

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

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

4 August 2021

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 12 August 2021 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

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

Chief Executive

## Planning Committee Membership:

J S Back (Chairman)  
R S Walkden (Vice-Chairman)  
M Bates  
D G Beaney  
E A Biggs  
T A Bond  
D G Cronk  
D A Hawkes  
P D Jull  
C F Woodgate

## AGENDA

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

3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **ITEMS DEFERRED** (Page 6)

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

## **ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**

5 **APPLICATION NO DOV/21/00409 - 11 CHERRY BLOSSOM WAY, AYLESHAM CT3 3GS** (Pages 7 - 11)

**Change of use from amenity land to garden**

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

6 **APPLICATION NO DOV/21/00614 - MEADOWS CARAVAN SITE, ALKHAM VALLEY ROAD, ALKHAM CT15 7EW** (Pages 12 - 21)

**Siting of 10no. additional static caravans for Gypsies and Travellers, 2no. touring caravan pitches, 1no. dayroom, creation of 24no. parking spaces (including the touring caravan car parking) hardstanding and associated infrastructure, at Meadows Caravan Site Alkham Valley Road Alkham CT15 7EW**

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

7 **APPLICATION NO DOV/20/01237 - SITE ADJACENT GRAHAM PLUMBERS MERCHANTS, CONSTRUCTION HOUSE, COOMBE VALLEY ROAD, DOVER CT17 0EN** (Pages 22 - 43)

**Erection of a four-storey building incorporating 40no. flats with new vehicle access, parking and landscaping (existing buildings to be demolished)**

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

8 **APPLICATION NO DOV/20/00644 - CONVENIENCE STORE, WHITFIELD URBAN EXTENSION PHASE 1, ARCHERS COURT ROAD, WHITFIELD** (Pages 44 - 64)

**Erection of a convenience store (A1), new vehicle access, erection of 2.4m and 3m high acoustic fencing, installation of air conditioning units and parking - Whitfield Urban Extension Phase 1, Archers Court Road Whitfield**

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

- 9 **APPLICATION NO DOV/21/00708 - THE BELL HOTEL, 1 UPPER STRAND STREET, SANDWICH CT13 9EF** (Pages 65 - 70)

**Installation of a removable tent to cover existing terrace serving bar/brasserie**

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

- 10 **APPLICATION NO DOV/21/00387 - 20 WINCHELSEA ROAD, DOVER CT17 9SR**  
(Pages 71 - 78)

**Erection of two storey rear extension (amended plans) 20 Winchelsea Road, Dover**

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

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

- 11 **APPEALS AND INFORMAL HEARINGS**

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

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

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

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

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- 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, [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk), telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 12 AUGUST 2021

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

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

1. **DOV/20/01236**      **Erection of 5 three-storey (90 bed) motel buildings; 1 two-storey reception building; 2 single storey buildings for welfare and storage; installation of solar panels to roof of motel and reception buildings; and associated coach, lorry and car parking**
  
- & DOV/20/01220**      **Erection of mixed-use development comprising swimming pool, restaurant, bar and mixed-use Class E (Commercial Business and Service)**
  
- Dover Marina Curve Phases 1A and 1B, Dover Harbour (Agenda Item 10 of 22 April 2021)**

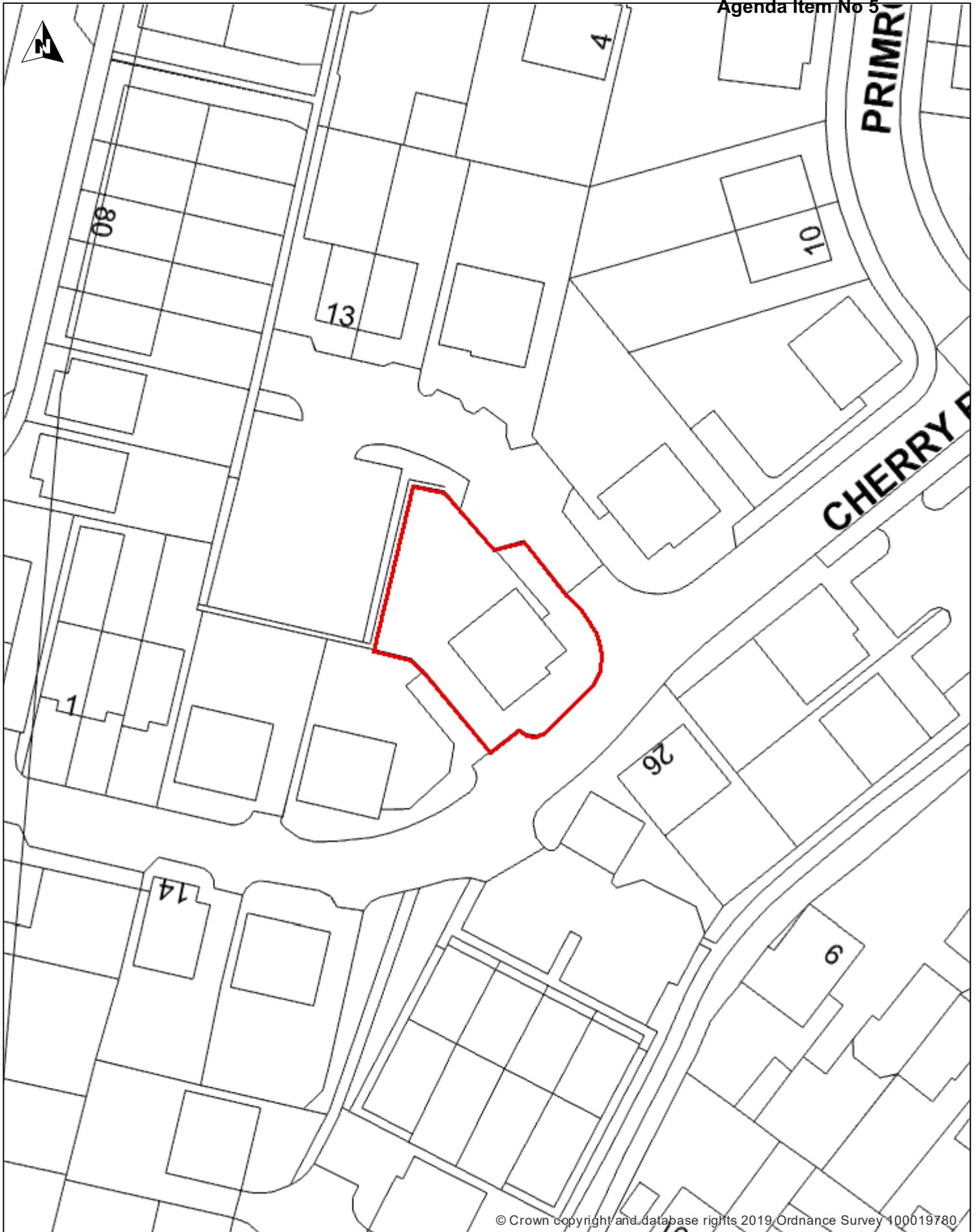
Background Papers:

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

**LOIS JARRETT**

Head of Planning, Regeneration and Development

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



21/00409  
11 Cherry Blossom Way  
Aylesham  
CT3 3GS

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/21/00409 – Change of use from amenity land to garden, at 11 Cherry Blossom Way, Aylesham CT3 3GS**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

**Dover District Core Strategy (CS) & Land Allocations Local Plan (LALP) Policies**

- CP1 – Aylesham Village is recognised as a Rural Service Centre suitable as a main focus for development in the rural area.
- AY3 – Aylesham Residential Development.
- DM1 - Development will be permitted within the settlement boundaries.

**National Planning Policy Framework 2021 (NPPF)**

- 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.

**Regulation 18 Consultation on the Draft Local Plan 2021**

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

- d) **Relevant Planning History**

15/00068/GG – Granted, for the layout of this section of the new residential estate.

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

**Parish Council:** Objects to the impact upon the street scene, harm to highway safety, the deterrent for people walking and cycling in shared space due to the hazards that would be created and the setting of precedent

Other Public Representations: There have been 78 other responses received from the public consultation exercise, 24 of which raise objections to the proposal. The objections can be summarised as follows:

- Harmful visual impact
- Harm to highway safety
- Loss of green/amenity space
- Impact on access to services
- Increase shading of areas
- Precedent
- Contrary to Covenant

There are 54 responses in support of the application, which can be summarised as follows:

- Improve visual amenity
- No harm to highway safety
- The land serves no useful purpose
- The land will be better maintained
- There is no public need for the amenity land
- The increase in garden land for the property will be a benefit

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

- 1.1 The application property is a detached house located on the recently constructed 'Persimmon' residential estate, which forms part of the planned expansion of Aylesham Village.
- 1.2 The application property is located on the corner of the road and its side elevation and side garden fence face towards a short cul de sac serving four other residential properties and a communal car parking court.
- 1.3 The layout of this section of the estate was approved in 2018. The approved boundary enclosure for this property is a 1.8m high close boarded fence. The soft landscaping approved, which forms the amenity land (the subject of this application), is for a grassed verge and a single tree (a type of Hornbeam). The tree is not currently there. Adjacent to the grassed verge is a parking bay. The carriageway adjoins the verge/parking bay and leads to other properties and the parking court beyond the rear of the application site.
- 1.4 The topography of the land falls in a southerly direction – towards the car parking court. As such, the rear boundary enclosure of the application site, adjacent to the parking court, comprises a brick retaining wall with a fence on top.
- 1.5 The existing appearance of the area comprises mostly properties with open frontages (front gardens), and grass or planted (soft landscaped) verges with enclosures set behind them along side or rear gardens.
- 1.6 The proposal seeks to relocate the existing boundary enclosure to the garden which currently comprises a 1.8m high garden fence to new locations adjacent to the carriageway, serving the cul de sac, and further towards the front garden of the property. The fence would be located on top of a brick retaining wall. The proposal would thereby enclose the currently grassed amenity land within the garden of the application property (the parking bay on the carriageway would be retained). It

would also require the relocation of the road sign to the front garden of the application property.

## 2. **Main Issues**

2.1 The main issues are:

- The impact upon the character and appearance of the area
- The Planning Balance

### Impact upon Character and Appearance

2.2 The proposed development would incorporate the current grassed verge into the garden of the application property through the re-positioning of the garden fence on top of a retaining wall.

2.3 It is considered that the proposal would result in the loss of part of the open setting of the street scene within the wider open-planned estate. Although the 'amenity' land does not appear to provide any functional amenity space for the residents of the road or surrounding estate, it contributes to its open setting and character where the predominant appearance of the area is one of open front garden areas and grassed or planted areas alongside side or rear garden fences that provide a soft landscaped buffer between garden boundaries and carriageways.

2.4 The current amenity area contributes towards the visual amenity of the area and the open character and setting of the estate. Its loss with the erection of the 1.8m high fence on top of a retaining wall adjacent to the carriageway would result in an enclosing of the street scene and the loss of an open area that provides a visual amenity and relief within the built up area. The additional height of the boundary enclosure (on top of a new wall) closer to the public highway would also have an overbearing impact upon users of the carriageway as the structure would be located hard up to the highway edge.

2.5 Whilst not necessarily a reason for refusal in its own right, should the loss of these green, soft landscaped verges increase across the estate, this would detract from the prevailing open character of the area and detract from the open-planned estate as envisaged in the approved Masterplan.

### Planning Balance

2.6 In the planning balance, it is important to consider the need for the garden area of the application property to be increased. The case advanced through the application submission relates to removing an area of land that is difficult to maintain, providing a retaining wall to address rotting timbers and proposing planting behind the fence so that this can add to the overall amenity of the area.

2.7 Other factors have been advanced through the consultation responses – such as harm to highway safety, drainage, removing poorly maintained land from the street scene, etc.

2.8 In the balance, it is considered that the estate was planned with these grassed or planted buffer areas alongside properties to help achieve an open-planned, soft landscaped, setting for the built environment. Although these planted areas might not function to provide recreational amenity, they function to provide visual relief and benefit to assist in creating street scenes that provide a good balance between development and the spaces around them.

### Conclusion

- 2.9 It is considered that the proposal would cause harm to the visual quality of the street scene and the prevailing character and appearance of the area.
- 2.19 The new enclosure would be more overbearing to pedestrians due to its location adjacent to the carriageway.
- 2.20 The loss of the open land would, in addition, place greater pressure on the local planning authority to allow other similar proposals elsewhere on the estate, as residents may wish to increase the size of their gardens and/or to remove the need to maintain the public areas within their ownership or under their control. This would lead to the gradual erosion of the open character and appearance of the estate.

### g) Recommendation

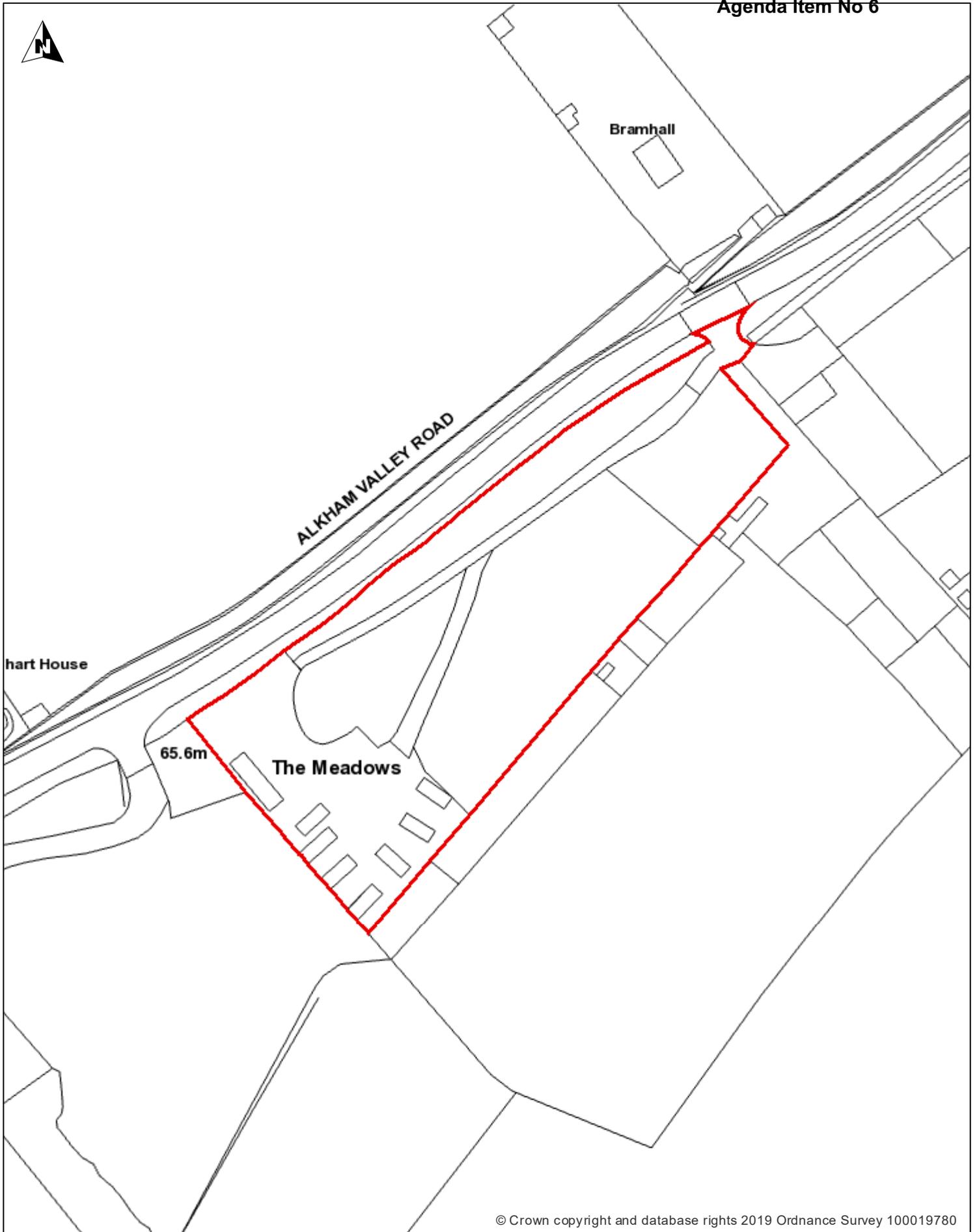
- I PERMISSION BE REFUSED for the following reason:

The proposed development would cause harm to the setting and visual quality of the street scene and the prevailing open character and appearance of the area and as such would be contrary to Paragraph 130 of the National Planning Policy Framework

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

Case Officer:

Vic Hester



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21/00614

Meadows Caravan Site  
Alkham Valley Road, Alkham  
CT15 7EW

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/21/00614 – Siting of 10no. additional static caravans for Gypsies and Travellers, 2no. touring caravan pitches, 1no. dayroom, creation of 24no. parking spaces (including the touring caravan car parking) hardstanding and associated infrastructure, at Meadows Caravan Site Alkham Valley Road Alkham CT15 7EW**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

**Dover District Core Strategy (CS) & Land Allocations Local Plan (LALP) Policies**

- CP1 – Alkham is recognised as a village suitable for tertiary focus for development in the rural area
- DM1 - Development will be permitted within the settlement boundaries
- DM7 – States that the Council will allocate sites to meet the needs of gypsies, travellers and travelling showpeople using assessment criteria.
- DM11 – Development that would generate travel will not be permitted outside the rural settlement confines unless justified by development plan policies.
- DM15 – Seeks to safeguard the loss of, or protect the character and appearance of the countryside from the adverse affects of development.
- DM16 – seeks to safeguard landscape character
- DM17 – Seeks to protect the groundwater source
- LA1 – This policy in the LALP commits to providing a Gypsies, Travellers and Showpeople Land Allocations Local Plan - but this has been superseded by the emergence of the Draft Local Plan.

