace within this study. Within the Dover Analysis within which this site lays, it should be noted that whilst the KPP is no longer identifying

an overall shortfall of accessible greenspace against the adopted standard of 2.22ha (per 1000 population), this work does however identify a specific shortfall of 0.26 ha per 1000 population against recommended provision of 1.46 ha per 1000 population of amenity greenspace, of which the loss of this site would erode further.

- 2.14 To overcome the policy concerns in relation to the open space, the proposal was amended to provide the proposed central amenity green space which includes a Local Area of Play in accordance with the guidance in the NPFA Characteristics of Play Areas (with a minimum activity zone area of 100 sqm).
- 2.15 It is accepted that the amended proposal would represent a qualitative improvement in the provision of open space on site through the provision of children’s play space and offering public access to the site. While there is not an overall shortfall of accessible greenspace within this analysis area when considered against the adopted DM27 requirements, there would be a quantitative shortfall relative to the emerging KKP recommendations, albeit they can only be given limited weight as a material consideration at this time and any such quantitative loss must also be weighed against the qualitative improvements identified through this proposal. Set against these considerations, it is considered that the impact of the proposals on open space provision can, on balance, be accepted.

Open Space Contributions

- 2.16 Land Allocations Local Plan Policy DM27 states planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

*Accessible Green Space*

- 2.17 Additional need arising from residential developments is calculated using average occupancy rates. Based on the provided housing schedule, 79.01 new residents will be generated by the proposed development on the following basis.

<b>Number of New Residents</b>			
Dwelling type	Number of each type	Average number of people per new dwelling*	Estimated number of people
1 bed	0	1.25	0.00
2 bed	12	2.11	25.34
3 bed	18	2.62	47.18
4 bed	2	3.25	6.49
<b>Total</b>	<b>32</b>		<b>79.01</b>

- 2.18 Applying the adopted DM27 requirement (applicable on sites of 5 units or above) of 2.22 ha per 1,000 population against the anticipated number of new residents generates an overall accessible green space requirement of 0.1754 ha. The proposed site layout shows Accessible Green Space is to be provided on site. In the event of grant of permission, long term maintenance/management of the accessible green space would be secured by legal obligation.

*Outdoor Sports Facilities*

- 2.19 Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.09ha.
- 2.20 Whilst on-site provision would be impractical on a site of this size, an appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.09ha natural grass playing pitch need generated by the proposed development equates to 13.21% of a natural turf senior pitch which equates to a proportionate offsite contribution of £13,206.29.
- 2.21 The three adult football pitches at Danes Recreation Ground are currently identified as overplayed and improving pitch quality here has been identified as a priority within the emerging KKP work. A proportionate contribution, which would be £13,206.29 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, towards improving pitch quality at Danes Recreation Ground would be secured by legal obligation.

#### *Children's Equipped Play Space*

- 2.22 Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of new residents generates an overall children's equipped play space requirement of 0.0047ha
- 2.23 The proposed site layout includes a Local Area of Play to be provided on site. In the event of grant of permission, appropriately worded conditions would be attached requiring submission of the details of the Local Area of Play including layout, design of the playspace, and equipment/features etc. Finally, the provision and long-term maintenance/management of the Equipped Play would be secured by legal obligation.
- 2.24 In conclusion, subject to conditions and all the contributions detailed above secured via a S106 legal agreement, the proposed development is considered to comply with policies DM25 and DM27 of the Core Strategy.
- 2.25 Regard should also be had to paragraph 97 of the NPPF which resists development on open space unless one of three criteria is met. Annex 2 of the NPPF defines open space as, "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for recreation and can act as a visual amenity". It is considered that the site has the potential to make a valuable contribution towards the needs of the community (public value) and has limited visual interest. The loss of open space resulting from the proposed development would be replaced by a qualitative Local Play Area and Accessible Amenity Green Space in a desirable location and would provide access to the members of the public. Having regard for the above, the proposed development would comply with paragraph 97 of the NPPF.

#### Housing Mix and Affordable Housing

- 2.26 The proposal would provide 32 dwellings comprising: 14 x 2-bedroom dwellings, 16 x 3-bedroom dwellings and 2 x 4-bedroom dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how the development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.43 of the Core Strategy identifies the broad split of demand for market housing.



2.27 Policy CP4 recommends the following housing mix: one-bed - 15%; two-bed - 35%; three-bed - 40%; and four-bed 10%. However, the more recent Strategic Housing Market Assessment 2017, updated December 2019, (SHMA) has adjusted these requirements to meet updated needs. The SHMA identifies the following needs:

	Owner Occupied	Shared Ownership	Affordable/Social Rent
One-bed	5.3%	25.7%	32.7%
Two-bed	22.9%	34%	11.3%
Three-bed	38.7%	26.4%	23.5%
Four-bed	33.2%	13.8%	32.6%

The housing mix proposed by the current application is as follows:

Number of Bedrooms	Owner Occupied	Affordable Rent/Shared ownership (Tenure to be decided)	As can be seen from the tables
One	0 (0%)	0 (0%)	
Two	12 (37.5%)	10 (83.33%)	
Three	18 (56.25%)	0 (0%)	
Four	2 (6.2%)	0 (0%)	

above, the development does not provide any one bedroom dwellings which, whilst few such units are required for owner occupiers, they are required across the district for affordable tenures. Another noticeable variance is the over provision of two and three bedroom dwellings against the more recent identified need within the 2019 update of the SHMA.

2.29 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. The housing mix proposed, whilst reasonably well aligned to the housing mix advocated by the 2010 Core Strategy, is more divergent from the more up-to-date SHMA mix. Regard must also be had for the need to ensure that the housing mix is suitable for the particular development, having regard for the number of dwellings proposed, the context, opportunities and constraints of the site and more localised market conditions. Overall, whilst the development would not deliver the optimum mix of housing which is required to meet the needs of the district, it is considered that the housing mix proposed is not unreasonable, particularly given the family housing which is prevalent in the locality. Whilst it doesn't necessary follow that no one-bedroom dwellings should be provided, the lack of which weighs against the scheme to a degree, overall it is considered that the housing mix can be accepted on this site.

2.30 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required, albeit the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.

2.31 The applicant has confirmed that affordable housing will be provided on site, providing a plan indicating the locations for 10 affordable dwellings (31%). These dwellings would be provided in one group to the west of the site. The dwellings would comprise 10 two bed dwellings. The Council's Housing Development Manager has advised that the provision of 30% affordable housing aligns with the councils policy and supports the need in this location. Details regarding the specific tenure of the affordable housing has not been finalised which will likely follow further discussions with registered providers.

Whilst it would be necessary to secure the provision of affordable housing, it would be appropriate to require, by legal obligation, the submission for approval of full details of how the affordable housing will be delivered and in what form, including justification for any variance from the councils identified preferred mix. Subject to the details of the affordable housing provision being secured by legal agreement, which shall require the submission of an affordable housing scheme, the development will provide a policy compliant element of affordable housing which meets local need.