**National Planning Policy Framework 2021 (NPPF)**

- Section 5 – seeks to deliver a sufficient supply of homes. Paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including for travellers). Footnote 27 refers to Planning Policy for Traveller Sites, which sets out how travellers' housing needs should be assessed.
- Section 9 promotes sustainable transport. Paragraph 108 requires appropriate opportunities to promote sustainable transport modes to be taken up; safe and suitable access to the site to be achieved for all users; and any significant impacts from the development ...on highway safety, can be cost effectively mitigated to an acceptable degree.
- 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.

- Section 15 is relevant as it seeks to conserve and enhance the natural environment. Paragraph 176 places great weight on conserving and enhancing the landscape and scenic beauty of AONBs – giving them the highest status of protection in relation to these issues.
- Paragraph 8 of the NPPF is relevant in determining whether the proposed development comprises sustainable development.
- Paragraph 11 of the NPPF requires decision makers to apply a presumption in favour of sustainable development.
- Footnote 7 of Paragraph 11 of the NPPF sets out that the harm to the AONB can provide a clear reason for refusing development, even if the policies which are considered most important for determining an application (or appeal) are out of date.

#### Planning Policy for Traveller Sites (2015) (PPTS):

The PPTS is a material consideration. It seeks to ensure that the needs of travellers (including gypsies) are identified and assessed to gather robust evidence to plan positively and manage development. Policy B states that LPAs should identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Policy H provides guidance on determining planning applications for traveller sites and considers the following issues to be assessed amongst other relevant matters when considering planning applications for traveller sites:

- The existing level of local provision and need for sites.
- The availability (or lack) of alternate accommodation for the applicants.
- Other personal circumstances of the applicant
- That the locally specific criteria used to guide the allocations of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- The decision-maker (sic) should determine applications for sites from any travellers and not just those with local connections.

#### Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019

- Explains that the special qualities of the AONB derive from its diverse characteristics, including the dramatic landform and views, woodland, biodiversity-rich habitats and the farmed landscape.

#### The Kent Design Guide (KDG)

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

#### National Design Guide 2019

- This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF.

### Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage, only minimum weight can be afforded to the policies of the Draft Local Plan. However, under Site Allocation Policy 2 of the Draft Plan, the application site is proposed to be allocated for an additional 10 permanent and 2 transitional pitches - providing the total number of pitches on the site does not exceed 18 permanent and 2 transit pitches, that the AONB is suitably safeguarded, there are no highway safety objections, and that foul and surface water run-off and fuel storage are suitably controlled.

Whilst the policy is in its infancy, it provides support for the LPA's strategy (direction of travel) to seek to intensify existing caravan sites, under certain criteria.

### Gypsy and Traveller Accommodation Assessment (GTAA) 2018 (updated 2020)

The latest evidence of the local planning authority as set out in the GTAA is that for the plan period 2020 to 2040 there is a cultural need for 26 pitches and a PPTS need for 16 pitches.

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

DOV/08/00830 – Allowed on Appeal, for 2 gypsy pitches, hardstanding and utility day room building.

DOV/17/00674 – Granted, for an additional 6 gypsy pitches, erection of a day room building and additional hardsurfacing.

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

Environment Agency: The proposal has a low environmental risk – no comments are made.

Kent Highways: No objection subject to resolving two issues – which can be achieved through the imposition of conditions.

KCC: Seeks financial contributions towards school infrastructure. (Officer Response – this has not been sought as the application site is under 0.5 hectares).

Parish Council: Objects on the grounds of flooding, the site is in the countryside and AONB, there is no local need and the proposal would harm the character, appearance and visual amenity of the local area.

Other Public Representations: There have been 17 other responses received from the public consultation exercise; 3 are neutral, 8 raise objections to the proposal and 6 are in support. The objections can be summarised as follows:

- Visual impact and impact upon the AONB
- Harm to highway safety
- Impact upon quality of life
- Impact upon drainage/water supply
- Lack of recreational space for the occupiers of the site.

There are 6 responses in support of the application, which can be summarised as follows:

- The applicants are good neighbours and are part of the community
- The site is well-operated/controlled
- The proposal would help reduce the number of unauthorised sites

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

- 1.1 The site is situated outside the village confines of Alkham, in open countryside to the south west of Alkham and in the Kent Downs Area of Outstanding Natural Beauty (AONB). The application site comprises an area of 1180 sqm according to the planning application form. The site is also in Groundwater Source Protection Zone 2.
- 1.2 The Kent Downs Area of Outstanding Natural Beauty Management Plan explains that the special qualities of the AONB derive from its diverse characteristics, including the dramatic landform and views, woodland, biodiversity-rich habitats and the farmed landscape.
- 1.3 The whole site comprising all the land in the control of the applicant extends to approximately 0.87ha and is situated on the valley floor adjacent to Alkham Valley Road. The land surrounding the site rises to the north and south and is characteristic of the valleys within the AONB.
- 1.4 The majority of the site has been hard surfaced with mainly granite stones or 'Type 1' chippings. The north eastern section of the site is an open, grassed area used for recreational purposes. There are mature hedges and vegetation along the western, southern and eastern boundaries of the site. The access into the site is from Alkham Valley Road where there is a set of high timber gates. Two driveways lead from the gated access towards the western half of the site.
- 1.5 To the west of the site is Alkham Valley Garden Centre, its access and associated grounds. To the east and south are horse paddocks and associated stable buildings. The land to the east shares the same point of access onto Alkham Valley Road. There are no residential properties directly adjoining the application site; however, there are 3 dwellings on the opposite side of Alkham Valley Road.
- 1.6 Views of the site are limited from surrounding land, due to the adjacent uses and lack of public footpaths in the immediate vicinity of the site. There is, nevertheless, a permissive path (not a PROW) from the vehicular access to the south leading towards Meggett Lane. From Alkham Valley Road it is possible to have glimpses of the site through the existing vegetation.
- 1.7 The proposal seeks to increase the number of static caravans (gypsy pitches) on the site by 10. This would combine with the existing pitches so that there would be 18 gypsy pitches on the whole site, with two day rooms, touring caravans and hard surfacing.
- 1.8 At the time of the officer's site visit there were 10 static caravans on the land, two tourers and the day room within one of the static caravans. Some additional hard surfacing had been created. As such, the application should be treated as retrospective in part.
- 1.9 The proposed location of the static caravans is to the centre/western half of the site, close to the existing static caravans and their immediate surroundings. The caravans would be located on areas of shingle/gravel. Four parking spaces are

proposed for tourers along one of the driveways and car parking is proposed on existing hard and proposed surfacing around the site.

- 1.10 The site is served by a foul water drain and this will continue to be used for the new caravans and day room. The site already has electricity, foul water drainage and mains water. Gas bottles are used to serve the caravans and these are placed outside them. The applicant has an account with a local supplier of gas bottles.
- 1.11 Some works to create a better turning head at the access to the site have more recently been carried out - it is understood that these were carried out as a result of the comments expressed by Kent Highways. It is therefore easier to turn in and out the access onto Alkham Valley Road.

## 2. **Main Issues**

2.1 The main issues are:

- Principle of Development
- The effect upon the character and appearance of the area
- Other Matters
- The Planning Balance

### Principle of Development

- 2.2 The site is situated outside of the rural settlement confines and in the AONB. Policy DM7 does not specifically preclude development in the countryside and outside of settlement boundaries, but neither does it explicitly justify a departure from the approach adopted in Policy DM1. Policy DM11 of the Core Strategy indicates, amongst other things, that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. This policy does not set a threshold level of travel beyond which the policy is triggered: the supporting text to this policy indicates how this issue should be addressed according to the travel demand generated by development proposals. In this case, there is no dispute that the increase in use of the site would generate travel, both in terms of travelling for work and for day-to-day living. On a straightforward reading of Policy DM11, the use of the site as a caravan site for residential additional occupation is contrary to Policy DM11.
- 2.3 However, the existing site already accommodates 8 gypsy pitches, touring caravans, car parking and a dayroom and as such it is a site that has been recognised as being in a suitably sustainable location supported by Development Plan policies and national policy. Policy H of the PPTS indicates that new traveller site development in open countryside, away from existing settlements or outside areas allocated in the development plan, should be very strictly limited. However, the location of the site is accessible and from the village and not so remote to be considered materially separate from the nearest settlement.
- 2.4 The intensification of existing caravan sites to accommodate additional pitches is a strategy being supported and promoted by the local planning authority through the GTAA and the Draft Local Plan. The application site is one of those sites that are proposed to be allocated in the new Local Plan for just this purpose. The application proposal would meet the figure provided in the Draft Local Plan of having no more than 18 gypsy pitches.

- 2.5 On this basis, the proposal would largely comply with the criteria identified in the PPTS for traveller sites and policy DM7, with the other existing pitches on the site agreed by the Inspector and the LPA in 2018 as appropriate to and in this location.
- 2.6 There is a requirement for the LPA to demonstrate that there is at least (or a minimum of) a 5 year supply of gypsy pitches (2017/18 to 2021/22) that are available, suitable, achievable and deliverable in the district. The minimum requirement is 15 cultural gypsy pitches and 12 PPTS-defined gypsy pitches respectively. At the time of writing this Report, the minimum requirement for pitches has just been exceeded - although this figure has a rolling count and turnover and needs to be regularly updated.
- 2.7 In view of the existing site, the need to provide a minimum of a five year supply of gypsy pitches and the fact that the site is being promoted in the revised Local Plan - although it only carried limited policy weight due to the early stages of the Local Plan review, the proposal is considered to be largely in accordance with the Development Plan and policy guidance and acceptable in principle – subject to the consideration of the impact of the proposal.

#### The effect upon the character and appearance of the area

- 2.8 The proposed development increases the site coverage of caravans and hard surfacing on the site. These would be mostly in the centre/western half of the site. On the eastern half the land remains and is proposed to remain as grassed.
- 2.9 The boundaries of the site have hedgerows and mostly dense vegetation that help screen the site from views from the highway and further afield. Glimpses remain available but these do not provide open or extensive views of the site.
- 2.10 Additional planting has taken place on the land and more can be provided through the imposition of a landscaping condition to help assimilate the development and use of the land with the surrounding, open countryside.
- 2.11 It is considered that overall the site is visually quite well contained and although further development has been carried out and is proposed, this is retained within the boundaries of the site and within its landscaped/vegetative setting.
- 2.12 Due to the limited visual impact, it is not considered that the proposal causes material, undue harm to the landscape or scenic beauty of the AONB.

#### Other Matters

- 2.13 The requirements of Kent highways can be secured through a planning condition(s), although the works to improve the turning facility outside the gate to the site have already been carried out.
- 2.14 There are no objections from statutory undertakers. The development can be drained to the public sewer.

#### *Thanet Coast/Sandwich Bay SPA*

- 2.15 The decision of the CJEU in *People Over Wind and Sweetman v Coillte Teoranta* was issued in April 2018 and is required to be taken into account. The application site falls within an area of the District where development has the potential to have a significant effect on the Thanet Coast/Sandwich Bay Special Protection Area (SPA)

– within the District. In this instance, The Conservation of Habitats and Species Regulations 2017 SI 2017/1012 and article 6(3) of Directive 92/43/EEC apply.

- 2.16 Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for all new 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.
- 2.17 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 SPA and Ramsar sites. For proposed housing developments in excess of 14 dwellings the agreement with Natural England is that those applications are required to contribute to the Strategy in accordance with a published schedule to mitigate against harmful effects. This mitigation comprises several elements, including monitoring and wardening.
- 2.18 The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, from all housing developments in the district, will be effectively managed. Having regard to the proposed mitigation measures and the level of contribution currently acquired from these larger developments, it is considered that the application proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites.
- 2.19 In essence, Appropriate Assessment is required for the proposal, but this has been screened out through the agreed mitigation measures from those sites that are proposed in the district in excess of 14 dwellings, including this one.

#### Planning Balance

- 2.20 In the planning balance, it is important to consider the need for the additional pitches, the strategy for intensification that the Council has adopted since the GTAA was published in 2018 (and updated in 2020 ahead of the Local Plan review) and how well the occupiers have engaged with and have been incorporated within the local community. The letters of support for the application set this out. The need for social inclusivity and interaction forms part of the requirements in the NPPF. Although not guaranteed, it is highly likely that the applicant and his wider family will continue to form part of the local community.
- 2.21 The additional housing on this site would also help sustain and support the vitality of the village and surrounding area, which is also supported by the NPPF.
- 2.22 Although it is considered that the additional development would have an additional visual impact upon the character and appearance of the area, and in particular its landscape beauty, it is not considered that the harm is sufficient to warrant refusing this application in the planning balance.

#### Conclusion

- 2.23 In conclusion, it is considered that the site is in a suitably sustainable location and that the additional pitches and development proposed would be appropriately assimilated into the application site without unduly harming the landscape quality, character, appearance and beauty of the countryside.