#### Impact on Character and Appearance of Area

- 2.32 The site lies on the edge of open countryside. It is adjoined by existing residential development on three sides, with the Dover to Sandwich railway line forming the northern boundary. Regard must be had to Policy DM15 of the Core strategy which states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.33 By virtue of the terrain and location of the site, the site is considered to lie in a prominent location. Therefore, it is necessary to consider whether the proposed development is likely to result in unacceptable landscape impacts and whether these impacts could be effectively mitigated.
- 2.34 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). It is noted that various viewpoints have been considered and the varying degree of harm ranging from moderate adverse to minor adverse has been identified. The LVIA concludes that the sensitivity to change would be low, as a result of the urban fringe nature of the site and the lack of existing landscape features within it. It goes on to state that the proposed development would not be discordant within the largely residential context and the limited visibility of the site from the surrounding area. It makes reference to the site being vacant and disused and considered to make no positive contribution to local landscape and townscape character and quality. Whilst it is acknowledged that the site has been vacant for several years, it is not agreed that the site makes no contribution to the local landscape. It is considered that by virtue of its exposed location, it does make some positive contribution (albeit limited) to the open countryside by retaining that soft edge to the countryside. On balance, it is considered that infilling of a green site with buildings is likely to result in some harm to the landscape, however, it would only be evident in very limited long range views. It is noted that the site can be seen from a broad area of higher ground around the fringes of the town, the views of the site from that higher ground are distant and in the context of a wide, expansive view which already includes much of the urban area. Therefore, whilst there would be some limited visual harm, the visual impact arising from the proposed development could be satisfactorily mitigated by a high quality landscaping scheme. In the event of grant of planning permission, an appropriately worded condition could be attached requiring the submission of a high quality landscaping scheme. Overall, the proposed development would not be contrary to policies DM15 and DM16 of the Core Strategy.
- 2.35 Regard must also be had to whether the proposed development would cause visual harm to the street scene. The application as originally submitted presented with numerous challenges. The initial proposal submitted lacked provision of qualitative open space on the site (contrary to policies DM25 and DM27), lack of general coherence, cluttered appearance, tandem parking and very limited thought had been given to the residential amenity impact. The initial layout also made no provision for usable open space and the overall layout did not respect the grain of development in the area whilst the houses in Stanhope Road have a strong street frontage character. The applicant's

agent was advised that given the shape of the site, there was an opportunity here to create a gateway to the new development of a fairly open and inclusive character. Given the terrain of the site, the site was considered to lie in an exposed location. Therefore, officers were of the opinion that this was an opportunity to achieve a residential scheme that would uplift and enhance the overall character of the area. Several discussions were had during the application process and various layouts were considered to ensure that the scheme, whilst high density, was good quality with qualitative open space designed to ensure it is safe, social and inclusive and integrated with the built form, in line with the guidance contained within the National Design Guide and the NPPF.

- 2.36 Policy CP4 seeks development to maximise density where possible, having regard for the design process (i.e. whilst achieving good design). In this respect the policy seeks development to achieve at least 30dph and, wherever possible exceed 40dph. This approach is also advocated by the NPPF which requires development to make efficient use of land, whilst taking account of the desirability of maintaining an area's prevailing character. The proposed scheme would be built at a density of around 36 dwellings per hectare (dph). This is significantly lower than the prevailing density in the immediate areas including Stanhope Road and Astley Avenue which have an approximate density of 50dph. Although it is noted that density of housing to the east of the site is significantly lower at approximately 15 dwellings per hectare. However, for the purposes of comparison, consideration of the prevailing densities within Stanhope Road and Astley Avenue is more appropriate as the pattern of development in the area is comparable (i.e. two storey semi-detached high density housing). On balance, it is considered that the proposed density strikes the right balance and is acceptable.
- 2.37 The layout of the development departs, to a degree, from the long, relatively straight roads of street frontage development which characterise the area. Instead the dwellings are arranged around a central open space with access to the development via Stanhope Road. The central open space would comprise an Equipped Play Area, the maintenance (in perpetuity) of which would be secured via a S106 legal agreement. The layout ensures that the front elevations of dwellings face towards the road, with the instances of blank side or rear walls/fences being visible from the street being limited. In respect of the car parking layout, the amended layout includes a significant reduction in tandem parking spaces. Overall, whilst some elements of the layout are less successful, generally the layout responds to the prevalent layout in the area, is legible and provides attractive viewpoints throughout the development.
- 2.38 The design of the dwellings proposed seeks to provide a contemporary character, albeit within a typical residential form. Given that the architectural style of the housing around the site is reflective of when they were built, it is considered that adopting an identical approach on this site would not be an appropriate response. The design approach utilises brickwork, a band of timber cladding near the base of the dwellings, dark grey metal cladding to accentuate the window projections (the intent of which is to emulate the bay window feature in the locality, albeit in an abstract form).
- 2.39 Detailed landscaping plans have not been submitted at this stage, although the layout plan does indicate where trees will be planted. The deep gardens offer opportunities for the planting of trees of a scale commensurate with their proximity to houses. However, the more strategic areas of open space, such as the central amenity space, and the area to southwest, near the site entrance, provide opportunities for more substantial specimens. The provision of a significant number of trees and in strategic locations, more substantial trees, is considered to be particularly important along with the choice of a muted materials palette. The choice of materials and finishes to the hard landscaping will be equally important. It is therefore considered that details of hard and soft landscaping must be secured by condition.

- 2.40 Having regard for the density of dwellings, the layout of the scheme, the design of the buildings and the opportunities for meaningful planting within a high quality landscaping scheme, it is considered that the development would not harm the character of the area, whilst producing a scheme which would have a strong character of its own. The proposed development is therefore considered acceptable subject to conditions and would comply with paragraphs 127 and 130 of the NPPF.

#### Impact on Residential Amenity

- 2.41 The proposed dwellings are generally well separated from neighbouring properties outside the site, with the majority of the proposed dwellings set away from the boundaries of the site by reasonably long gardens, whilst the majority of the neighbouring properties themselves have long gardens. As such, for the most part, the back to back distances between the existing and the proposed dwellings are 30m or more, ensuring no unacceptable loss of light, sense of enclosure or overlooking. However, there are some relationships where proposed dwellings would be sited closer to existing dwellings which requires further comment.
- 2.42 By virtue of the steep slope of the land particularly towards the north and east, it is necessary to assess the likely impacts arising as a result of siting of the dwellings in parallel with detached properties fronting Danes Court. The land levels steeply rise along Danes Court such that the rise in slope is comparable to the rise in slope of land within the application site.
- 2.43 The initial proposal was for a row of two storey dwellings backing onto Danes Court. However, by virtue of the proximity of the proposed units and the terrain of the land, concerns were raised in relation to the loss of privacy and sense of enclosure to the existing occupants of Danes Court. Subsequently, the proposed scheme was amended and the units U27 to U30 (4 units) were amended to Chalet style semi-detached pairs and were sited further away from the dividing boundary with Danes Court properties (no's 8 and 9). The separation distance of the proposed units U27, U28, U29 and U30 with the dividing boundary between no's 8 and 9 is approximately 13.25m whilst the dwellings would lie at a distance of over 14m from their private gardens. Oriel windows to the side elevations have been used as a solution to overcome the concerns in relation to loss of privacy. No windows have been proposed to the first floor elevations of these properties serving habitable rooms. A single casement window has been proposed to the rear elevation of each of the 4 units which would serve the proposed bathroom. Further to this, U25 and U26 whilst two storey, have been sited such that they align with the proposed Chalet style semi-detached pairs, with a view to ensure a consistent building line. Oriel windows have been utilised for consistency and also with a purpose to prevent any potential loss of privacy to the occupants of Danes Court. Having regard for the above, it is not considered the proposed dwellings (U25, U26, U27, U28, U29 and U30) would cause unacceptable or significant harm to the residential amenity of the neighbouring occupiers no's 8 and 9 Danes Court and are found to be acceptable.
- 2.44 Concerns were also raised in relation to the impact of the proposed semi-detached pair U23 and U24. By virtue of the slope of the land, it was considered to cause unacceptable loss of privacy to the occupants of no's 16 and 19 Danes Court. In response to the concerns raised, amended drawings were received which sought to incorporate oriel style windows to the front and rear elevations with one side of the oriel windows to be obscure glazed. Whilst the choice of utilising oriel windows to the front elevation was considered inappropriate, taking into account the limited views that would be achieved of this proposed semi-detached pair, and given the fact that this amendment would

effectively overcome the unacceptable loss of privacy, on balance, it was considered acceptable.