2.24 The site is being promoted as forming part of the Council's strategy to intensify existing caravan sites, without causing harm to the public interest, and helping to meet the housing needs of gypsies and travellers.

g) **Recommendation**

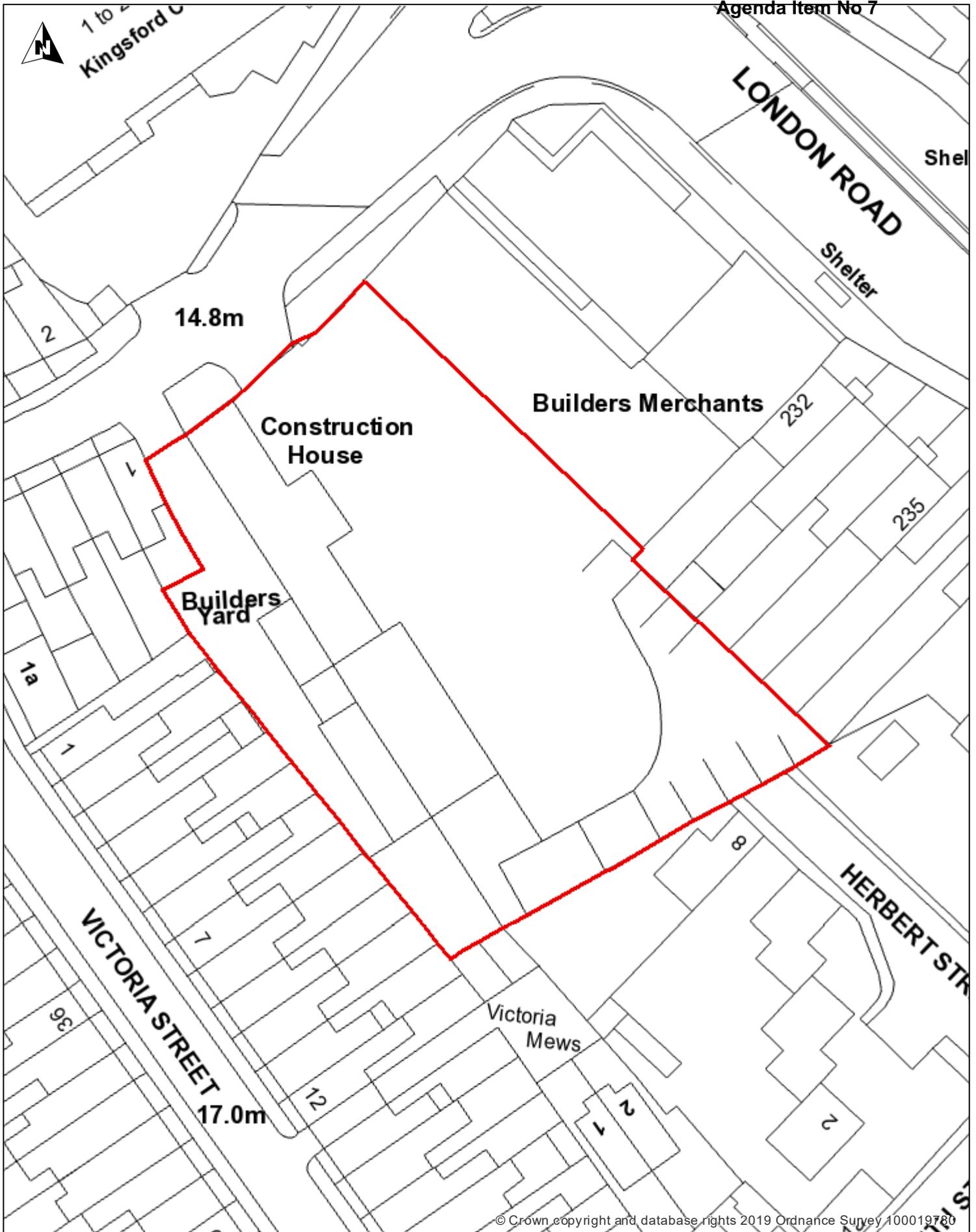
I PERMISSION BE GRANTED subject to the imposition of the following Conditions:

- i) The development hereby permitted shall be carried out in accordance with the submitted Drawings
- ii) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Department for Communities and Local Government publication "Planning policy for traveller sites (August 2015) or any subsequent Government policy or guidance re-enacting that definition with or without modification.
- iii) The static caravans hereby permitted shall be stationed on the land in the location shown on the approved Drawing.
- iv) No more than eighteen static caravans and no more than eighteen touring caravans, being caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time. Only the static caravans hereby approved on the site shall be occupied residentially. The touring caravans shall only be kept on the existing hardstanding area on the northern side of the driveway serving the site.
- v) The form, size and appearance of the dayroom and static caravans hereby permitted shall be as shown on the Approved Drawing.
- vi) No additional hardsurfacing nor boundary treatment shall be constructed, laid out or formed on the site without the details of the boundary treatment and / or hardsurfacing having first been submitted to and approved in writing by the local planning authority.
- vii) Within 3 months of the date of this permission, details of soft landscaping to screen the proposed areas for the new development shown on the submitted drawing shall be submitted to the local planning authority for its written approval. Once approved, the approved landscaping scheme shall be implemented within the first planting season following the date of that approval. The approved planting shall be retained and maintained as such for at least a period of 5 years and should any plant die, become diseased, damaged or is otherwise removed, a like-for like replacement shall be planted in the same location.
- viii) No commercial vehicle of more than 3.5 tonnes shall be parked on the site at any one time.
- ix) No commercial activity or storage of materials or other commercial equipment shall take place or be stored on the site.
- x) The area of undeveloped land shown as grass on the approved Drawing shall be retained as a grassed amenity space for the site thereafter.

- xi) Within 3 months of the date of this planning permission, a visibility splay measuring 2.4m x 120m shall be provided to the south west of the access to the site.
  - xii) Within 3 months of the date of this permission, details of improvements to the access to facilitate room for a car to turn right into the access to pass a car waiting to turn right out of the access, shall be submitted to the local planning authority for its written approval. The approved details shall be implemented within 3 months of the approval and retained as such thereafter.
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester



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20/01237

Site Adjacent Graham Plumbers Merchants  
Construction House, Coombe Valley Road, Dover  
CT17 0EN

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/20/01237 – Erection of a four-storey building incorporating 40no. flats with new vehicle access, parking and landscaping (existing buildings to be demolished)**

**Site Adjacent Graham Plumbers Merchants, Construction House, Coombe Valley Road, Dover CT17 0EN**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be Granted subject to completion of a Section 106 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.

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan-making process, the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out. However, some of the background evidence collected as part of the plan-making process is relevant to consideration of this application, as discussed below.

Core Strategy Policies

CP1, CP4, CP6, DM1, DM2, DM5, DM11, DM13.

Land Allocations Local Plan

DM27 and LA8

National Planning Policy Framework (NPPF) (July 2021)

The most relevant parts of the NPPF are:

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 7); 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.

57 – Planning obligations must only be sought where they meet all of the following tests:

- 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.

58 – Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

Paragraphs 60, 62, 65, 98, 110, 111, 112, 119.

120 – Planning policies and decisions should (amongst other things):

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

123 – Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

Paragraphs 124, 126, 130, 167, 169, 180, 183, 185, 187, 194.

The National Design Guide and Kent Design Guide (KDG)

d) **Relevant Planning History**

None relevant.

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

Dover Town Council – Support, subject to the issues raised by KCC Highways and Kent Police for it to work well.

Southern Water – (Initial response 11/01/2021): Our investigations indicate that Southern Water can facilitate foul and surface water sewerage disposal (surface water flow of 0.60 l/s at manhole reference TR30428452) to service the proposed development. Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

A pre-commencement condition was requested, requiring submission of details of foul and surface water disposal.

(Further response 9/04/2021): Southern Water has undertaken a desk study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a) Adequate soakaway or infiltration system
- b) Water course
- c) Where neither of the above is practicable; a sewer

Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

(Further response 3/05/2021): The additional details provided by the applicant states that the proposed surface water flows from the development are reduced from the existing contributing flows. This discharge can be permitted, if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flow will be no greater than the existing contributing flows.

KCC LLFA – Following initial request for submission of a surface water drainage strategy:

Since our last consultation response, a letter has been produced by VKHP Consulting to answer our queries in relation to the two options presented to manage surface water runoff. It is understood from the letter that infiltration testing at this stage is not viable as the site is not currently under the applicant’s ownership. It is welcomed however that an apparent CCTV survey has been carried out and has identified two existing surface water outfalls from the site. These two outfalls appear to connect into Southern Waters surface water sewer under Coombe Valley Road.

In light of this, the LLFA is more confident that a strategy can be delivered because an existing outfall is present to serve a future development. As such, we lift our earlier objections and would seek the LPA attaches the following planning conditions should consent be granted.

The first requested condition is a pre-commencement condition for the submission of a detailed surface water drainage scheme, including that: *The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonably practical then any surface water leaving site shall not exceed a discharge rate of 5l/s for all rainfall events.*

The second requested condition is for a verification report to confirm that the scheme has been constructed as approved.

KCC Highways – (initial response 8/01/2021): Holding objection on the basis of the following issues:

1. Questioned the basis of the trip generation figures used in the Transport Assessment and requested a revised assessment.
2. A safety audit and designer's response to any issues raised is required for the proposed access arrangements. The proposed access should also provide suitable facilities to enable pedestrians to safely cross the new access, including suitable visibility to drivers entering and leaving the site.
3. The vehicle swept paths in the TS are noted, however clarification is required on the largest vehicle which currently and will in future visit the retained plumbers merchants, particularly in relation to delivery of stock which may require an articulated vehicle. Parking arrangements for such delivery vehicles should also be shown to ensure they do not obstruct access and customer parking. Allowance should also be made for an 11.3 metre refuse vehicle servicing the proposed flats. The swept paths also show that land outside the current application red line is required for vehicles servicing the proposed flats to turn around. This land should therefore presumably be included within the red line so that the turning facilities could be secured by condition.
4. The amount of car parking proposed for the flats is acceptable and in accordance with Local Plan policy DM13 bearing in mind the location of the site, access to public transport, and parking controls in place on the streets near the site. However, parking within the initial section of the access road should be prevented so that access is not obstructed, and details of such measures should therefore be provided. Lay-by spaces should also be 6 metres long. Clarification is also required on the proposed allocation of parking spaces.
5. It appears 8 parking spaces are retained for the plumber's merchants, however no information has been provided to demonstrate that this is sufficient. A parking demand and accumulation assessment is therefore required to inform the amount of parking required.

Further responses were received on 9/03/2021 and 26/03/2021 in response to further information provided by the applicant.

(Final response 29/07/2021):

The proposals are unlikely to have a severe impact on the capacity of the highway network, bearing in mind the residual trip generation of the proposals and taking into account the potential trip generation from the existing permitted uses on the site.

The proposed access arrangements are acceptable, and have been subject to an independent safety audit. They offer an improvement over the existing situation with the provision of dropped kerbs and tactile paving for pedestrians.

The amount of car parking proposed for the flats is acceptable and in accordance with Local Plan policy DM13 bearing in mind the location of the site, access to public transport, and parking controls in place on the streets near the site. However, parking within the initial section of the private access road should be prevented so that access from the highway is not obstructed, and details of such measures should therefore be secured by condition.

Taking all of the above into account I would not recommend refusal on highway grounds subject to the following being 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 (d) Provision of wheel washing facilities (e) Temporary traffic management / signage (f) Access arrangements

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of measures to prevent parking within the first 25 metres of the internal access road from the junction with Coombe Valley Road, in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of the vehicle turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Closure of the existing access and reinstatement of the footway prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of 1 metre x 18 metres pedestrian visibility splays into the site from each side of the pedestrian crossing point at the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

I would also request consideration be given to the provision of electric vehicle charging points to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Informatives are requested relating to the potential need for relocation of street lights and the need for Highway Authority consent for works within the highway.

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

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

KCC Archaeologist – (Initial response 19/01/2021): The site lies within an area of multi-period archaeological potential and c.30m from the location on the Kent Historic Environment Record of a Roman cemetery discovered in the mid-19th century. The exact location of the discovery is not known and could be closer to or at the site of the proposed development.

The buildings at the site which are proposed for demolition are on the same general alignment as historic buildings recorded on the 1st Ed. OS mapping and subsequent iterations. I have not visited the site and the photographs within the Contamination Risk Assessment report (GEI, 2020), although useful do not make clear whether there are historic buildings at the site which should be considered for recording and/or preservation and re-use. Though a welcome recognition of archaeological potential I do not agree with the proposed watching brief by construction staff (Page 13 of the GEI report) as any such work must be undertaken by suitably trained professional archaeologists.

In light of the heritage and archaeological interest of the site and noting the lack of an Archaeological Desk Based Assessment, I recommend that in the event that planning permission is granted that a condition is applied to any forthcoming consent requiring the applicant, or their agents or successors in title, to secure the implementation of a

programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. In the event that a decision is delayed or refused the applicant should be asked to submit an Archaeological Desk-Based Assessment for the site as required by the NPPF.

No further comments received in response to re-consultation (1/03/2021) following receipt of the Archaeological Evaluation Report from the applicants. This report proposes the excavation of trial trenches and the subsequent preparation of an Impact Assessment to describe the archaeological potential of the site and the likely impact of the proposed development.

KCC Economic Development – Has requested the following developer contributions:

- Secondary education: £31,780 towards expansion of secondary school places in Dover District
- Community learning: £656.80 towards equipment and resources for the additional learners at Dover Adult Education Centre
- Youth Service: £2,620 towards additional resources for the Dover Youth Service
- Library bookstock: £2,218 Towards additional services and stock to be made available at Dover Library
- Social care: £5,875.20 towards Specialist Care accommodation within the District of Dover
- Waste: £2,178.80 Towards new works at Dover HWRC to increase capacity.

A condition is also requested requiring the installation of high-speed broadband connections.

NHS Kent And Medway CCG – Has requested a developer contribution of £26,280 towards refurbishment, reconfiguration, improvements and/or extension of Primary Care Health facilities in Dover.

This proposal will generate approximately 73 new patient registrations based on the dwelling mix provided. The proposed development falls within the current practice boundaries of a number of practices within the Dover Town Primary Care Network. 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. Whilst it is not possible at this time to set out a specific premises project for this contribution at this point in time we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above.

Kent Police Designing Out Crime Officer – Has provided detailed advice on security and related issues, including recommended security measures for communal external doors and garden areas, car parking, bike stores, mail delivery and external lighting. Recommendations are also made regarding site security during the construction phase.

DDC Environmental Health – No objections, but various conditions are recommended with regard to potential contamination, noise, and a construction management plan, as follows:

I agree with the phase 1 contaminated land report submitted in support of this application. As suggested by the report, an intrusive study is required in order to identify possible contaminants that may have been left from the site's historic uses. A suite of conditions is put forward, requiring detailed investigations and risk assessment, the preparation and implementation of any necessary remediation measures, and the provision of a

validation report to confirm the effectiveness of the remediation. A condition is also recommended to address the possibility of unforeseen contamination.

I accept the acoustic report submitted in support of the application, (reference DP/66201710/VV). The following condition should be applied if permission is granted, to ensure appropriate noise mitigation and minimise adverse impact to future residents, as advised by the report:

*Acoustic glazing and ventilation to be installed for the different facades of the proposed development, as specified in Appendix D6 of the acoustic report conducted by MLM Consulting Engineers Limited (reference DP/66201710/VV). In order to protect residents from noise emanating mainly from Coombe Valley Road.*

I suggest the application of a condition requiring the submission of a Construction Management Plan to deal with the suppression of dust and noise from the site during construction.

DDC Housing Development Manager – The affordable statement proposes 12 affordable units, which is in line with policy requirements. There is a need and demand for 1 and 2 bedroom flats in Dover, and the 12 flats proposed at this development would contribute towards meeting this need. It is advised that the shared ownership properties should be 2 bedroom flats, as there is a higher demand for this size of accommodation for low cost home ownership.

DDC Natural Environment Officer – (Initial response 6/05/2021) (Summarised): I have reviewed two ecological reports submitted in support of this application.

1. Preliminary ecological appraisal dated December 2020
2. a bat survey report dated November 2020

The bat survey report dealt specifically with the buildings on the site and assessed those buildings for their suitability to provide bat roosting opportunities. The buildings varied in their classified suitability from low to high potential. Building 6/7 was confirmed, through DNA analysis, as a brown long eared bat roost. The report makes very clear in the executive summary that nocturnal survey work for bats (dusk and dawn surveys) are required to establish whether the other buildings support bat roosts and to characterise the roost within building 6/7.