- 2.45 Regard must also be had for the noise and disturbance which would be caused during construction. Given the scale of the development, its proximity to neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.
- 2.46 Third parties have objected to the application on the grounds that the proposed development would result in harmful impact to the residential amenity. However, following the receipt of amended plans, it is felt that the concerns in relation to the loss of privacy and sense of enclosure have been satisfactorily overcome.
- 2.47 Third parties have also asked whether parts of the site can be purchased by neighbours to reinstate the access to the rear of their properties. These matters are not material planning considerations and, as such, cannot be addressed by the planning process or attributed weight in the planning balance.
- 2.48 Kent Police have drawn attention to a number of considerations which should be taken into account in order to enhance the safety of the development and reduce the likelihood of crime. It is considered that the proposed layout delivers a reasonable balance between delineating public and private spaces, providing natural surveillance (particularly of communal areas such as the equipped play area) and securing perimeters, whilst providing sustainable pedestrian permeability, limiting lighting (having regard for ecological impacts) and ensuring an attractive and inclusive development.

### Noise

- 2.49 The site is affected by the railway line located to the rear of the site and road traffic noise along Barton Road (A256) to the south. An Environmental Noise Survey and Noise Impact Assessment was received with the application. The Survey measures the baseline noise levels across the proposed development for new residential properties that were measured over a 24 hour period. The impact of the existing noise sources on the proposed development and the potential adverse impact from the development on the closest sensitive receptors have also been assessed.
- 2.50 A specification for the building envelope has been provided within the Noise Report to give the appropriate amount of sound insulation to follow the internal ambient noise level guidance set out within BS 8233:2014 and the IoA ProPG: Planning & Noise 2017. Calculations indicate that it is possible to meet the internal ambient noise level guidance set out within BS 8233:2014 by using a standard double glazing of 6mm pane, 12mm cavity and an acoustically rated trickle ventilator. In terms of preserving off site residential amenity and noise generated by the construction of the development, it is also considered that construction noise limits are proposed which are provided in line with the ABC method stated in BS 5228-1.
- 2.51 The Council's EHO is content with the recommendations made within the noise survey report. It has been recommended that in the event of grant of planning permission, the recommendations within the noise report be secured via suitably worded conditions.

## Impact on Highways

- 2.52 Policy DM13, having regard for Table 1.1, requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in an urban location, where: 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 and 4 bedroom houses will be expected to provide 2 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 32 dwellings proposed (12 x 2 bed, 18 x 3 bed and 2 x 4 bed) equates to 50 spaces for occupiers and around 7 visitor spaces. The application proposes 74 spaces for occupiers of the dwellings, which would be delivered in a manner which provides each dwelling with the recommended parking provision. The parking for ten of the dwellings would be provided in a tandem arrangement, which are less convenient to use, however, given the additional provision of parking spaces across the scheme, this arrangement is considered acceptable.
- 2.53 Third parties have raised significant concerns in relation to the intensification of the use of Stanhope Road causing traffic congestion and parking problems. The proposals will increase the use of Stanhope Road itself and currently on-street parking takes place along both sides of the road, including for short periods by some parents taking children to the nearby school. The availability of informal passing places is variable and the increase in vehicle movements resulting from the proposals may make passing more difficult. In response to the above, the proposals have been amended which includes mitigation to formalise regularly-spaced passing arrangements. KCC Highways have advised that parking restrictions are therefore to be provided for 10 metre lengths on one side of the road in the following locations: Outside nos. 22/24, outside no. 54 (partly replacing existing 'dog-bone' markings) and outside no. 74. The proposal will result in the loss of five existing on-street spaces, however, 4 additional unallocated spaces are provided within the site as replacements. KCC has also advised that following the adoption of the road, the two layby spaces could also be made available to the residents of Stanhope Road (i.e. totalling 6 spaces). It should also be noted that there is currently no turning head available in Stanhope Road and the proposals will improve the existing situation by providing such a facility within the proposed development.
- 2.54 From the review of the Transport Statement (TS) submitted with the application, it is apparent that 16 two-way vehicle movements in the peak hours would be generated. Whilst the development would increase the number of vehicles using Stanhope Road, it is not considered that this increase would cause a severe impact. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. The tracking plans and details of sight lines have been provided for the internal road to demonstrate that it would function safely and efficiently. The plans also demonstrate that appropriate visibility around bends could be achieved. KCC Highways consider the proposed vehicular and pedestrian access suitable for adoption by the highway authority. Further to this, Kent Fire and Rescue Service have confirmed that the access is considered satisfactory. Car and cycle parking would be provided in accordance with the councils recommended standards.
- 2.55 KCC Highways have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated

parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points.

- 2.56 In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraph 109 of the NPPF.

### Ecology

- 2.57 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey.
- 2.58 A stand of *cotoneaster horizontalis* was recorded along the eastern boundary of the Site. This is an invasive species and is included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is recommended that this be treated and removed by a qualified individual to prevent it spreading. No further protected species surveys have been recommended. In respect of potential impact on bats, it is recommended that a sensitive lighting strategy should be followed in order to minimise the indirect impacts of the development on the local bat population. Regarding breeding birds, recommendations have been made in relation to the timing of the removal of any of the boundary vegetation; this should be undertaken outside the bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required. Recommendations for enhancing the ecological value of the proposed site as required under the National Planning Policy Framework have been suggested. These include native planting of hedgerows, shrubs, planting of climbing plants and nectar-rich plants and the provision of bird boxes.
- 2.59 It is considered that the findings within the ecological appraisal are sound and that the recommendations are sufficient to ensure that the Council's duties in respect of habitats, protected species and ecology generally will be fulfilled. DDC's Ecological Officer is satisfied with the information provided and recommended that all the recommendations for the enhancements, detailed within the ecological appraisals should be secured via suitably worded conditions.

### Habitat Regulations Appropriate Assessment

- 2.60 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.
- 2.61 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.
- 2.62 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.

- 2.63 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.
- 2.64 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.
- 2.65 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). An appropriate off-site contribution of £1,654.96 is therefore necessary for this site to be considered policy compliant. The applicant has agreed to pay the required SPA mitigation contribution. These will be secured via a S106 legal agreement.

#### Monitoring Fee

- 2.66 The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. The Council employs a dedicated monitoring officer whose time spent on monitoring is recorded to ensure fair and consistent monitoring fees are in place. Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. From this a proportionate monitoring fee of £236 per trigger event has been established. A monitoring fee of £236 per trigger event should be sought. The applicant has agreed to pay the monitoring fees.