Surveys and mitigation strategies for bats should generally not be made a requirement of a planning condition or be undertaken after permission has been granted.

In summary therefore, this application cannot be determined until all of the recommended bat survey work has been undertaken.

In determining applications affecting European protected species such as bats, the LPA must apply the three legal licensing tests before determination of an application:

1. The proposed development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment
2. the authority must be satisfied that there is no satisfactory alternative
3. the LPA must be satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

I can only suggest that the applicant follows the advice of their consultant and commissions the required bat survey work.

Private representations:

36 objections received, raising the following issues:

- Insufficient car parking (29 spaces proposed for 40 flats); there is already intense pressure for on-street parking in the locality, and this will make matters worse, potentially leading to confrontations
- Overlooking and loss of privacy to properties in Victoria Street and Coombe Valley Road (especially from the third and fourth floors)
- Moving the access closer to the traffic light junction with London Road will be unsafe and cause accidents; concern over impact on emergency vehicles using this corner; emerging traffic will have to cross three lanes
- Loss of daylight and sunlight
- Four storeys is too high and will dwarf neighbouring properties; two storeys would be better
- Size of the building is not in keeping with nearby developments/out of scale and proportion
- The design is out of keeping, as are the proposed external materials
- Electric vehicle charging points should be provided
- There must be a better use for the land
- Concern over capacity of water/gas/electricity services
- Loss of views of the Castle and hills
- Increased noise at evenings and weekends
- Lack of consultation
- Loss of property values
- Disruption during building phase
- Over-intensive development
- Additional traffic and rat-running
- Concern over the effect of demolition of safety/integrity of boundary wall with Herbert Street
- Not opposed to redevelopment of the site/removal of unsightly buildings, but this is not the right scheme

Two further representations received, raising neither objection nor support:

- In favour of removing overhanging trees to Victoria Street properties
- In favour of demolition of empty buildings
- The retained warehouse building on London Road will continue to receive deliveries from artics, and this should be accommodated, including sufficient space for reversing
- Parking access off the access road will cause problems for delivery lorries

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

1.1 The application site has an area of around 0.24ha and lies to the rear (south-west) of the former Graham's Plumbers' Merchants retail unit at the junction of London Road and Coombe Valley Road. It has a frontage to Coombe Valley Road of about 28m (but broadens out to about 40m further into the site) and a depth of between 60m and 66m. A large part of the site is currently a large, flat, open, hard-surfaced yard that appears to have previously been used for outdoor storage of building materials and vehicle parking. Along the south-western side of the site, running from front to rear, is a range of buildings of mixed size and design that again appear

to have been used in conjunction with the builder's merchant's use; this includes a two-storey, flat roofed office building on the site frontage with Coombe Valley Road and a tall, pitched-roof storage building further back into the site, as well as a random collection of lower buildings. There is a main vehicular access off Coombe Valley Road broadly in the centre of the site frontage, and a narrower, disused access on the western boundary adjacent to the houses fronting the road.

- 1.2 To the north-east of the site is the existing retail unit which would be retained, albeit with a reduced servicing yard between that building and the application site. South-east of this are mainly residential properties fronting London Road, the rear gardens of which back onto the application site. To the west of the site are terraced houses fronting Coombe Valley Road and beyond this the junction with Victoria Street. About a dozen houses on the east side of Victoria Street back onto the application site with the ends of the rear gardens being about 1m above the level of the application site; there are tall, mature trees within the application site close to this boundary. At the rear of the site is a tall retaining wall which forms the boundary with properties in Herbert Street; the difference in ground levels at the boundary varies, but the submitted cross-sections show it to be between about 2.0m and 2.7m, with a wall of between 1.7m and 3.5m on top of this. More widely, the traffic-light controlled junction with London Road is about 35m north-east of the site boundary. On the opposite side of Coombe Valley Road is a three-storey residential development. West of the site, the road rises slightly before going under the railway bridge.
- 1.3 It is proposed to demolish all the existing buildings and erect a part 3/part 4-storey building to accommodate 40 flats (12 x 1-bed and 28 x 2-bed). The building would occupy the western part of the site, with the front elevation be set back about 3m from the front corner of the neighbouring houses to the west. The length of the building from front to rear would be about 58m with the maximum width being 19m. The western elevation would be between 7m and 8m from the rear garden boundaries of properties in Victoria Street and the southern end about 2m from the boundary with Herbert Street. The top floor would be recessed back from the rest of the building on the front part, closest to the road, and to a lesser extent at the rear. Along the eastern and western sides of the building, the top floor is raked back (somewhat akin to a mansard) to reduce the overall bulk and potential for overlooking.
- 1.4 The building would have a curved profile adjacent to the site entrance and a flat roof. It would largely be of brick construction, with a number of vertical, recessed, standing-seam metal panels, broadly reflecting the location of the stairwells. On the front part of the site, and along the eastern elevation, the windows to living rooms and bedrooms on the ground, first and second floors are in shallow inverted bays, which are grouped to provide a series of vertical features and create rhythm along the façade. On the western elevation, all the upper floor windows serving living accommodation are in features that project at an oblique angle to the façade of the building, in order to reduce the opportunity for direct views towards the Victoria Street properties.
- 1.5 A parking area providing 28 car parking spaces and two motorcycle spaces is shown on the eastern part of the site. The intention is to allocate one space to each of the two-bedroomed flats, but the actual allocation regime could reflect the needs of individual occupiers. The existing vehicular accesses would be closed,

and a new access created towards the eastern boundary of the site. This will also provide access to the retained retail unit, which is not within the application site and not under the applicant's control. A gated private amenity area, with planting, is shown at the rear of the building, between the building and the boundary to Victoria Street properties. Bicycle storage racks will also be provided here.

## **2. Main Issues**

2.1 The main issues are:

- The principle of residential development, including the loss of employment land;
- Impact on residential amenity (particularly privacy and outlook);
- Design and impact and impact on the character of the area;
- Highways, access and parking;
- Drainage, contamination and archaeology;
- Ecology impacts;
- 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 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies within the defined urban confines of Dover, which is identified as the major focus for development in the District, suitable for urban scale development. Development on this site is therefore also consistent with policy DM1, which seeks to resist development outside confines.
- 2.4 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also includes instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.5 It is considered that policies DM1 and DM11 are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the Council has a demonstrable five year housing land supply and has not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).

- 2.6 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 596 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.
- 2.7 Policy DM11 seeks to locate travel-generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight. DM11 seeks to resist development outside settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is 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 close to public transport links.
- 2.8 Policy DM1 is out-of-date. Whilst DM11 is, to a degree, in tension with the NPPF it is not considered to be out-of-date. Given how critical DM1 is to the assessment of the application, it is considered that the basket of 'most important policies' is out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged. As the site is currently in an employment-related use, it is also necessary to consider the principle of residential use in the context of policy DM2. This says that permission for changes of use or redevelopment of land or buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use. However, this is not entirely consistent with statements in the NPPF. For example, paragraph 119 promotes the effective use of land in meeting the need for homes, and paragraph 120 supports the development of under-utilised land; specific reference is made to the potential for building on service yards and car parks; it lends substantial weight to the use of brownfield land for homes and taking the opportunity to remediate derelict land. Paragraph 123 encourages a positive approach to applications for alternative uses of land that is not allocated for a specific purpose, and reference is made to using retail and employment land for homes, where this would not undermine key economic sectors or sites.
- 2.9 The current site is not regarded as a key site in terms of employment land supply. Indeed, as the applicant has pointed out, the retail unit that actually provided the basis for most of the employment on the wider site, will remain. Redevelopment would provide the opportunity for regeneration and visual enhancement. The most recent assessment of employment land availability (EDNA 2017, which forms part of the evidence base for the emerging Local Plan) did not identify an overriding need to identify more land and concluded that the emphasis should be on providing quality sites, rather than focusing on quantity. In that regard, this site could be

seen as an old-fashioned, low quality industrial site that, in its current state, is no longer attractive or fit for purpose.

- 2.10 This also needs to be seen in the context of the wider aspirations for the Coombe Valley area generally. Although this is not one of the sites specifically identified for residential development in policy LA8, it is within the boundary of the wider area identified in figure 3.4. Redevelopment of this site for residential use would help promote regeneration in the wider area, in accordance with the objectives set out in the LALP, especially given that it provides the opportunity for significant and meaningful visual upgrading on a prominent site at the entrance to the area.

#### Residential amenity

- 2.11 The existing properties most likely to be affected by the proposed development are those fronting Coombe Valley Road immediately to the west of the site and those in Victoria Street that back onto the site. Those at the northern end of Herbert Street and on the western side of London Road (to the south of the retail unit) that back onto the site may also be affected to some degree. There are also residential properties on the northern side of Coombe Valley Road.
- 2.12 The principal issues to consider in terms of amenity are potential loss of privacy/overlooking, loss of daylight and sunlight, loss of outlook, overbearing effect, and noise from the proposed development. The main policy reference points are NPPF paragraphs 119, 129 and 139, which talks about promoting health and well-being and promoting a high standard of amenity for existing and future users. It is also appropriate to consider the amenity of future occupiers of the proposed development.
- 2.13 At the front of the site, the new building will butt up to the flank elevation of no 1 Coombe Valley Road and be set back about 3m from the front elevation; there are no windows in this elevation. The part of the building immediately adjacent to the boundary will not extend beyond the rear of the neighbouring dwelling but will be cut back in a similar manner to the recesses that are typical of the surrounding houses. The main rear (south-western) elevation of the proposed building begins about 2m away from the flank boundary of no.1 and at this point is three storeys (about 9m) high. The height increases to four storeys some 9m further to the south-east, which is just beyond the end of the rear garden to no. 1. The building therefore sits to the north-east of no.1 and its rear garden, and then tapers away to the south-east.
- 2.14 The first property in Victoria Street is a commercial building that does not back directly onto the site. The houses on the west side of the street are two-storey terraces of typical Victorian layout, with original two-storey projections and alternate "wells" set back; some houses have been extended further to the rear. Their gardens are between about 8m and 9.5m long, measured from the end of the original projections, extending by a further 4m in the recessed "wells". The new building will be about 7.2m from these rear garden boundaries (at the southern end) and 8.2m (at the northern end), meaning that the wall to wall distances (measured from the houses' rear projections) will be between 16m and 17m; clearly, into the recesses this will be 4m more. This part of the new building will be four storeys, or about 12.2m above site ground level; the submitted sections show this ground level to be about 1m below the level of the gardens (although this is likely to be a minimum level difference, as site inspection reveals that it does vary slightly, as the gardens and houses are not all at consistently the same level, and some of the houses are stepped up from their gardens, as indicated by the

comparative levels of the front elevations along Victoria Street). The new building lies to the north-east of all the houses in Victoria Street.

- 2.15 As mentioned previously, all the windows at first, second and third floor (and some on the ground floor) of the elevation facing towards Victoria Street are set within angled projections that prevent direct views towards the Victoria Street properties; this has been done with the aim of minimising the ability to look directly into these properties and to reduce the impression of being overlooked; in addition, all the rooms that these windows serve are shown as bedrooms to the two-bedroom flats (with the exception of kitchens for the southernmost flats); they are therefore not intended to be primary living spaces. The only windows that face directly towards the houses are those in stairwells. Although (as some of the objectors have pointed out) it would still be possible to gain some views into the gardens, the direct line of sight would be to a property further up the street, at an angle and at a distance of about 14m to the very ends of the gardens. The likelihood of this happening on a regular basis is also reduced if one considers where an occupier of the flat would need to stand in the room in order to obtain such a view.
- 2.16 In the light of these window arrangements, the distance between the houses and the new building (about 16m) is also acceptable in terms of outlook and daylight implications. Although the flats will be about one-and-a-half storeys taller than the houses, the top floor is sloped back to reduce the overall impact. There will be some loss of sunlight to the houses (and their gardens) but the orientation means that this will be limited to the first part of the morning for most of the year. Members will be aware that under Planning legislation there is no “right to a view”.
- 2.17 Because of their relationship to the layout of the site, the properties in Herbert Street and London Road, and those on the north side of Coombe Valley Road, should not experience any significant impact in terms of overlooking or loss of outlook or light.
- 2.18 The other amenity impact that has been raised by nearby residents relates to noise, particularly in the evenings and at weekends. There is likely to be some change in the noise environment compared to that currently experienced, but there is no reason to suppose that any noise from the new flats will be any different from that emanating from most residential properties, especially as the rooms on the Victoria Street side of the building are, in the main, likely to be occupied as bedrooms. It is also pertinent to note that, although this site may have been unoccupied for some time, there do not appear to be any noise restrictions or restrictions on the hours of use in regard to the existing lawful use and, although some of the buildings are in a poor state of repair, the site could be brought back into use for a purpose not materially different from that use at any time, without limitations on noise.
- 2.19 Turning to the amenities of the residents of the proposed flats, the Architect has confirmed that all the units will meet the Nationally Described Space Standards. An outdoor private amenity space is to be provided at the rear of the building, with seating and planting. The application is accompanied by an Acoustic Design Statement which assesses the internal noise environment for future residents. The site is affected by road traffic noise, principally from Coombe Valley Road but also from London Road, and the railway. It is recommended that mitigation measures including enhanced double glazing and acoustic laminated glazing be installed in certain rooms, principally those nearest the road frontage. The findings of the assessment and the recommendations are accepted by EHO, and a condition can be used to ensure the mitigation measures are installed.

### Design and visual impact

- 2.20 As Members may be aware, national policy advice on design has recently been updated in the revised NPPF (July 2021). The principal references are now in paragraphs 130 – 134. Developments should aim to function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and the surrounding built environment (while not preventing or discouraging innovation or change, such as increased densities), and create attractive, welcoming and distinctive places to live, work and visit.
- 2.21 The existing buildings on the site do not make a positive contribution to the visual quality of the locality; the office building at the front of the site does not relate well to its surroundings and the buildings to the rear of this are a mixture of designs and generally poor quality. Although the houses to the west and south of the site are generally of traditional design and form, there is more modern development to the north, and larger scale commercial development to the east, and further along London Road; as a result, the site is in a zone of transition and there is no single, clear set of reference points.
- 2.22 In terms of scale, although the building is mainly of four storeys, this has been reduced to three on the road frontage, to better relate to the neighbouring houses; at that interface, the roof of the new building will be 8.8m, 1.2m taller than the ridge of the first house. The fourth floor is set back 3.5m from the front of the building and adds a further 2.9m. The front corner of the building, adjacent to the site entrance, has a curved profile (as has the recessed fourth floor element) and a slightly raised elliptical roofline. In terms of the “long” elevations of the building, the repeated pattern of vertical, recessed bays, accommodating the inverted bay windows, provides a strong rhythm to the north-east elevation (which will be seen in views from Coombe Valley Road) and this will also provide shadow lines and visual interest. On the southwest elevation, a similar, but less obvious, rhythm is provided by the projecting features accommodating the angled windows. At the southern end of the site, the houses in Herbert Street are on much higher land, and this helps to offset the comparative scale of the old and new buildings.
- 2.23 There is no doubt that this will be seen as a significantly taller building than any currently on the site. The relationship to houses in Victoria Street has been discussed above. In terms of the principal public views from Coombe Valley Road, the opportunity has been taken to create what could become a “feature” corner building – a design tool that is advocated in both Kent Design and national design guidance. This is not only an appropriate statement for this otherwise relatively open, exposed site, but it also provides the sort of visual uplift that is aspired to in the LALP discussion of the Coombe Valley Area generally (in the background context to policy LA8).
- 2.24 Overall, it is considered that both the scale and the detailed architectural style of the building comprise an appropriate design approach for this site, and will result in significant improvement to the visual quality of the wider locality.

### Highways, access and parking

- 2.25 The main policy reference points are Core Strategy DM13 and NPPF paragraphs 110 – 112. The proposal includes the closure of the existing accesses to the site and the formation of a new access about 11m to the east of the existing main access. Within the site, an access road is to be formed, broadly parallel to the eastern boundary and extending to the rear of the site. 28 car parking spaces are shown (including two accessible spaces), sited on either side of the access; the

access is 6m wide where parking spaces are on opposite sides. Part-way along the access, a spur is shown, enabling vehicular access to the parking area at the rear of the retained retail unit.

- 2.26 DM13 advocates a design-led approach to car parking, based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. The parking spaces will be allocated to individual flats and, given the location of the site close to frequent bus routes and within walking distance of all the main facilities in the town, the number of spaces proposed is appropriate; this is also consistent with the approach adopted in the NPPF. Kent Highways also finds the parking provision acceptable.
- 2.27 The Highway Authority originally raised objection on a number of, mainly technical, issues, including the anticipated trip generation rates, the layout of the access at the point where it meets the main road, and turning facilities within the site. Following the submission of further information, the Highway Authority now accepts the trip generation rates used and is satisfied that the development is unlikely to have a severe impact on the capacity of the road network. The amended access layout is also acceptable, including the proposed visibility splays, and the Highway Authority considers the proposal to be acceptable subject to a range of conditions.
- 2.28 One issue that has involved further discussions with the Highway Authority concerned access arrangements for the retained retail unit. KCC questioned whether articulated vehicles could gain satisfactory access, should they need to in order to provide deliveries to the retail unit. It appears that that part of the former plumbers' merchant's site has been sold separately, and the apparent prospective occupier (a carpet company) has also raised this point. In response, the current applicant has put forward a number of points, including:

- The retail unit does own an access right to travel over part of the site under the terms of the land purchase, but this access right area is too small for an artic, large refuse vehicles, large lorries and large fire tender trucks
- The proposed access right being offered by the applicant gives the retail unit more area than they are legally entitled to - not large enough for an artic - but large enough for the other vehicles above, so they are providing a significant improvement on the legal right of access.
- In numerical terms they are increasing the legal access width off the highway from 5m to 6m and the width from the housing site to the retail site from 5m to 10m, which they describe as a "huge increase". One parking space has been omitted from the original scheme to facilitate this.
- KCC's assumption is based on a historic entrance size that is no longer legally possible.
- It is up to the retail unit operators to manage their deliveries using appropriately sized vehicles.

A further plan has been provided to clarify the comparison between the access allowed under the land purchase and what is currently being offered, and the Highway Authority's final comments (reproduced above) take account of this additional information. The HA has concluded that the access and turning arrangements are appropriate.

#### Drainage, contamination and archaeology

- 2.29 It is proposed that both foul and surface water be disposed of to the existing (separate) sewer systems. Foul drainage capacity is not considered to be an issue in this location. Considerable correspondence has taken place between the applicant's consultants, Southern Water and KCC as LLFA. Because the site is currently almost entirely hard-surfaced (and the applicant does not currently have access to carry out works) it has not been possible to carry out soakage tests for disposal into the ground; the discussion that has taken place has centred on the capacity of the surface water sewer and how the site is currently drained. SW has now accepted that it is likely that the existing rate of discharge from the site is greater than will be the case following development, and on that basis it is acceptable for the new development to use the existing sewer (subject to further investigations to confirm the position). Infiltration would still be a preferable solution, if it can be achieved. Conditions are proposed requiring the submission of a detailed scheme. KCC is content that, on this basis, the development will not increase the risk of flooding elsewhere.
- 2.30 For similar reasons, it has not been possible to carry out detailed investigations into whether there may be existing ground contamination. The Phase 1 report submitted with the application recognises that there may be contamination from previous uses and recommends intrusive investigations take place. This approach is accepted by EHO and appropriate conditions are recommended.

#### Ecology impacts

- 2.31 NPPF paragraph 174 says that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 says that when determining applications, if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, permission should be refused.
- 2.32 The preliminary ecological appraisal and bat survey submitted with the application identified that some of the buildings were being used by bats and that there was a need for further surveys. Those surveys have now been carried out and the summary findings are as follows:

*During the survey undertaken in November 2020, a very small number of bat droppings, from a brown long-eared bat were discovered in Building no. 6/7). Additionally, a small number of moth wings, probably dropped by a feeding long-eared bat, were discovered in the old flint barn, Building no. 4. It was therefore confirmed that the site is used by bats, albeit at an apparently low level. It was advised that further bat surveys would be required, at an appropriate time of year, to establish the level of bat use.*

*During the survey undertaken on 15th May 2021, one common pipistrelle was seen emerging from the east side of the barn, B4. No fresh evidence of bat use was found in any of the buildings and no overnight activity was recorded inside the barn. No bats were seen during the dawn re-entry survey.*

*During the repeat survey, undertaken on 16th June a single common pipistrelle emerged from Building 3, the open fronted store but also showed some interest in Building 2. Several passes from common pipistrelles were heard at the west of the site, with one or two bats arriving at the site, from elsewhere.*

*It is therefore confirmed that the site is used as a day/night roost by very small numbers of bats of two common species. No evidence of a breeding colony*

*of bats has been found. Because bats and their roosts are protected by law, a Natural England Bat Mitigation Licence is required to allow the proposed demolition to proceed. A 'low impact' or Bat Class Licence will be appropriate for this site. A licence cannot be applied for until Planning Consent has been granted, but appropriate mitigation and compensation or enhancement measures should be agreed at an early stage in the planning process.*

- 2.33 The Report goes on to set out potential mitigation measures; these include no demolition to take place during the hibernation season (although no evidence of the site being used for hibernation has been found), demolition work on the relevant elements of the building only to be carried out under the supervision of a bat consultant, and temporary and permanent provision to be made for roosting bats both during the building works and following implementation.
- 2.34 These mitigation measures are appropriate for the level of harm/disturbance identified by the surveys, and are sufficient to meet the requirements of NPPF paragraph 180. Conditions are recommended to address these issues. Members will note that the applicant will still require a separate Licence from Natural England, without which no demolition may take place.

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

- 2.35 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.
- 2.36 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.
- 2.37 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.
- 2.38 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.
- 2.39 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 with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour at Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.40 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.

#### Developer Contributions

- 2.41 KCC has requested contributions towards a number of activities and projects totalling £45,328.80, as set out earlier in this report. Members will be aware that DDC has questioned the evidence base which seeks to justify the contribution towards Waste facilities; removing that reduces the overall contribution to £43,150. The NHS CCG has requested a contribution of £26,280 towards upgrading GP facilities in the Town.
- 2.42 Policy DM5 requires that for schemes of more than 15 dwellings, on-site provision of affordable housing should be provided amounting to 30% of the dwellings proposed. However, the evidence base prepared in connection with the emerging Local Plan (The Local Plan Whole Viability Study) has concluded that schemes within the Dover Urban Area are not likely to be sufficiently viable to provide affordable housing. Although no formal provision of affordable housing is proposed, the applicant has sought to point out that in practice some of the units will fulfil an affordable housing need because of the type of units and the market they are aimed at.
- 2.43 In addition, pursuant to policy DM27, developments of five or more dwellings are required to provide or contribute towards the provision of open space. In accordance with the adopted formula, the required contributions in this instance are:
- Accessible green space: £4,812.93
  - Outdoor sports facilities: £17,942.28
  - Children's Equipped Play Space: £17,333.14
  - Allotments/Community Gardens: £80.92
  - Total: £40,169.27

The amount payable under the SPA and Ramsar Mitigation Strategy is £2,358.36

- 2.44 The total contributions and Habitat Mitigation that might be payable therefore comes to £111,957.63, plus affordable housing.
- 2.45 The applicant has put forward a case that this level of contributions is not justified in this instance and that the viability of the scheme is such that it cannot support contributions on this scale. The applicant points out that the Local Plan Viability Study actually concludes that schemes within the Dover Urban Area are unlikely to be viable in any circumstances, due to the low returns available and high development costs. On this basis, it is said, it is not only the affordable housing contribution that should be set aside, but the justification for all developer contributions should be re-assessed. In addition, it is argued, this scheme would contribute to the regeneration of the Coombe Valley area, a location that the Council has specifically identified as in need of regeneration, and that helping to achieve this objective is something that should be given significant weight, and delivery of the scheme should not be put at risk by making the scheme even less viable. The applicant has declined to carry out a site-specific viability study, arguing that the cost of this would further diminish the margins and that the lack of viability has already been proven by the Council's own Local Plan evidence.

- 2.46 The applicant has said that he is willing to pay the requested NHS contribution and 50% of the contributions sought by KCC and 50% of the Open Space contributions. In response, KCC has said that

*“Kent County Council has assessed the impact that the proposed Coombe Valley Road development will have on County Services, and we require that these impacts are mitigated by the service contributions requested. However, the County Council acknowledges that there are discrete issues with this particular site, and without prejudice, accepts the contributions offered.”*

- 2.47 NPPF paragraph 58 says that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 2.48 In this instance, there is some force in the argument that the viability assumptions upon which the adopted Core Strategy was based are no longer valid or up to date (see, for example, para 12.51d of the Whole Plan Viability Study). Notwithstanding the applicant’s reluctance to commit to a full site-specific viability assessment, there is some risk that, if this were to be carried out, the conclusion would be that the site could bear no developer contributions at all (that is, less than the applicant is currently offering). The weight to be given to the point about stimulating regeneration in the Coombe Valley area is something for Members’ judgement but, as mentioned previously, there is no doubt that this development presents an opportunity for a significant uplift in the visual quality of this part of Coombe Valley Road.
- 2.49 There is very much a balanced judgement to be made here, whilst it is unusual to be in a position whereby site specific viability has not been robustly tested. However, having weighed all the conflicting arguments and discussed with the various interested parties, the level of contributions offered by the applicant does not, on this occasion and in relation to this site, seem unreasonable. On that basis, it is recommended that the following developer contributions be sought:

NHS (towards General Practice facilities) (full amount)	£26,280
KCC (towards a range of facilities, to be agreed with KCC, but prioritising Secondary Education and excluding HWRC upgrades) (based on 50% of original bid)	£21,575
Open space (based on 50% of original bid)	£20,085
SPA/Ramsar Mitigation Strategy (full amount)	£2,358.36

### **3 Conclusion and sustainability**

- 3.1 This proposal involves the redevelopment of a redundant service yard and open storage area to provide 40 flats. The loss of this low quality industrial land will have no unacceptable implications in terms of employment opportunities. Although it is a relatively high density development, it is acceptable in terms of impact on the amenity of neighbouring properties, and will bring a significant uplift to the area in regard to visual quality and the built environment. It is acceptable in terms of highway safety and all other technical concerns can be addressed through appropriate conditions.

3.2 The NPPF identifies three interrelated objectives that underpin the achievement of sustainable development: economic, social and environmental. This scheme brings tangible benefits in all three areas. As there are no identified adverse effects of granting planning permission that would significantly and demonstrably outweigh the benefits, planning permission should be granted in accordance with NPPF paragraph 11.

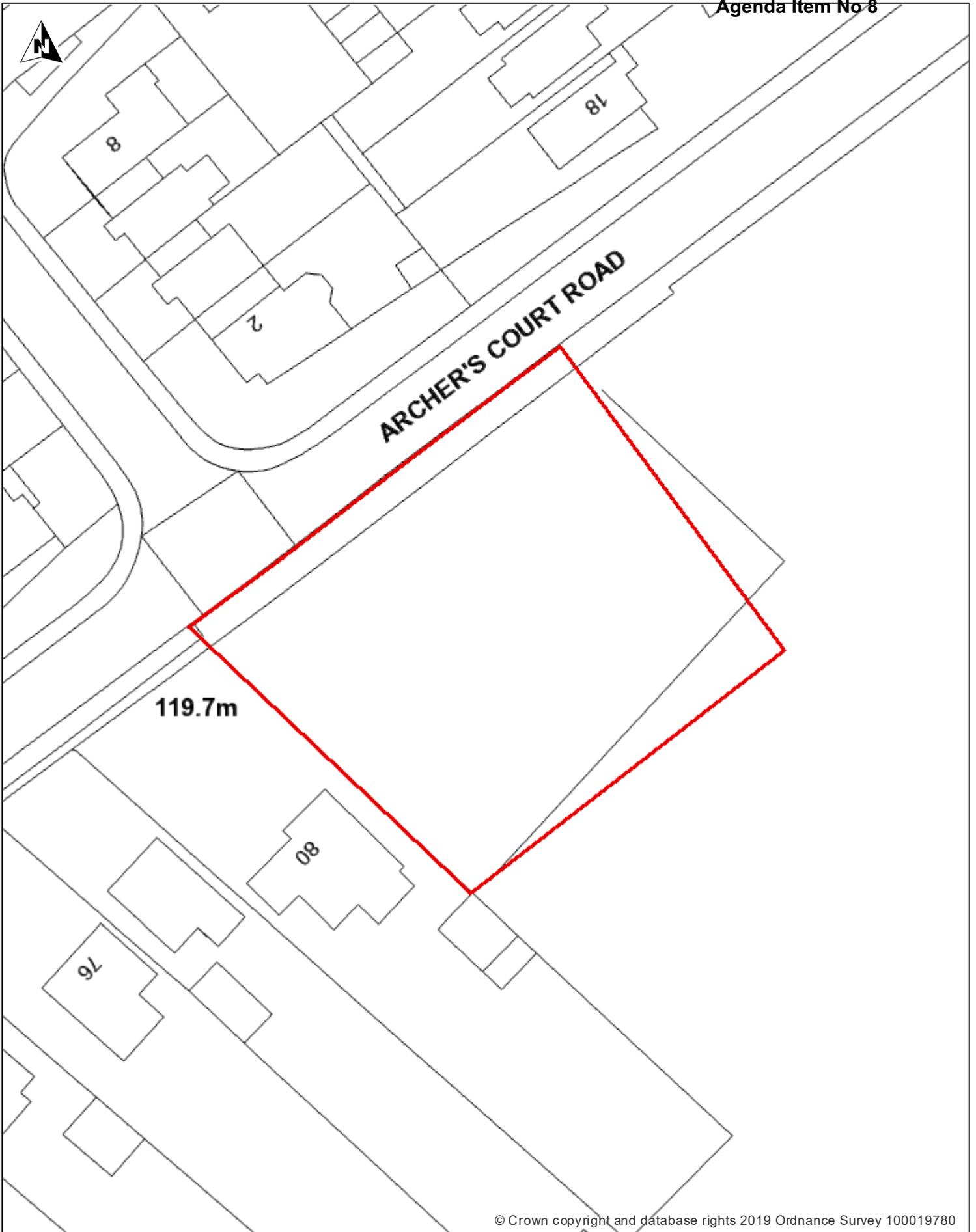
**g) Recommendation**

- I. **GRANT PLANNING PERMISSION** subject to satisfactory completion of a Section 106 Agreement to secure developer contributions as set out in the report, and subject to conditions to cover the following matters:
  - i) Standard commencement
  - ii) Approved plans
  - iii) Submission of external materials
  - iv) Submission and implementation of landscaping scheme (including the provision of trees)
  - v) Provision of car parking
  - vi) Provision of cycle parking
  - vii) Closure of existing accesses
  - viii) Provision of new access, including vision splays and turning facilities
  - ix) Surfacing and drainage of internal access road
  - x) Measures to restrict parking on internal access road
  - xi) EV charging points
  - xii) Submission of foul drainage details
  - xiii) Submission of surface water drainage scheme (following demolition/site clearance)
  - xiv) Verification report for drainage scheme
  - xv) Investigation of contamination
  - xvi) Submission and implementation of contamination remediation scheme
  - xvii) Verification report re contamination
  - xviii) Unforeseen contamination
  - xix) Adherence to construction management plan
  - xx) Installation and retention of acoustic glazing
  - xxi) No demolition during bat hibernation season

- xxii) No demolition until bat license obtained
  - xxiii) Submission of detailed mitigation scheme regarding bats
  - xxiv) Archaeological investigation
  - xxv) Submission of scheme for Secured By Design
  - xxvi) Provision of broadband connections
- 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



20/00644

Whitfield Urban Extension Phase 1  
Archers Court Road  
Whitfield

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/20/00644 – Erection of a convenience store (A1), new vehicle access, erection of 2.4m and 3m high acoustic fencing, installation of air conditioning units and parking - Whitfield Urban Extension Phase 1, Archers Court Road Whitfield**

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.
- 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.
- CP11 – Provides a framework against which applications for the managed expansion of Whitfield will be assessed.
- 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.
- DM12 – Planning applications which would involve the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures to provide sufficient mitigation.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 - Development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.
- DM16 - Development that would harm the character of the landscape will only be permitted if it incorporates any necessary mitigation measure.
- DM17 – Development which could cause possible contamination to groundwater will not be permitted within Groundwater Protection Zones 1 or 2.