#### Contamination, Drainage and Utilities

- 2.67 A Preliminary Investigation Report has been submitted with the application with a view to ascertain the risk pertaining to the site in terms of contamination. In terms of the historic development of the site, records show that the site has been open land since 1865 with a period from 1945 to 1962 when the site was utilised as allotments.
- 2.68 With regard to on site potential contamination sources, any potential contamination associated with the former allotment use would have either degraded or have been diluter/leached due to the underlying permeable ground. The contamination report concludes that there is a low to negligible risk of contamination. It is recommended that a watching brief be employed during the construction phase for unexpected contamination. In accordance with guidance presented in C681 'Unexploded Ordnance (UXO) A guide for the Construction Industry' a review has been undertaken of the historic maps and third-party preliminary risk map, has indicated that the site is at moderate to high risk from historic bombing, shelling or has had a military use. Based on the assessment of the historical maps, Environmental Health have recommended that a specialist UXO risk assessment is undertaken to determine the risk to the proposed development.
- 2.69 The site is within Flood Risk Zone 1, which has the lowest risk of flooding from rivers or the sea. As such, the application does not need to be subjected to the sequential or



exception tests. However, given the size of the site, it is necessary to consider how surface water will be drained and how foul sewerage will be disposed of. Infiltration testing has taken place to ascertain whether the ground conditions would allow surface water to be discharged to ground, concluding that the ground is not sufficiently permeable to drain the surface water from the site. KCC have confirmed that the information provided by the tests is adequate and is accepted.

- 2.70 The application has been supported by a Drainage Statement, which has considered the potential sources of flooding and has assessed the opportunities of draining surface water. At present there is no planned surface water drainage on the site, with surface water draining to ground or running off the site naturally. As there are no water courses in the area, the only remaining option is to discharge to a public sewer, although infiltration (in the form of permeable paving) will be used to reduce the volume of surface water which needs to be discharged to the public sewer. KCC Flood Authority have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. The application proposes to discharge foul sewerage to the mains sewer. It is considered that, subject to conditions being attached to any grant of permission to require full details of foul and surface water drainage be submitted for approval, the development would not increase the risk of flooding on site or elsewhere.

#### Developer Contributions

- 2.71 KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:

- Secondary Education - £4115.00/dwelling equates to £131,680.00 for 32 dwellings towards Dover Christ Church Academy Expansion.
- Community Learning - £25.64/dwelling equates to £820.44 for 32 dwellings towards the Adult Education element of the new Dover Discovery Centre.
- Youth Service - £65.50/dwelling equates to £2096.00 for 32 dwellings towards Youth Service in Dover.
- Libraries - £78.66/dwelling equates to £2517.03 for 32 dwellings towards the library element of the new Dover Discovery Centre.
- Social Care - £146.88/dwelling equates to £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).

- 2.72 The applicant has confirmed that they would be willing to meet these requests, which will need to be secured by legal agreement, should permission be granted. It is considered that the above contributions are CIL compliant. In each case a specified project has been identified and is demonstrably necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):

- Provision of 30% affordable housing
- Provision, retention and maintenance of the 'green', the equipped play area.
- £131,680.00 towards Dover Christ Church Academy Expansion.
- £820.44 towards the Adult Education element of the new Dover Discovery Centre.

- £2096.00 towards Youth Service in Dover.
- £2517.03 towards the library element of the new Dover Discovery Centre.
- £4700.16 for 32 dwellings towards Dover Social Care hub.
- All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2)

#### Other Material Considerations

- 2.73 The principle of the development accords with the development plan. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.74 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides justification to depart from the development plan. The relevant issues within the NPPF have been addressed within the corresponding sections of this report and so will not be repeated in detail here. These sections have concluded that the impacts of the development do not give rise to any harm or harms which would indicate that permission should be refused.
- 2.75 The NPPF confirms the government's objective to significantly boost the supply of homes, including the provision of a range of housing to meet different needs. Whilst the council can currently demonstrate a five-year housing land supply, the council have delivered 92% of the homes needed over the past three years. The site lies in a location which is wholly consistent with the NPPF's aim to steer development towards sustainable locations, where future occupants can reach (and provide support for) facilities and services, including public transport.
- 2.76 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The site is well linked to all the facilities and services by footpaths. As such, it is considered that the site is well related to existing facilities and services, such that the need to travel is decreased whilst the use of more sustainable forms of transport is realistic. These conclusions add weight in favour of the development.
- 2.77 The NPPF encourages the development of under-utilised land. Given that the site has not been in active use for several years, there is a sense in which it is under-utilised which weighs in favour of the proposal.
- 2.78 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would provide housing which plays a role in facilitating economic growth. The development would also provide a modest increase in the local population, which would produce a corresponding increase in spending in the local economy.
- 2.79 In terms of the social role, the proposal would contribute towards the supply of housing and would accord with the aim of significantly boosting the supply of housing. The mix of housing proposed would be slightly skewed from the mix identified as being required by the district which, to a degree, counts against the scheme, whilst 31% of the total number of housing units would be affordable units - a benefit which is given significant weight. The development would not cause significant harm to the character and appearance of the area, subject to conditions regarding the use of materials and landscaping. The development would also be in an accessible location, close to local facilities and services, reflecting the need and support health, social and cultural well-being. The development would increase the use of Stanhope Road

however, it is concluded that the impact of additional traffic movements would not warrant refusal. The development would result in the quantitative loss of Open Space. Whilst this space has not been actively used for several years, it has the potential to make good deficiencies in the future, (albeit there is no evidence that the site will become publicly accessible in the absence of this development). However, the application proposes to compensate for the quantitative loss of open space through qualitative benefits, providing accessible green space and Local Play Space.

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

### **3. Conclusion**

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 The development would provide 32 dwellings in a sustainable location, close to the facilities and services of Dover. 30% of the dwellings would be affordable dwellings. These benefits weigh significantly in favour of the development. The development would also secure the public use of part of the site. It has been concluded that the qualitative benefits of the accessible open space proposed on site provide at least the same quality and equivalent community benefit as the existing site. Whilst the development would increase the number of vehicles using Stanhope Road, the additional vehicle movements generated by the development would not justify the refusal of the application. The development is acceptable in all other material respects, subject to conditions and obligations.
- 3.3 The development accords with the objectives of the development plan and NPPF and is therefore recommended for approval.

### **g) Recommendation**

I SUBJECT TO a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space) PLANNING PERMISSION BE GRANTED, subject to conditions to include:

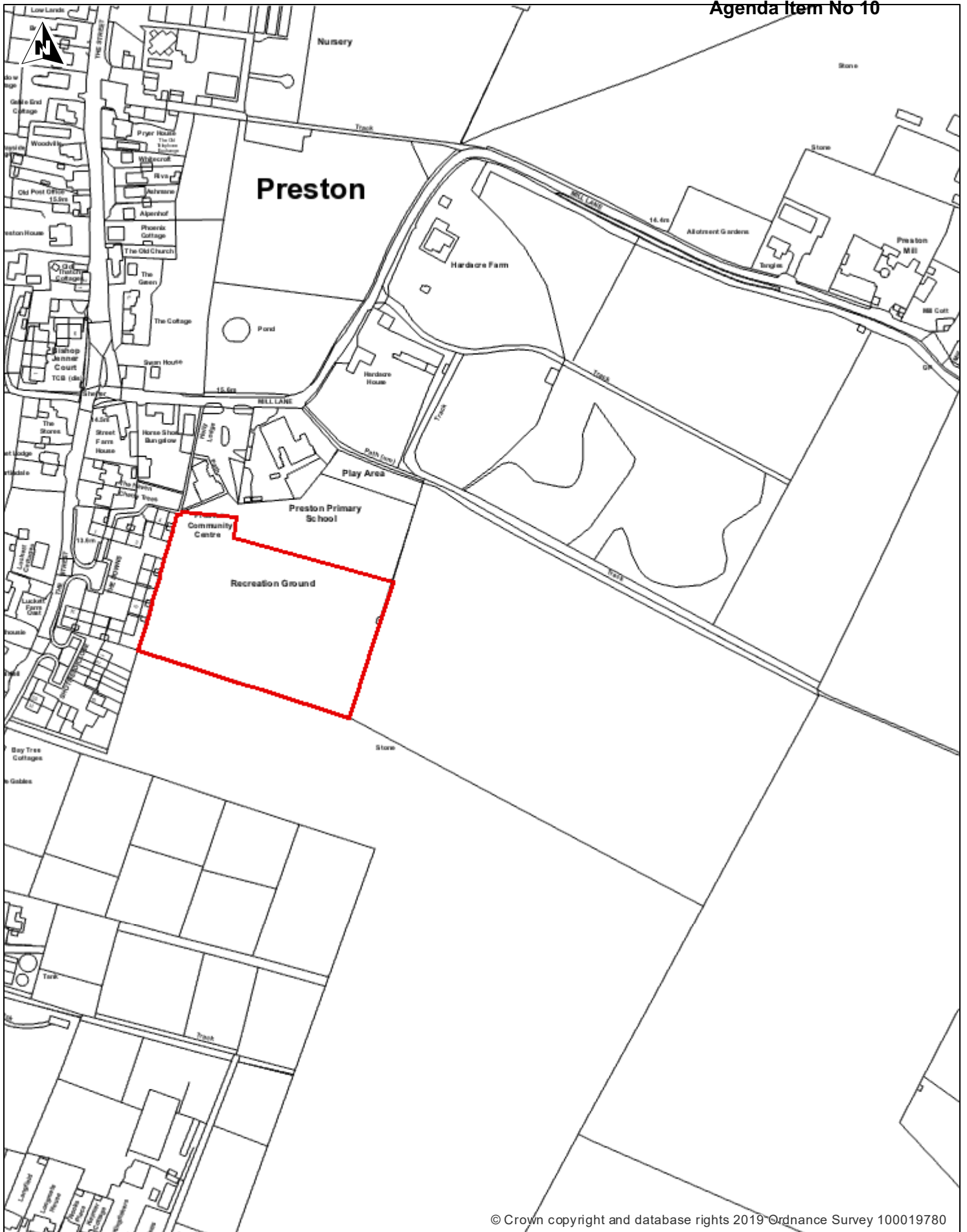
- (1) Time limit,
- (2) approved plans,
- (3) Construction Environmental Management Plan,
- (4) Specialist UXO risk assessment
- (5) Construction Management Plan
- (6) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO)
- (7) previously unidentified contamination,
- (8) measures to prevent the discharge

of water onto the highway, (9) details of any electric vehicle charging points, (10) use of bound surface treatment for first 5m, (11) provision and retention of car parking for residents and visitors (12) cycle parking and bin storage, (13) completion of access, (14) completion of internal access roads and footways, (15) provision and retention of visibility splays, (16) details of surface water drainage infrastructure with no infiltration other than that which is approved, (17) details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed (18) full details of all lighting, including the lighting for the amenity space, car parking and residential areas, (19) provision of refuse and recycling areas for residential and for the amenity area (20) scheme to be secured by design (21) samples of materials, to include bricks, roof tiles, metal cladding, timber cladding (22) sectional eaves details (23) details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts, (24) windows to be set in reveals, (25) removal of permitted development rights for porches and roof extensions, (26) ecological mitigation and enhancements, (27) contamination safeguarding (28) broadband connection

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

Case Officer

Benazir Kachchhi



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DOV/20/00439  
Preston Village Hall, Mill Lane  
Preston  
CT3 1HB

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/20/00439 – Erection of a village hall, creation of additional parking, bicycle parking, soft and hard landscaping and installation of new school safety barrier (existing village hall to be demolished) - Preston Village Hall, Mill Lane, Preston**

Reason for report: Due to the number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Preston is identified as a Village.
- CP5 – Requires development over 1,000sqm to be considered against BREEAM.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of countryside, or would adversely affect the character and appearance of the countryside will not be permitted unless exceptions are met.
- DM25 – Development which results in the loss of open space will not normally be permitted, unless exceptions are met

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

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. 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.
- Chapter eleven requires that land is used effectively, having regard for: the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding.
- Chapter fifteen seeks to conserve and enhance the natural environment

#### The Kent Design Guide and National Design Guide

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

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

DOV/09/01008 - Erection of a village hall, alterations to existing car park and vehicular access (existing hall to be demolished) – Granted

DOV/13/00045 - Renewal of Planning Permission DOV/09/01008 for the erection of a village hall, alterations to existing car park and vehicular access (existing hall to be demolished) - Granted

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

##### KCC Highways – *Initial comments received 28<sup>th</sup> May 2020:*

No objection in principle; however, amendments are required to the scheme to provide: additional car parking provision; improved visibility splays; swept path details for delivery vehicles; and clarification regarding school parking. It is also requested that some EV charging points are provided and that one-way system in the car park be considered.

##### *Further comments received 13<sup>th</sup> August 2020:*

Following receipt of drawing 6546/103 Rev. P2 received on 24th July, the proposals are now acceptable.

The car parking has been increased by a further 3 spaces and the total number is now 41 spaces, which is acceptable when taking into account the provision of changing rooms for the sports pitch and the potential for the pitch and the rest of the hall being in use at the same time.

Cycle parking including for an adaptive bike is also provided, together with space for a mobility scooter.

Visibility is to be improved at the existing access onto Mill Lane and a one-way system is to be introduced to improve access and reduce the potential for vehicular conflict/congestion.

Sufficient room has also been provided for service vehicles to turn within the site.

There is an existing pedestrian connection to the site via The Downs. Whilst there is no separate footway connection in Mill Lane, this has always been the case for the existing village hall. It is a low speed environment typical of rural villages and there have been no recorded personal injury crashes in this section of Mill Lane in the ten years to the end of 2019.



There are eight existing parking spaces adjacent to the school boundary currently reserved for school staff only. I also understand that the remaining spaces are available for use by parents dropping off/picking up children. It is assumed that these arrangements will continue with the new hall.

It is recommended that the following conditions be attached to any grant of permission: Construction Management Plan; provision and retention of car parking; provision and retention of vehicle loading and unloading areas; use of a bound surface for the first five metres of the access; provision and retention of cycle parking; and provision and maintenance of visibility splays. It is also requested the EV charging points be provided, although this is not yet adopted policy.

DDC Environmental Health – No observations.

KCC PROW – No comments

KCC Archaeology – Recommended that, should permission be granted, a condition be attached to require that prior to any development taking place, a programme of field archaeological works must take place.

Southern Water – An application should be made to connect to the public foul sewer. Any surface water drainage should not drain to the public sewer and should be designed adequately.

Preston Parish Council – Support

Public Representations –

9 objections have been received, raising the following points:

- Loss of light
- The building will be in regular use, causing noise and disturbance
- Insufficient car parking
- The hall is neither needed nor wanted
- The money should be spent on other things in the village
- Support a properly thought through replacement hall, but this isn't it
- The building is in the wrong location
- The site is accessed from a busy road
- Would construction be safe so close to a school

25 letters of support have been received, raising the following points:

- A much needed upgrade
- The existing hall is outdated (damp and suffers from movement, which has caused cracks and subsequent water ingress.
- The heating system is antiquated and inefficient.
- The new hall will add to the community
- The proposed hall is ideally placed, being central to the village
- The building would be more accessible.