- DM20 – Permission for new shopfronts and alterations to existing shopfronts will only be given if the proposals respect the composition, materials and detailed design of the building and the context provided by the street in which they are located.
- DM 23 – Proposals for local shops or extensions to local shops will be permitted: within the urban areas and in rural settlements where consistent with the Settlement Hierarchy; and on development sites for employment uses.

#### Whitfield Urban Expansion SPD

- The SPD carried forward the requirements in Policy CP11 of the adopted Core Strategy to provide a framework for the preparation of subsequent planning applications proposing to develop the site and aims to give certainty to local people and developers. It enshrined the need for good design and high standards of amenity. The document states that the preference is for a progressive anti-clockwise phasing of the development starting from the south east. The SPD states out that within Light Hill (Phase 1), development should average 41dph. An area of downland should be created adjacent to the A2 to reinforce green infrastructure and soften the visual impacts of the development. The new access from the A256 should convey a sense of place. Housing density and typologies should take into account landscape features, sensitive location issues such as noise and activity levels, edge of development locations and the street hierarchy and relationship of the development to the adjoining built form character. Design should be influenced by local characteristics and details. Public right of way linkages across the A256 should be safe for non-vehicular connections to the countryside and land should be safeguarded for future bus and or cycle/pedestrian links across the A2. There should be suitable traffic management measures for Archers Court Road. There should be a string sequence of wetland features within the open space corridor along the valley floor. The character of Archers Court Road should be strengthened through tree planting and continuity of built frontage. Finally, landmark areas and visual breaks in the development area through the use of structural tree canopies and public realm spaces should be provided. Applications for less than the whole development will be expected to demonstrate that they will not prejudice the implementation of the whole development. The SPD is, of necessity, based upon a set of assumptions, informed by evidence, about the needs and impacts of the development. As development progresses, there will be a need to monitor the actual characteristics of the development, review the resultant information and use it to inform the preparation and determination of subsequent phases (monitor, review and adjust). This should include monitoring of matters such as housing mix, population forecasts, traffic impacts and forecasts, infrastructure needs and delivery, usage and management of green infrastructure, and impacts on European designated wildlife sites.

#### Draft Local Plan (Regulation 18)

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

#### Saved Local Plan Policies

- CO8 – Retention of Hedgerows

## National Planning Policy Framework 2021 (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 provides a clear reason for refusing the development proposed (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 this Framework 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 confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Housing should be supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).
- Chapter six seeks to secure a strong, competitive economy.
- Chapter seven requires that planning decisions to support the role that town centres play at the heart of local communities. Whilst local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in a town centre location nor in accordance with an up to date development plan, with preference given to accessible sites which are well connected to the town centre, this sequential approach should not be applied to applications for small scale rural offices or other small scale development. Retail impact assessments are not required for small scale developments of, in the absence of locally set thresholds, less than 2,500sqm.
- 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. Paragraphs 98 and 99 advise that high quality open space should be accommodated and existing open space, sports and recreational

buildings and land, including playing fields, should not be built on unless exceptions apply.

- 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 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 requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; 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. Land should be used efficiently while also creating beautiful and sustainable 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, beautiful and sustainable 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. Design Guides and Codes, consistent with the National Design Guide, should be used to provide clarity about design at an early stage and to reflect local character and design preferences. 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.

Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. New streets should be tree lined.

Permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design.

- 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.

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

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

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

DOV/10/01010 - Outline planning application for the construction of up to 1,400 units, comprising a mix of 2-5 bed units, 66 bed care home (Class C2) and supported living units, with vehicular access off the A256; provision of new 420 place 2FE Primary School including early years provision, energy centre and local centre comprising up to 250sqm of retail space (Class A1-A3) along with all associated access arrangements, car parking, infrastructure and landscaping, with all matters (except the means of access off the A256) reserved for future consideration. (Revised Proposals) - Granted

DOV/10/01011 - Outline planning application for the construction of a new community hub/district centre, comprising BRT hub; health and social care centre (Class D1); retail space (Class A1-A3) ; and 100 no. 2-5 bed residential units including 6no. supported living units (Class C3) provision of learning and community campus to incorporate new 420 place 2fe primary school including early years provision and provision of access arrangements, all associated car parking, infrastructure and landscaping, with all matters reserved for future consideration - Granted

DOV/15/00878 - Reserved matters application pursuant to outline permission DOV/10/01010, relating to the appearance, layout and landscaping of 94no. dwellings together with garages and parking including all highway related details, sub phase 1A, Phase 1, (Light Hill) Whitfield Urban Expansion – Granted.

DOV/16/01314 - Reserved Matters application pursuant to outline permission DOV/10/01010, relating to appearance, layout and landscaping of 94 dwellings together with garages and parking including all highway related details, sub phase 1a, Phase 1 (Light Hill) Whitfield Urban Expansion (Revision to Reserved Matters submission DOV/15/00878 in respect of reduction of previously approved Plots 1-9 (9 semi-detached dwellings) to 5 detached dwellings - Revised total of 90 dwellings for sub-phase1a) – Granted

DOV/17/01057 (KCC Application) – Construction of a two form entry (2FE) mainstream school plus 1FE SEN school, including the erection of a two storey school building; provision of hard and soft play space; sports pitches and MUGA; vehicular and pedestrian access, car parking and cycle parking spaces and associated hard and soft landscaping - Granted

DOV/17/01525 - Reserved matters application for the appearance, landscaping, layout and scale (part of Phase 1B) for 32 dwellings pursuant to outline permission DOV/10/01010 (amended site plan) – Granted

DOV/18/01238 - Reserved matters application for the approval of part of Phase 1C, for 248 residential units, substation, appearance, landscaping, layout and scale in pursuant to outline application DOV/10/01010 for the development of 1,400 units, 66 bed care home and supported living units, vehicular access off the A256, primary

school, energy centre and local centre with 250sqm of retail space (Class A1-A3) along with all associated access and car parking – Granted

DOV/20/00640 – Reserved matters application pursuant to DOV/10/01010 - relating to layout, scale, landscaping, internal access arrangements and appearance for 185 dwellings (Phase 1c) - Granted

DOV/20/00718 – Reserved matters application for 221 dwellings pursuant to outline permission DOV/10/01010, relating to the appearance, landscaping, layout and scale, at Phase 1D Whitfield Urban Extension – Granted

In addition to the above, there are numerous applications for the approval of details relating to conditions for applications DOV/10/01010 and DOV/10/01011.

Whilst predominantly on land outside of Phase 1, KCC have recently granted planning permission for the “creation of two new sections of road as dedicated Bus Rapid Transit route for buses, cyclists and pedestrians only. Section 1 - New road, 1.0km in length, connecting Whitfield Urban Expansion to Tesco roundabout at Honeywood Parkway via new overbridge over A2. Access to bridge will be controlled by bus gates. Section 2 - New road, 1.1km in length, connecting B&Q roundabout on Honeywood Parkway to Dover Road, near Frith Farm, with access to Dover Road controlled by a bus gate. Providing access to future phases of White Cliffs Business Park”, under application number KCC/DO/0178/2020 (Dover consultation reference is DOV/20/01048).

e) **Consultee and Third Party Responses**

**KCC Highways** – *Initial comments received 15<sup>th</sup> July 2020*

KCC request additional information as follows:

1. Further information is required on the anticipated catchment area/customer base for the store and the subsequent generation and distribution of the anticipated vehicle trips across routes available, particularly bearing in mind that direct vehicular access to the store does not appear to be available from Phase 1 of the Whitfield Urban Extension (WUE) site.
2. I note the assumptions made on the types of vehicle trip likely to be generated by the convenience store, however further information/clarification is required on the basis of these assumptions.
3. Further information is required on how residents of WUE Phase 1 will access the store, particularly on foot. I suggest it may be possible to provide a footway along Archers Court Road between the site and public footpath ER63, which is being upgraded as part of the adjacent primary school development and provides a link into WUE Phase 1.
4. Customers from the north side of Archers Court Road will need to access the site and are likely to cross on, or very close to, the site frontage. Suitable facilities will therefore need to be provided to accommodate these movements. A footway is also required along the frontage of the site and pedestrians should be segregated from vehicles at the entry point the site, with a segregated pedestrian route ideally also provided within the site.
5. The access arrangements effectively create a crossroads at the Cranleigh Drive junction and will result in unnecessary conflicting vehicle movements. This can be resolved by having a single point of entry and exit where the exit-only point is currently located. The entry point currently shown could be gated and retained for use by delivery/service vehicles only. It should also be noted that the 43 metre x 2.4 metre x 43 metre visibility splays identified in the TA are not shown on the plans.

6. The Delivery Management Strategy indicates deliveries by a 13.5 metre articulated vehicle, and swept paths should therefore be submitted to demonstrate that the same can be accommodated on the site.

7. An assessment of likely parking demand should be made based on trip generation rates. Consideration also needs to be given by the applicant to preventing parking on the highway by customers, particularly bearing in mind the proximity of the site to Cranleigh Drive and the use of this route by buses.

8. Consideration should be given to 10% of parking spaces having electric charging facilities and a further 10% being constructed to allow conversion in the future.

I shall be pleased to comment further on receipt of the above. It should be noted that all highway alterations associated with the development will require a Stage 1 safety audit and designer's response to any issues raised, as part of the planning application process.

*Further comments received 10<sup>th</sup> August 2020:*

I refer to the Technical Note submitted for the above on 22nd July and would comment as follows:

1. Based on the information submitted it appears the proposals could generate additional movements through the Archers Court Road/Sandwich Road junction which already has significant queues in peak hours, and these movements will add to the queues and delays at this junction. The extension northwards of the existing, short two-lane Sandwich Road approach to the Whitfield Roundabout would mitigate this impact and it appears this could be achieved by trimming back of the traffic island in Archers Court Road and remarking of the carriageway, with some minor road widening into existing highway verge also required. The applicant should therefore provide a detailed plan showing such mitigation together with a safety audit of the proposals and designer's response to any issue raised.

2. Whilst Phase 1C of the WUE may provide a footway along the Archers Court Road frontage at some point, this phase has yet to obtain planning consent and there is no guarantee that the footway would be provided as part of that phase before the convenience store opens. There are also existing occupied dwellings in WUE Phase 1A and the nearby school will be open early next year, so there is clearly a need to provide pedestrian access between the store and these developments. The store proposals should therefore include a footway for the full width of the highway verge between the site and ER63 to the east.

3. As previously advised customers from the north side of Archers Court Road will need to access the site and are likely to cross on, or very close to, the site frontage. Suitable facilities will therefore need to be provided to accommodate these movements. A minimum 2.5 metre-wide footway is also required along the frontage of the site and pedestrians should be segregated from vehicles at the entry point to the site, with a segregated pedestrian route ideally also provided within the site.

4. The revised single point of entry/exit for customers and separate gated delivery entry/exit point for deliveries are acceptable, as are the 2.4 metres x 43 metres visibility splays shown. However, it should be demonstrated with vehicle swept paths that two cars can pass each other in the access, i.e. a vehicle entering does not have to wait for a vehicle to exit and vice versa.

5. The revised details in relation to delivery vehicles are noted and the swept path for the 10.35 metre articulated vehicle should be submitted.

6. The car parking accumulation exercise is noted and is acceptable based on the percentage of customers likely to visit by non-car modes.

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

*Further comments received 19<sup>th</sup> May 2021:*

Even allowing for, say, 50% of trade to come from the existing Whitfield area there will only be a handful of trips through the junction when linked/transferred/diverted trips and the other routes available are taken into account. Therefore, as much as we would like the contribution I don't think there is a severe impact warranting the mitigation contribution.

I believe there are still some outstanding issues on the layout which I communicated to their consultant on 17 September last year but have not been resolved. These are as follows:

- Provision of a footway between the site and PROW ER63 to the north. Confirmation is required that they will provide this should it not come forward earlier via Phase 1C.
- Parking space 16 is too close to the entry point and needs relocating. It appears there is room adjacent to spaces 1-4 with some minor relocation of the same.

*Further comments received 20<sup>th</sup> May 2021:*

It would be better to have a plan showing the footway (ideally minimum 2.5 metre width) which can then be conditioned, so we are all clear what is required.

DDC Environmental Health – The submitted noise impact assessment is accepted. Should permission be granted it is recommended that conditions be attached to require the submission and approval of a delivery management plan to manage when and how deliveries are made to control potential noise and disturbance to local residents.

The findings of the contamination report are noted and it is recommended that conditions be attached to any grant of permission to ensure that an intrusive contamination investigations and risk assessment are carried out, together with remediation, verification of remediation and the reporting of any previously unidentified contamination are carried out.

Finally, a construction management plan is recommended to control noise generated by the development during construction.

KCC Archaeology – The submitted heritage statement advises that “a large number of prehistoric (Palaeolithic to Iron Age) remains and features have been recorded in the vicinity of the site, indicating a relatively high and consistent level of prehistoric activity in the locality”. It goes on to identify “there is considered to be low to moderate potential for Romano-British archaeological remains within the site” and that for the medieval period the potential for significant archaeological remains is likely to be low. I generally agree with these conclusions regarding the site's archaeological potential. A condition should be attached to any grant of permission to secure the implementation of a programme of archaeological works.

Southern Water – An application will need to be made to Southern Water to connect to the public foul sewer. There is no surface water sewer in the area to serve the development, so an alternative means of drainage will be required. This should not involve disposal to the public foul sewer.

Whitfield Parish Council – Object.

- The application is contrary to outline planning permission DOV/10/01010 (including condition 9 of that permission), the Whitfield SPD and Core Strategy Policy CP11.
- The building is in the wrong location - shops should be located at neighbourhood centres
- Loss of green/recreation space secured by the outline planning permission
- Increased traffic
- Inadequate parking and access
- Impact on neighbours
- Loss of vegetation/hedge
- Would support well designed and well-designed retail provision

Public Representations – 28 letters of objections have been received, raising the following points:

- The shop is not in the right location
- The application doesn't accord with the Whitfield Masterplan, the Core Strategy or the outline planning permission
- The entrance would be opposite a busy junction
- Impact on highway safety
- Insufficient car parking
- Increased traffic on Archers Court Road
- Inappropriate pedestrian access
- Harm to residential amenity
- Noise
- Harm to the character of the areas
- Loss of green space
- There is no need for a shop/competition for existing shops
- Additional unauthorised use of front gardens as a short cut
- Litter/anti-social behaviour
- Impact on ecology
- The applicant is seeking to amend open space secured by the outline planning permission through a separate application for a non-material amendment

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

- 1.1 This application relates to an area of former agricultural land. The land lies to the east of Whitfield and to the west of land which benefits from reserved matters approval for the construction of housing. The land, whilst relatively flat, falls gradually from west to east, whilst beyond the site to the east and gradient becomes more pronounced. The boundary of the site with Archers Court Road is defined by a loose hedgerow.
- 1.2 The land is allocated for residential development under Policy CP11 of the Dover District Core Strategy. This policy allows for at least 5,750 dwelling across the entire allocation, together with all the necessary infrastructure, health, education, social care and commercial development required to support the residential use. This application relates to Phase 1 of the Whitfield Urban Expansion (Light Hill), but does not follow the outline planning permission for Phase 1 (DOV/10/01010). Instead the current application is a standalone application for full planning permission. To the north, currently under construction but nearing completion, is the new primary school which is being delivered as part of the Whitfield Urban Expansion.