One neutral letter, neither supporting nor objecting to the application have been received, raising the following comments:

- The building should be repositioned (further away from The Downs)
- The development may affect the water table of the playing field

- f)
1. **The Site and the Proposal**
    - 1.1 The site lies directly adjacent to, but outside of, the settlement confines of Preston. The areas to the west of the site comprise the residential areas fronting onto The Street, The Downs and Mill Lane. These areas have an organic, rural village character, although The Downs has a planned character which is at odds with the prevailing character. To the south is Preston Recreation Ground and, beyond this is agricultural land and equestrian land. To the east is Preston Primary School. To the north, along Mill Lane are larger, more dispersed dwellings and extensive gardens and vegetated land.
    - 1.2 The lane to the north west is designated as 'The Street Preston' Conservation Area, which contains a number of listed buildings, the closest of which is Street Farmhouse. To the north east and outside of the Conservation Area is a standalone listed building, Hardacre House. The recreation ground, including the land on which the proposed building would be constructed, although excluding the land occupied by the existing hall and its car park, is designated as Open Space.
    - 1.3 The existing site is accessed from Mill Lane and contains a single storey village hall and its associated car park. The application seeks permission for the erection of a replacement village hall which, whilst also single storey, would occupy approximately twice the footprint compared to the existing hall and would be taller, rising to around 9.1m. The building is of a crisp contemporary design and would be finished in brickwork, timber cladding, painted render and standing seam metal cladding, under a roof of artificial slates and standing seam metal cladding. Windows, doors and rooflights would be dark grey powder coated aluminium, whilst rainwater goods would be galvanised steel.

### **Main Issues**

- 2.1 The main issues are:
  - The principle of the development
  - The impact on the character and appearance of the area and the historic environment
  - The impact on neighbouring properties
  - The impact on the highway network

### **Assessment**

#### **Principle**

- 2.2 The site lies outside, albeit adjacent to the settlement confines of Preston. In such locations, development will not normally be permitted unless it is justified by other development plan policies; or it functionally requires such a location; or it is ancillary to existing development or uses. The development is not justified by other development policies. Whilst I am mindful that some third parties have advocated an alternative location for the building, which may indicate that the development doesn't functionally require this location, it is considered that there is some functional requirement for the replacement building to be located proximate to the existing building, parking area and playing fields. In particular, the existing parking area would be utilised and extended to support the building whilst, perhaps more importantly, the building would also provide changing facilities to support the playing fields. I therefore consider that the second

exception to Policy DM1 has been met. For the same reasons, I also consider that the third exception would also be met. Consequently, the development accords with Policy DM1.

- 2.3 Policy DM11 states that development which would generate travel and is located outside of the settlement confines will not be permitted unless it is justified by other development plan policies. The development would generate travel and is outside of the confines. However, as it has been concluded that the development requires this location and is, in part, ancillary to the use of the open space, it is considered that the development is justified by development plan policies. As such, the development accords with Policy DM11.
- 2.4 Policy DM15 seeks to avoid development which would result in the loss of countryside. The site is outside of the confines and part of the site is undeveloped. This undeveloped area constitutes countryside, albeit its appearance is distinct from the agricultural landscape usually associated with the countryside. Loss of countryside is permitted if one of four exceptions are met. The fourth of these is where the development “cannot be accommodated elsewhere”. For the reasons set out above, it is considered that this criterion is met. The policy also requires that when an exception is met the development must not result in the loss of ecological habitats and must incorporate measures to “reduce as far as practicable, any harmful effects on countryside character. These assessments will be made later in the report under the appropriate headings. DM15 also requires an assessment of the developments impact on the character of the countryside and this assessment will be addressed under the character and appearance heading.
- 2.5 Part of the site (the majority of the footprint of the proposed building) is allocated on the proposals map as Open Space. Open Space is protected by Policy DM25, which only allows its loss if one of five exceptions is met and (in all but one exceptional circumstance) where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. The five exceptional circumstances are where:
1. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
  2. where there is such a deficiency the site is incapable of contributing to making it good; or
  3. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
  4. in the case of a school site the development is for educational purposes; or
  5. in the case of small-scale development it is ancillary to the enjoyment of the open space

It is not considered that any of the first four circumstances apply in this instance. The fifth circumstance requires that two conditions are met; firstly, that the development is small scale and, secondly, that the development is ancillary to the enjoyment of the open space. It is arguable whether the development is of a small-scale, as the building itself would be of a significant size. Alternatively, the development would take up a relatively small area of the open space such that the impact of the development would be negligible, particularly given that the land required is to the edge of the open space and would not significantly

interfere with the use of the open space. On balance, it is considered that, in the context of the site and the open space, the development is small-scale. The building itself would provide facilities which would enhance the use of the open space, including both changing facilities and indoor halls, toilets and kitchens etc. I am therefore satisfied that the development would be ancillary to the enjoyment of the open space. The land itself has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value, as will be set out in more detail under the appropriate headings later in this report. Consequently, I take the view that the development accords with policy DM25.

### Character and Appearance

- 2.6 The prevalent pattern of development in Preston is that of street fronting buildings, although the distance that buildings are set back from the road varies. This pattern of development breaks down to a degree along Mill Lane, with development having a looser relationship with the road. The existing village hall departs entirely from this character, being set well back from the road behind car parking and being orientated at an angle to the street. The proposed building would similarly be set back from the road (albeit slightly further from the road than the existing building) and would be set at an angle. Due to the existing layout of the hall on the site and the character of Mill Lane, it is not considered that proposed siting of the hall would appear out of character.
- 2.7 The building would be larger than the existing hall, occupying around twice the footprint. Whilst of significant size, the building would be seen as distinct from the residential development to the west and within the context of the school and the playing fields, such that its scale would not appear alien. Its height has been cleverly designed to reduce (down to around 2.5m) towards the west, such that it would not dominate the neighbouring single storey buildings, with its maximum height of around 9.1m being further to the east where it would be read in conjunction with the school. Whilst the school is also single storey, it has a high ridge. It is considered that the height of the building would not be out of character.
- 2.8 The design of the building was developed in response to the requirements for the hall and the constraints of the site. There is need for additional space to accommodate the needs of the community, whilst a larger building necessitates additional parking. The ability to retain the existing hall during construction, before its demolition to provide the land for additional parking, was also taken into account. There is an existing oak tree which must be retained and the building must respond to its neighbours. Finally, the impact on the open space must be kept to a minimum. These constraints have informed the design and resulted in a building which would be attractive in its own right.
- 2.9 There is no strong defining character to this part of Preston, with a mixture of historic properties, mid century bungalows, a Victorian/Edwardian school building and contemporary dwellings. Moreover, there are no other buildings of this type (i.e. community buildings of this scale) in the area and therefore producing a building with a distinct style is not an unacceptable response. The proposed building does not, therefore seek to mimic any particular building style, but has instead sought to provide a functional, but attractive, building. That said, it is considered that the building does reference elements within the locality. The architect has described the form as having a slightly agricultural feel, which references the agrarian landscape beyond the village. This character is also referenced through the use of timber weatherboarding. Whilst the

building would be single storey, it would have some double height spaces, with tall windows and high level windows and references the windows of the school which extend into dormers. Overall, whilst the building would be somewhat unique within the village, the design would reference local features and provide a building which would sit comfortably within its mixed context.

- 2.10 As discussed above, the building would be close to a large Oak. This tree provides a positive contribution to the character of the area and it is therefore important that it is retained and not harmed by the development. The building has been designed to provide space around the tree, such that I am satisfied that the tree would not be significantly impacted. However, given that there are hardstandings proposed under the canopy, it is considered that it would be reasonable to include conditions requiring that the tree is protected during construction, including the use of hand digging only within the root protection zone.
- 2.11 Overall, it is concluded that the development would sit comfortably within its context and, whilst being of an appearance which does not replicate the appearance of buildings in the area, is well designed in its own right and would not look out of character. The visual impact of the development is therefore considered to be acceptable.

#### Heritage

- 2.12 The proposed building is approximately 30m from the Preston – The Street Conservation Area and approximately 60m from Street Farmhouse which is a Grade II listed building. Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.13 Given that the building would be set away from the conservation area and the listed building, with existing development between the site and these heritage assets. The proposed building would also replace an existing building which is closer to these assets, it is not considered that the setting of either the conservation area or the listed building would be adversely affected, having had regard for the statutory duties of the act and the NPPF.
- 2.14 KCC Archaeology have recommended that, should permission be granted, a condition be attached to require that prior to any development taking place, a programme of field archaeological works must take place. The site lies in an area of archaeological potential, with extensive Iron Age and Romano-British occupation in the area. Around 130m to the south-east of the proposed

development site is the scheduled monument of a ring-ditch and enclosure and evidence for Iron Age occupation was previously recorded at Shotfield Farm during the laying of a new waterpipe in the 1960s. Significant quantities of pottery of Iron Age and Romano-British date have also been recorded at Shotfield Farm during excavations for the growing of potatoes. Further evidence for activity and occupation spanning the Late Bronze Age, Iron Age and Romano-British period has been recorded to the north-east at Hardacre Farm. The development would be constructed on open land and would require the digging of foundations such that it's possible that construction could affect archaeological remains (potentially including remains associated with the nearby scheduled monument). KCC Archaeology have therefore recommended that archaeological evaluation of the site, followed by any necessary investigation or safeguarding measures, be secured should the application be granted. Based on the information provided by KCC it is considered that it would be reasonable to attach the suggested condition.

#### Impact on Residential Amenity

- 2.15 The existing hall building is located approximately 10.5m from the nearest neighbouring dwelling, No.4 The Downs. The building is flat roofed with a lower roof and a higher roof, reaching approximately 3m above ground level and 4m above ground level, respectively.
- 2.16 The proposed building would be located further to the south, such that the closest neighbouring property would be No.5 The Downs. The proposed building would be around 7.5m from No.5 at its closest point. The building has been designed such that its height reduces as it gets closer to No.5, being only 2.5m in height at its closest point. The height of the building would then slowly rise up to a ridge of around 6.3m. This ridge would be around 17.5m away from No.5. There are no windows in the elevation closest to No.5 and whilst there are two rooflights on the closest roof slope, these would not allow views towards No.5. As such, it is not considered that the development would cause any significant overlooking of No.5. The building would also be located to the west of the No.5 and, as such, there would likely be some loss of early morning sun. However, given the limited height it is not considered that this would cause unacceptable harm. Likewise, the limited height of this part of the building would mean that an unacceptable sense of enclosure would not be caused.
- 2.17 No.6 The Downs would be located further away from the closest point of the proposed hall (around 9.5m away) but would be closer to the ridge of the hall, at a distance of around 15m. Notwithstanding the slight variations in distances between the proposed hall and No.'s 5 and 6, it is concluded that the living conditions of No.6 (light, sense of enclosure and overlooking) would not be harmed to an extent that would warrant refusal.
- 2.18 In addition to light, sense of enclosure and overlooking, regard must also be had for the potential impacts of noise and disturbance. It is noted that Environmental Health have not raised any objections in this respect. The proposed building would replace an existing, albeit smaller, building on the site. The parts of the building closest to neighbouring properties would be used as changing facilities for sports teams and officials which would be unlikely to generate significant noise. The main entrance to the building would be closer to properties in The Downs than the entrance to the existing hall, being around 15m away. Whilst there would inevitably be some noise from comings and goings, regard must be had for the existing public use of the land and the likelihood of undue noise and disturbance being generated from a village hall. Whilst increased use of the hall

and its closer proximity to neighbours would be likely to cause additional noise and disturbance compared to the existing hall, it is unlikely that this would be significant. Having regard for Environmental Health's lack of objection, it is therefore considered that noise and disturbance would not warrant refusal of the application.

#### Impact on the Local Highway Network

- 2.19 The development would utilise the existing access onto Mill Lane. Concerns have been raised by third parties that Mill Lane is a busy road, however, KCC Highways have advised that "it is a low speed environment typical of rural villages and there have been no recorded personal injury crashes in this section of Mill Lane in the ten years to the end of 2019". Having visited the site on numerous occasions and on numerous days and times, I concur that Mill Lane is relatively lightly trafficked. There is no separate footway connection in Mill Lane, albeit there is a footpath link through The Downs and the existing hall (and other uses, including the school) has operated without a footpath on Mill Lane without incident. The development would be likely to increase vehicle movements to and from the site; however, it is not considered that this would cause any significant impact on highway safety or on the operation of the highway. Notwithstanding the reuse of the existing access, the development would secure the provision of visibility splays and a one way system around the car park, which can be secured by condition. These would improve the operation of the car park and its access to Mill Lane.
- 2.20 KCC Highways, whilst confirming that there were no 'in principle' objections, initially raised concerns regarding the amount of car parking to be provided, parking for the school, visibility at the junction and access for delivery vehicles.
- 2.21 Tracking plans have been included on the revised plans which demonstrate that a large vehicle such as a refuse freighter or delivery vehicle could safely navigate the site and exit in a forward gear.
- 2.22 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. Initially, 38 car parking spaces were to be provided. Concerns were raised that this would be insufficient and, subsequently a further 3 spaces were proposed, increasing parking provision to 41 spaces. The parking provision would include three disabled spaces. KCC have advised that this level of parking would be sufficient to meet the needs generated by the development, even when the various areas within the building are being used concurrently (for example is the changing rooms are being used at the same time as the halls). KCC have requested that consideration be given to the provision of electric vehicle (EV) charging points, although they acknowledge that there is no adopted policy for the provision of EV charging points. Whilst the agent has advised that they are considering the incorporation of EV charging points to some of the car parking spaces, the submitted drawings do not indicate that any would be provided. Whilst it is disappointing that EV charging points have not been proposed at this stage, it is not considered that there is sufficient policy justification to require their provision. Parking for 3 mobility scooters would be provided.
- 2.23 The development includes the provision of cycle parking. The detail of the cycle parking provision (i.e. the number of cycles that could be accommodated) is unclear; however, it is likely that the area shown could accommodate around 12, including space for one non-standard cycle within 1 1.5m dismounting zone.

Subject to details being secured by condition, it is considered that the cycle parking provision would be acceptable.

- 2.24 Whilst the development itself would not cause unacceptable impacts on the highway network, the construction phase would have the potential to cause significant adverse impacts. In particular, construction would necessitate potentially large vehicles on and around the site, with areas for the storage of materials also likely being required. The expectation is that the existing hall (and parking to serve the hall) would remain in situ until the new hall is operational. Whilst management of the construction phase is not insurmountable, it is considered that, in accordance with the recommendation of KCC Highways, a construction management plan should be secured to ensure that this phase is properly managed.
- 2.25 For these reasons, and subject to conditions, it is considered that the development would not have an unacceptable impact on the highway network.