1.3 This application seeks full planning permission for the erection of a retail unit. The single storey retail unit, which would have a floor area of approximately 372m<sup>2</sup> (244 m<sup>2</sup> net), would be set back from the highway behind a car park accommodating 20 car parking spaces and a loading bay. The car park would be served by two vehicular accesses on Archers Court Road. A plant area would be proposed to the southern corner of the site.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development and compliance with the Whitfield Urban Expansion SPD
- 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 Before considering the principle of the development, it is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

2.3 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.

2.4 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.

2.5 It is considered that policies CP11, DM1, DM11, DM15 and DM23 are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.39 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).

- 2.6 Policy CP11 relates specifically to the managed expansion of Whitfield. The policy allocates land for the provision of at least 5,750 dwellings, together with transport, primary education, primary health and social care, utility services and green infrastructure, together with local facilities to serve the development. The policy sets out a series of nine criteria against which development proposals will be assessed. These criteria seek to ensure that, amongst other things, the development is delivered holistically and provides a range of housing required by the district, a high standard of design, adequate transport linkages and is sustainable. Whilst some elements of the policy are more stringent than the NPPF, such as the requirement for achieve Code for Sustainable Homes level 4, the policy broadly reflects the NPPF. As such, the policy is not out of date and continues to attract substantial weight. In term of the developments compliance with the policy, many of the requirements of the policy relate more closely to the outline application, which has been approved. This application, whilst on land allocated for development under CP11, does not follow the outlie permission and is, instead, a standalone full application. Policy CP11 seeks to achieve a mix of uses, including retail provision, to deliver a sustainable community. Consequently, subject to being acceptable in other respects, which will be discussed throughout this report, it is considered that the development accords with policy CP11.
- 2.7 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located on land which is allocated for development (including retail uses) in the plan and the development therefore accords with Policy DM1.
- 2.8 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight. DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Again, as the site is allocated for development, including retail, and given that it adjoins the existing settlement the development accord with Policy DM11. Users of the shop would be able to reach the site by more sustainable forms of transport, including walking and cycling. The site is also close to public transport links.

- 2.9 Policy DM15 resists the loss of countryside (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this Policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance, the site forms a part of a Whitfield Urban Expansion allocation, with existing or consented development surrounding it. As such the development proposed by this application would have a limited impact on the character and beauty of the countryside.
- 2.10 Policy DM23 is a positively worded policy which states that proposals for local shops (i.e. those with a floor area of up to 500sqm) will be permitted within the urban areas and in rural settlements where consistent with the settlement hierarchy and on development sites for employment uses. This is broadly consistent with the NPPF which, whilst supporting a town centre focused approach, does allow retail uses outside of town centres where this would accord with the development plan and does not require retail impact assessments for retail developments of less than 2,500sqm. Paragraph 89 of the NPPF also makes an exception to the town centre first in relation to small scale rural development, albeit this development does not rely on support from this exception. Consequently, I consider that policy DM23 is not out-of-date and continues to attract weight. The proposed shop would have a floor space of 372m<sup>2</sup> (244 m<sup>2</sup> net) and so is supported by DM23.
- 2.11 Policy DM1 is out-of-date, whilst CP11, DM11, DM15 and DM23, whilst to differing degree are in tension with the NPPF, are not out-of-date. Whilst DM1 is important to the assessment of the application, it is considered that CP11 and DM23 are critical and it is therefore considered that the basket of 'most important policies' are not out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is not engaged.

#### Masterplan Compliance

- 2.12 The Whitfield Urban Expansion SPD was fully detailed in terms of the way in which the overall development of the WUE should take place, particularly strategic issues such as points of access and Green Infrastructure Strategy. Whilst this application is a standalone full application rather than an application for the approval of reserved matters, and is not therefore tied to the conditions or parameter plans approved as part of the outline planning permission, the site does lie within the area covered by the SPD. In particular, the site is within the Light Hill neighbourhood.
- 2.13 The SPD set out a number of 'design prompts' for Light Hill which the current submission has responded to, the assessment of which will be detailed below.
- 2.14 Whilst much of the SPD concentrates on the requirements of the proposed housing and transport issues, it also references the need to provide a range of facilities to support the housing and ensure that the community is sustainable by reducing the need to travel. Regarding the provision of retail, paragraph 5.78 of the SPD states:

“Core Strategy policy CP11 makes provision for the inclusion of commercial facilities and services such as shops, professional offices, cafes and restaurants that fall within the planning categorisation of uses in Use Classes A1 to A5. The Core Strategy is concerned that any facilities are only of a scale to support the WUE and existing residents. This is of particular relevance to retail provision. As set out earlier in this chapter, these uses should be focused at the proposed Village Centre and the larger Neighbourhood Centres”.

The SPD identifies that the Light Hill Neighbourhood should include a Local Centre, where facilities could be provided.

- 2.15 There is no clear Local Centre at Phase 1 currently, with the development comprising housing the Primary School. Whilst it is unlikely that significant further commercial development is necessary within Phase 1, it is considered that the provision of a modest retail unit would reduce the need to travel and increase the sustainability of the site. The location of the shop, relatively close to the school, is logical as it would encourage linked, rather than separate, trips. Third parties have commented that the shop should be better integrated into the Phase 1 development, rather than be on its edge. There would be some merit in this; however, I take the view that the proposed location, which is roughly equidistant from the eastern edge of the WUE and the existing shop on Sandwich Road, means that the shop would serve the greatest number of people whilst reducing walking distances. Moreover, as the shop would likely be operation before (potentially quite a few years before) Phase 1 is substantially complete, its location means that the shop will be more likely to be viable whilst the housing in its catchment is built. I am also mindful that the SPD advocates that commercial uses should serve both future and existing residents. Consequently, it is concluded that the location of the shop accords with the SPD.

#### Character and Appearance

- 2.16 The layout of the development should be informed by the Whitfield Urban Expansion SPD – Adopted Masterplan, which was approved at the outline stage and provides a concept for the cohesive development of the allocation.
- 2.17 The SPD carried forward the guidance in Policy CP11 of the adopted Core Strategy to provide a framework for the preparation of subsequent planning applications proposing to develop the site and aims to give certainty to local people and developers. It enshrined the need for good design and high standards of amenity.
- 2.18 The SPD contains a concept Masterplan and in addition to stating general principles, identifies 5 large and distinct development areas. One of those areas called Light Hill was identified for some 1420 dwellings together with a 2 form entry Primary School, local centre and other supporting services/infrastructure. Paragraphs 5.84 to 5.95 set out guidance for the development of Light Hill and in particular, paragraph 5.95 sets out a series of design prompts, albeit the majority of these are more relevant to the delivery of housing. Appendix 4 sets out a framework for Design Codes whilst Appendix 5 gives detailed guidance for the submission of planning applications.

- 2.19 The proposed building would be set back from the road behind a customer car park. Whilst set well back from the road the building would be roughly in line with its neighbour, No.80 Archers Court Road and, consequently, the layout the building would not appear out place in the street scene. Likewise, the scale of the building, being single storey with an eaves height of 3.6m rising to a ridge height of around 5.8m, would be comparable to the adjacent bungalows and lower than the two storey dwellings which are prevalent in the area. Whilst the footprint of the building would be greater than that of the surrounding houses, particularly in terms of its width, it would sit in a larger plot which would afford separation between the building and its boundaries. As a result of this, the building would not appear cramped within the plot.
- 2.21 The appearance of the building is somewhat utilitarian, being functionally designed to deliver an efficient commercial use. That said, the building would be well proportioned, with the building being spit into three equally sized bays containing large, glazed openings and, to the centre of the building, the entrance, and a double width bay (without any openings). Whilst the design of the building is unremarkable, it is not considered that it would draw attention but would instead sit quietly within the street scene. There is limited detail regarding the use of materials and so it will be important that details of the materials to be used are secured by condition. Likewise, it is considered that details of the projecting columns, plinth and how the glazing would sit between these columns and above the plinth (i.e.by what distance would it be recessed) will be necessary to ensure the quality of the scheme. Areas above the glazing have been identified for the provision of advertisements. In principle, these areas appear appropriate for the provision of advertisement; however, the provision of adverts would be require an assessment under a separate application for Advertisement Consent.
- 2.22 The development would necessitate the loss of vegetation along the frontage of Archers Court Road to facilitate the provision of accesses and visibility splays, with the majority of the existing hedge being lost. The submitted Arboricultural Assessment identifies that the hedge comprises a mixture of Field Maple, Ash, Hazel, Elder, Blackthorn, Privet, Holm Oak and Yew the majority of which are in poor condition, being unmanaged, multi-stemmed and, in many cases, ivy clad. Having regard for the report and having inspected the hedge, I take the view that, although individually of little value, collectively the hedge is of value to the street scene and 'rural edge' character of this part of Archers Court Road. Whilst, on balance, I do not consider that it would be justifiable in planning terms to prevent the development due to the loss of the hedge, it is considered that securing a high quality landscaping scheme to replace the hedge is vital, albeit the areas available to achieve this are limited. This is particularly important given the requirement at paragraph 5.95 of the SPD to "strengthen the character of Archers Court Road through tree planting where appropriate" and the recent update to the NPPF which advocates the delivery of trees in development. Consequently, a condition should be attached to any grant of permission requiring a landscaping scheme to be submitted for approval which, for the avoidance of doubt, should include appropriate tree planting. The landscaping details will also need to include details of the hard surfacing and any minor artifacts such as bollards, directional signs etc.
- 2.23 The layout and scale of the building responds to the overall character of the area. Whilst the design is utilitarian, subject to securing high quality materials and finishes, and subject to a high quality landscaping scheme including vertical planting (trees) which will soften the appearance of the site, it is

concluded that the development would create an appropriate built frontage to Archers Court Road.

#### Impact on Residential Amenity

- 2.24 The site would be well separated from existing dwellings within Whitfield and the dwellings which have been approved within Phase 1 of the Whitfield Urban Expansion. However, the site is directly adjacent to one dwelling, number 80 Archers Court Road.
- 2.25 The proposed building would be 9m from the boundary of No.80 and 13m from the nearest part of the dwelling. The shop would have an eaves height of around 3.6m, rising to a ridge of around 5.8m. The fencing around the plant area would be up to 2.4m in height whilst the fence alongside the loading area would be 3m high. These fences would be around 2.5m from the boundary and 5m from the nearest part of the No.80. Given the modest height of the building and the fences/enclosures, together with their separation from the boundary, it is not considered that any significant loss of light or sense of enclosure would be caused. Moreover, there would be no windows capable of causing overlooking whilst the fence and vegetation along the boundary would screen views. As such, no unacceptable overlooking would be caused.
- 2.26 Given the proximity of the development to number 80 it is necessary to consider the effect of noise on the occupants of that property. The application form identifies that the shop would be open between 06:00 and 22:00 every day. The shop would have a car park for 20 vehicles, together with a loading bay for delivery vehicles. A plant area is proposed to the rear of the site, whilst there would be an ATM to the front of the shop. The nearest of the parking spaces would be 2m from the boundary of No.80 and 7m from the dwelling itself. The loading bay would be 6.5m from the boundary and around 8m from the dwelling itself. The plant area would be 2m from the boundary and around 9m from the dwelling itself. Finally, the ATM would be around 20m from the boundary and 22m from the dwelling itself. The NPPF, at paragraph 185, states that planning decisions should “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”, whilst the Noise Policy Statement for England is also material to the assessment.
- 2.27 The application has been supported by a Noise Assessment which applies the relevant British Standards BS8233 and BS4142 to establish whether the development would create an unacceptable acoustic environment for the neighbouring residential properties. Baseline noise surveys were undertaken which established that background noise levels were 40dB LA90, 1 hour during the daytime and 36dB LA90, 15 minutes during the night. The development, in addition to the noise caused by the coming and goings, noise would be generated by the proposed plant (which would include a gas cooler, a refrigeration pack in enclosure and an air conditioning unit). It is also proposed to install an acoustic barrier around the plant bay and loading area to mitigate noise impacts. Subject to the mitigation provided by the acoustic barrier and on the basis of the submitted hours of operation, the development would meet the standards set by the British Standards and would be at a level below background noise levels. Whilst there would inevitably be some individual noises which may be noticeable to neighbours, it is not considered that the development would cause an adverse effect on health or quality of life. It is considered that a condition requiring the development to be carried

out in accordance with the Noise Assessment, opening times and details submitted with the application should be attached to any grant of permission.

- 2.28 The construction of the development, whilst of modest scale, could give rise to noise and disturbance. Given that the site directly abuts a residential property, it is considered that in line with advice from Environmental Health it would be reasonable to attach a condition to any grant of permission requiring the submission of a Construction Management Plan. This will ensure that hours of operation, dust, noise and vibration do not unreasonably harm the living conditions of neighbours.
- 2.29 Concerns have also been raised by third parties that the front gardens serving house to the opposite side of Archers Court Road are used as a cut through the site from Cranleigh Drive and Farncombe Way and that the siting of shop would exacerbate this. The front gardens of units 10 to 28 inclusive are open plan, without any fences or other means of enclosure between them, whilst there is a path serving each property which terminates around 10m from the footpath serving Archers Court Road. Whilst I have some sympathy with the occupants, the principle desire lines from the north and west would be via Cranleigh Drive, with the shop directly opposite this access. As such, I do not consider that the unauthorised use of private land by members of the public would warrant the refusal of this application.
- 2.30 For the reasons set out above, it is not considered that the development would have an unacceptable impact on living conditions.

#### Impact on the Local Highway Network

- 2.31 The site would be accessed via Archers Court Road. Whilst the road itself is not highly trafficked, there are understandable concerns from third parties regarding the junction of Archers Court Road and Sandwich Road/Whitfield Roundabout. In acknowledgement of this, KCC initially requested further information in order to help them assess the likely impact on that junction. A further technical note was provided by the applicants which advised that due to the size and location of the shop, it would provide a top up shopping function, attractive to a relatively localised population (there is a similar shop on Sandwich Road, which would limit the catchment of the proposed shop). Given that the road link to the shop from Phase 1 of the Whitfield Urban Expansion would require a trip onto the A256, the A2, the Whitfield Roundabout and then Archers Court Road, it is likely that local users from the new development and the school would walk to the shop. Some of the trips would also be linked trips, i.e. people stopping off at the shop during a journey they would be making anyway, rather than diverting to another shop elsewhere. Notwithstanding this, some additional vehicle movements would be generated. Following this information, KCC advised that, as the development would place some additional pressure on the Archers Court Road/Sandwich Road junction which already has significant queues in peak hours, a mitigation scheme (trimming an existing island and 'signing and lining' to extend the two-land approach) should be delivered, comprising minor changes to the Archer Court Road/Sandwich Road junction. However, the need for this was questioned by the applicant and in response KCC confirmed that, whilst this would be desirable, the scheme would not cause a severe impact on the network in the absence of this mitigation. The NPPF advises 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". Consequently, it is

not considered that requiring junction improvement would be justified in this instance.