#### Flood Risk and Drainage

- 2.26 The site lies in Flood Risk Zone 1, which has the lowest risk of flooding. An area of land adjacent to the building is identified as being at risk from surface water flooding, although the location of the proposed development is outside of this area. However, it is still necessary for the development to be provided with adequate foul and surface water drainage, such that the dwellings are properly serviced and the development does not increase the risk of on or off site flooding.
- 2.27 The proposal seeks to discharge foul water to the public sewer. Southern Water have raised no concerns with this approach. Surface water is to be drained to soakaways which, given the geology of the area and the land available on which soakaways could be provided, it likely to be a feasible solution. Given the limited information submitted with the application, it is considered that it would be reasonable to require full details of both foul and surface water drainage, including an implementation timetable, by condition.

#### Ecology

- 2.28 The site is currently laid to grass. Having regard for Natural England's Standing Advice, it is not considered that the site contains any features likely to provide habitat for protected to notable species.

#### Other Matters

- 2.29 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted. Whilst there are other 'tests' for applying the 'tilted balance' these do not apply in this instance, as they are specific to applications for housing. For



the reasons stated in this report, it is considered that the development complies with the development plan. However, it is also necessary to have regard for the NPPF which is an important material consideration.

- 2.30 Paragraph 11 of the NPPF requires that development which accords with an up-to-date development plan should be approved without delay; or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, permission be granted unless the development would fail to satisfy the NPPF's policies in relation to protected areas or assets or where the adverse impacts of the development would significantly and demonstrably outweigh the benefits. This is known as the 'presumption in favour of sustainable development' or the 'tilted balance'.
- 2.31 It is also necessary to consider whether the council's policies are out-of-date. In this instance it is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM25. Policy DM1 seeks to restrict development outside of the settlement confines unless, amongst other things, it is supported by other development plan policies. Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines, unless justified by development plan policies. This report concludes that the development complies with both of these policies. DM15 seeks to restrict development in the countryside or which would cause harm to the character of the countryside unless certain criteria are met. DM25 seeks to prevent the loss of open space unless certain criteria are met.
- 2.32 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering a different amount of development in the district than is now required. The NPPF takes a more nuanced approach regarding development in the countryside and is generally supportive of community facilities. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.33 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst the principle of sustainable travel is consistent with the NPPF, the blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF. The NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which is adjacent to the village, is approximately central to the population of the village and has reasonably good access to the footpath network. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is not out-of-date but should attract reduced weight.
- 2.34 Policy DM15 seeks to resist two types of development. Firstly, it seeks to avoid development which would result in the loss of countryside and, secondly, it seeks to avoid development which would adversely affect the character and appearance of the countryside. The blanket protection against the loss of countryside is another example of a blanket approach which is inconsistent with the NPPF. Protection of the character and appearance of the countryside is broadly consistent with the NPPF, albeit the NPPF refers to character and beauty rather than character and appearance (i.e. the "appearance" of the countryside is not necessarily inherently worthy of protection and would be

affected by any development, whereas elements of the countryside which are beautiful are worthy of protection). Whilst it is not considered that the policy is out-of-date, it is considered that it attracts reduced weight, whilst the blanket protection of the countryside should attract significantly reduced weight.

- 2.35 Policy DM25 seeks to avoid the loss of open space unless certain exceptions are met. Whilst the definition of open space in the development plan and NPPF vary they are broadly consistent (the land in question would be defined as open space for the purposes of both the development plan and NPPF). Notwithstanding this minor point, the thrust of Policy DM25 is consistent with the NPPF, is not out-of-date and continues to attract full weight.
- 2.36 It is considered that policy DM1 is out-of-date, whilst DM11 is, in part, in tension with the NPPF. DM15 is not out-of-date, but attracts reduced weight, whilst DM25 is not out-of-date and attracts full weight. Policy DM1 is particularly important in determining whether the principle of the development is acceptable; however, in this instance there are three other policies which also play a significant role. Having considered the basket of policies and development plan in the round, it is considered that the 'tilted balance' is not engaged. As such, the application should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 2.37 The NPPF is an important material consideration and confirms the government's objectives to promote social interaction and to provide the social, recreational and cultural needs of the community. Specifically, the NPPF advises that facilities and services should be allowed to "develop and modernise". The NPPF encourages development to be located in sustainable locations, where it would reduce the need to travel and encourage more sustainable forms of transport and where facilities and services are accessible. As set out earlier in this report, the site is close to the village confines and approximately central to the population of the village. These conclusions add weight in favour of the development.
- 2.38 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would also provide a building which could accommodate some commercial operations (renting the hall out to third parties, use of facilities for payed activities such as exercise classes) which would be likely to support employment (albeit to a limited degree).
- 2.39 In terms of the social role, the proposal would contribute towards supporting a strong, vibrant and healthy community, with accessible facilities and services. The development would cause some impact on neighbouring properties, albeit these impacts are limited and do not warrant refusal.
- 2.40 In terms of the environmental role, the proposal would not cause unacceptable harm to the character of the area. Likewise, it is concluded that the development would not cause harm to any heritage assets. The development would not adversely impact ecology or habitats.
- 2.41 Overall, it is considered that there are a number of significant benefits and only limited disbenefits to the scheme. Notwithstanding the case that the tilted balance is not engaged, the benefits of the scheme would outweigh the disbenefits.

2.42 Another material consideration is the planning history for the site. Permission was granted, under applications DOV/09/01008 and DOV/13/00045, for the erection of a village hall, alterations to existing car park and vehicular access, together with the demolition of the existing hall. The 2013 application expired on 12<sup>th</sup> March 2016, so is no longer extant. Whilst these permissions do not, therefore, represent a viable fallback position, the grant of these permission is material. That said, whilst the overall size of the building was commensurate with that which is now proposed, its design differed, whilst it was located in an approximately similar position to the existing hall. Due to the changes in circumstances since the previous applications were granted, (principally the changes in national and local planning policy and guidance) and the differences between the schemes, it is considered that the weight to be attributed to the planning history of the site carries only limited weight.

### **3. Conclusion**

- 3.1 The site is located outside but adjacent to the settlement confines of Preston. Whilst outside of the confines, the building would be on the same site as the building it would replace and would be co-located with the car parking area and the open space (which includes playing pitches and a children's play area). The site is also approximately central to the population of Preston which it would serve and would be adjacent to the primary school. Given the functional need for the building to be in this location, it is considered that the principle of the development is acceptable.
- 3.2 The building, whilst of significant size, has been designed to limit its impact on the character of the area and the residential amenities of neighbouring properties. The design itself is considered to be well executed, providing an attractive and well-proportioned building which includes all of the functional elements required to meet the needs of such a facility.
- 3.3 The development would cause no harm to the settings of heritage assets, the local highway network, archaeology, ecology or drainage, subject to conditions. It is therefore recommended that permission be granted.

### **g) Recommendation**

- I PERMISSION BE GRANTED subject to conditions to include:
- (1) standard time limits, (2) approved plans, (3) samples of materials, (4) tree protection, (5) details of hard and soft landscaping with details of maintenance, (6) timetable for the development, with details of the order in which the development, including the demolition of the existing hall, will take place (7) provision of access, car parking and turning areas in accordance with a timetable to be agreed, (8) provision of visibility splays to be provided, (9) provision of cycle and scooter parking, (10) construction management plan, (11) provision of loading and unloading areas for vehicles, (12) provision of refuse storage, (13) detailed scheme for foul water drainage, including a timetable for its implementation, (14) details of surface water drainage, including a timetable for its implementation, (15) details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building, (16) archaeology scheme, and (17) hours of operation.
- 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 Planning Committee.

Case Officer

Luke Blaskett

DOVER DISTRICT COUNCIL

PLANNING COMMITTEE – 3 SEPTEMBER 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 Cross Road, Deal	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

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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