- 2.32 The proposal includes two vehicular accesses. It is proposed that the western access would provide access for delivery lorries, with the eastern access used for customer vehicles. Both accesses are of sufficient width to allow vehicles to enter and leave the site concurrently, whilst the site provides sufficient space to allow vehicles to turn and exit in a forward gear. Visibility out of these accesses would be acceptable, each achieving 43m by 2.4m by 43m.
- 2.33 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. Non-residential development, such as this, should be informed by KCC Guidance SPG4, or any successor. The development proposed the provision of 20 car parking spaces, three of which would be designed for disabled customers and three of which would be designed for families. Based on the floor area of the shop, the size of the catchment and the likely mode of transport for customers, the provision of 20 car parking spaces is considered to be reasonable. Cycle racks are also proposed, the provision of which should be secured by condition.
- 2.34 The NPPF advises that “developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”. Whilst little weight can be given to the emerging Local Plan due to the document having just passed the Regulation 18 stage, it is relevant that the plan will propose that developments provide electric vehicle charging points within new development. Given the NPPF position, it is considered that, in accordance with other decisions by the council over the past year, it would be reasonable to require that the development provides on site electric vehicle charging points for customers, which should be secured by condition.
- 2.35 In accordance with KCC’s advice, the applicant has submitted a plan to show the provision of a 2.5m wide footpath along the Archers Court Road frontage, which would link the existing footpath to the west of the site with public right of way ER63. The provision of this footpath, which will ensure that the shop can be safely reached by occupants of the new houses within Phase 1 of the Whitfield Urban Expansion, should be secured by condition.

#### Ecology

- 2.36 The site provides limited habitat at present, comprising arable farmland and improved grassland. However, to the northern boundary of the site there is a loose row of trees. Having regard for Natural England’s Standing Advice, these features, due to their location and condition, are unlikely to support protected or notable species. This is supported by the ecological work carried out at the outline application stage (albeit this is now of only limited use, being written in 2011). It is not therefore considered that ecology is a constraint to this application. That said, the application does indicate that a small section of the hedge would be retained to the west of the vehicle exit. It is recommended that this be retained by condition.

#### Archaeology

- 2.37 The application has been supported by a Heritage Desk-Based Assessment, in accordance with paragraph 189 of the NPPF. The report identifies that Palaeolithic and Iron Age remains and features have been found in the vicinity of the site, whilst there is a low to moderate potential for Romano-British archaeology and a low potential for medieval archaeology. Consequently, the report recommends that, should permission be granted, a condition should be attached to require that a programme of archaeological works takes place. KCC Archaeology have been consulted and concur with the findings of the report. Consequently, it is recommended that an archaeological condition be attached to any grant of permission.

#### Contamination

- 2.38 The application has been supported by a Contaminated Land Assessment, which concludes that a site investigation, including ground testing, is required to determine the actual level of risk associated with the potential contaminants (pesticides) and geotechnical hazards identified in the desk study. Environmental Health have noted the findings of the report and recommend that conditions be attached to any grant of permission to ensure that an intrusive contamination investigations and risk assessment are carried out, together with remediation, verification of remediation and the reporting of any previously unidentified contamination are carried out. Subject to such a condition, I am satisfied that the development would not risk contaminants being released from the ground or be at risk from contamination itself.

#### Flood Risk and Drainage

- 2.39 The site lies in Flood Risk Zone 1, which represents the lowest risk of flooding from rivers or the sea. The site is also outside of any areas which are identified as being at risk from surface water flooding. Notwithstanding this, it is still necessary to consider whether the development would increase the risk of flooding on site or elsewhere.
- 2.40 The application proposes to drain foul water to the existing public sewer in Archers Court Road. This will require an on-site pump due to raise the foul water and provide a fall to the public sewer, due to the on-site levels. Southern Water have confirmed that there is capacity in the foul sewerage network to meet the needs of the development. It is recommended that, should permission be granted, full details of the system are submitted for approval to ensure that the foul sewerage system operates as intended, such that there is no increased risk of flooding.
- 2.41 The existing site is undeveloped agricultural land, whilst the proposed development would provide areas of impermeable surfacing, such as the roof of the building and the car park. It is therefore necessary to consider how surface water flows will be managed to ensure that surface water runoff does not cause localised flooding. The application proposes to manage surface water through the construction of surface water sewers which would lead to an attenuation/infiltration tank located beneath the car park. This would itself be connected to a deep bore infiltration manhole. Given the underlying chalk geology, infiltration rates would be sufficient to ensure that surface water would be attenuated, even in extreme weather. It is recommended that full details of the system and confirmation of its maintenance regime are submitted via condition.

#### Other Matters

2.42 Some of the objectors have raised concerns regarding the development encroaching on land identified for the provision of open space. The outline planning permission for Phase 1 of the Whitfield Urban Expansion included a set of parameter plans which identified the broad locations of, amongst other things, open space and sports facilities. These plans indicated that a 'buffer' of landscaping and open space would be provide between the housing development and Archers Court Road. The proposed shop would be located within this open space. Whilst this application must be considered on its own merits, in order to deliver Phase 1 of the expansion the applicants would need to achieve an alternative provision of open space, in order to comply with their outline permission. Separate from this shop application, the land owner for Phase 1 has submitted an application under S96a to make a non-material amendment to the outline permission which proposes the amend the approved parameter plan. The amendment, whilst retaining the vast majority of the open space as approved, would replace the land which is proposed to be occupied by this shop with additional open space elsewhere in phase 1, such that the overall quantity of open space remains unchanged. Applications for non-material amendments do not require considerations of the planning merits of the change but a determination as to whether the change is material in the context of the overall permission. A determination on the non-material amendment application is yet to be made. Members are asked to determine the current application on its planning merits.

### Conclusions

2.43 The site is located within the Whitfield Urban Expansion allocation which will require the provision of retail and other uses to ensure that the development is sustainable. Moreover, the provision of modest 'local shops' is supported by the development plan. As such, the principle of the development is acceptable. The site is also proposed to be reallocated for housing in the Draft Local Plan.

2.44 The development would not cause unacceptable harm to the character and appearance of the area and, subject to conditions, would not cause unacceptable harm to the residential amenities of neighbouring dwellings. Whilst it is regrettable that off-site highway works will not be achieved, requiring such improvements would not be necessitated by the development and as such it would be unreasonable to require the developer to secure these. Consequently, the development would not cause unacceptable harm to the highway network or highway safety. The application is acceptable in all other material respects.

2.45 It is therefore recommended that permission be granted.

### g) Recommendation

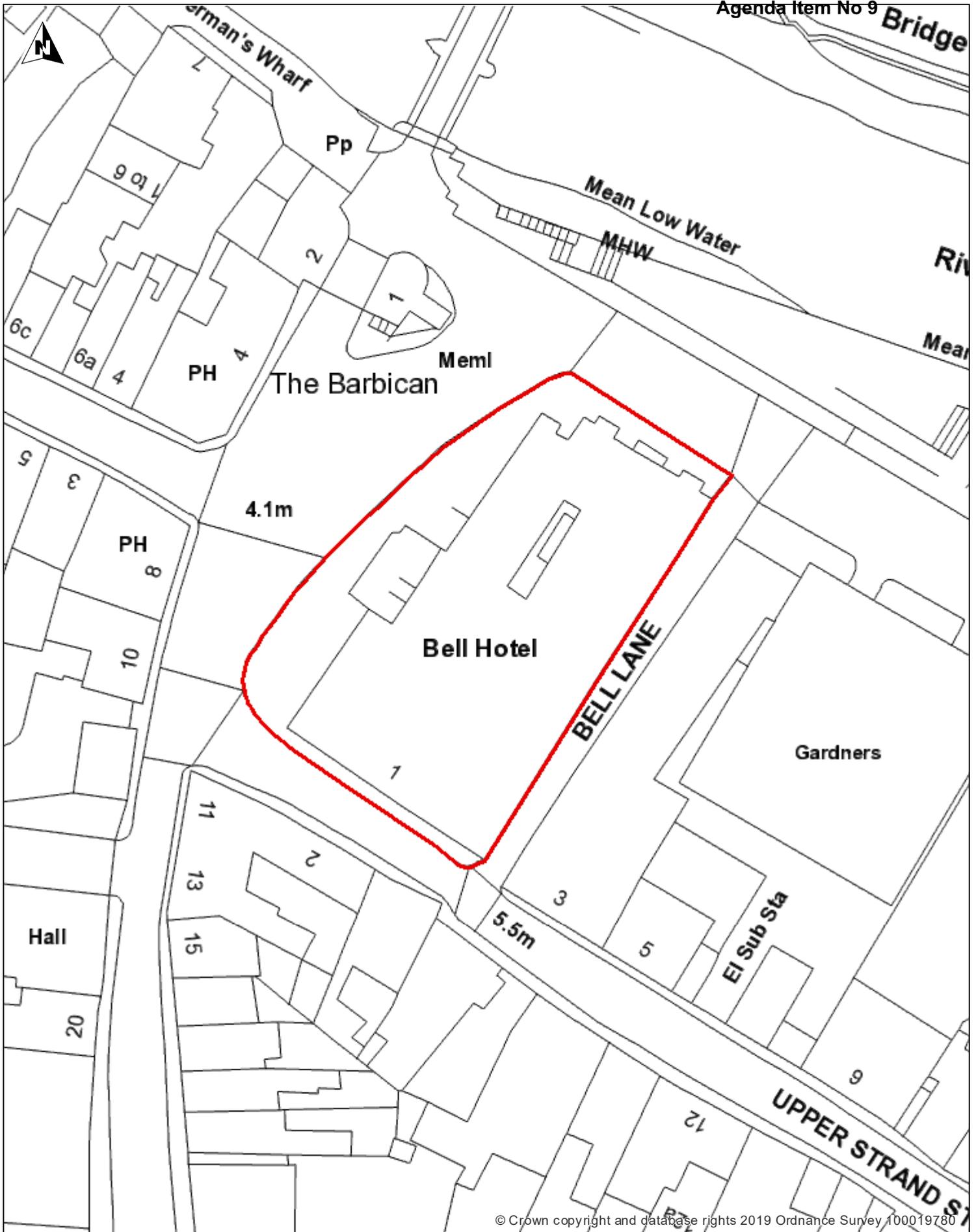
I PERMISSION BE GRANTED subject to conditions to include: -

(1) time limit, (2) approved plans, (3) samples of materials, (4) sections through the shop front to demonstrate detailed appearance of the columns, plinth and glazing reveals, (5) Details of hard and soft landscaping, including the provision of trees, (6) provision of footpath and dropped curbs to Archers Court Road, (6) provision of vehicle parking, (7) bicycle storage, (8) provision of delivery vehicle parking, (9) provision of accesses and visibility splays, (10) provision of Electric Vehicle Charging Points, (11) Delivery Management Plan,

(12) Construction Management Plan, (13) opening hours, (14) implementation in accordance with the submitted Noise Assessment, (15) contamination, (16) Archaeology, (17) foul drainage details, and (18) surface water drainage 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 Planning Committee.

Case Officer  
Luke Blaskett



21/00708

Bell Hotel 1 Upper Strand Street  
Sandwich  
CT13 9EF

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/21/00708 – Installation of a removable tent to cover existing terrace serving bar/brasserie**

**Bell Hotel, 1 Upper Strand Street, Sandwich**

Reason for report – Number of objections (30no. third party objections)

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 130, 201, 202

Draft Dover District Local Plan

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

- d) **Relevant Planning History**

TC/21/00018 – Felling of tree. Granted.

DOV/13/00901 – Formation of new opening with glazed entrance doors, handrail, and wall. LBC Granted.

DOV/12/01019 – Enlargement of existing terrace. PP Granted.

DOV/12/01020 – Enlargement of existing terrace. LBC Granted.

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

Sandwich Town Council – Support the proposal.

Public Representations:

**30no. members of the public have objected to the proposals** and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Materials, including 'plastic' awning, not appropriate for the area.
- The canopy and supporting structure will spoil the look of a central part of the historic town.
- The scheme has resulted in the loss of a tree.
- No proper consents for the removal of the tree.
- Inappropriate development for a Grade II listed building within the setting of the Grade I listed Barbican.
- The proposal is not 'temporary' given the proposed structure.

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

- 1.1 The application site is an area of paved terrace to the northern side of the Bell Hotel, outside of the modern restaurant/brasserie extension. The Bell Hotel is Grade II listed and is within the setting of a number of other listed assets, including the Grade I listed Barbican. It is located on a prominent site at the junction of Upper Strand Street and The Quay within the historic Sandwich (Walled Town) Conservation Area.
- 1.2 The list description is as follows: The Bell Hotel is mainly a late C19 building but the south-east corner dates from the early century. The elevation facing the Quay consists of 3 storeys of red brick with upper floor tile hung in alternate courses of scalloped and plain tiles. 3 half-timber gables and iron balcony at 1st floor level. The elevation facing the High Street is likewise of brick and tile hanging. The main entrance to the hotel is in the south-west corner beneath a glazed canopy, Flemish gable over coursed moulded brick cornice which returns into Upper Strand Street with 3 gables and windows set above it with moulded pilasters and entablature. Composite moulded brick pilasters and capitals follow beneath with similar moulded string between same. Iron balcony to 1st floor central window in Upper Strand Street. Windows parts casement and part box sashes throughout. Plain tiled roofs, except where early C19 wing where roofs are slated. Overhanging eaves on pairs of console brackets. Yellow brick, flat arches and box sashes with all glazing bars complete, but 2nd floor windows 2 squares each sash. Square section rainwater pipes and square hopper heads in Upper Strand Street elevation.
- 1.3 The proposal seeks to install a waterproof fabric canopy over this terrace. There would be 7no. steel (finished in black) posts to the front boundary, 2no. king posts (finished in black) located centrally within the terrace and 5no. connection bolts to the front soffit of the modern brasserie building. The canopy would be a darker cream colour, waterproof fabric. A tree would be planted to the eastern side of the terrace, outside of the area to be covered by the canopy, to replace the tree which was felled under a separate tree consent application (TC/21/00018) and was felled prior to the submission of this application. The structure would be fixed and largely permanent, but the fabric canopy could be removed for annual cleaning and maintenance.

## **2. Main Issues**

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the host listed building, setting of adjacent listed assets, the Conservation Area, and the Street Scene

### **Assessment**

#### **Principle of Development**

2.2 The site is within the settlement confines of Sandwich and as such, the proposal would comply with Policy DM1 of the Core Strategy (CS), subject to other material considerations.

#### **Impact on the Host Listed Building, the Setting of Adjacent Listed Assets, the Conservation Area, and the Street Scene**

- 2.3 The majority of the proposed canopy structure would have no physical impact on the host listed building. The only contact with the host building would be through the insertion of 5no. resin-mounted fixing loops which would be inserted at soffit level. Details of these fixings have been submitted as part of the supporting documentation and show a very minimal approach with minimal loss of fabric. This part of the Bell Hotel is a modern extension and contemporary with the boundary walls and railings around the terrace. The terrace has been in use as such for a number of years. As such, it is considered there would be no loss of historic fabric nor any alteration to the existing historic plan form of the host building as a result of the proposal.
- 2.4 A number of listed buildings have had such canopies added in recent times, including the Royal Hotel in Deal, which had a similar canopy and support structure approved (DOV/21/00724) in the last few weeks. With the proposed use of black finished steel poles, the visual impact of the proposal would be relatively minimal and seen in the context of other vertical elements to the front of the modern brasserie. The use of a dark cream fabric for the canopy would also reduce the visual impact of the proposal. It is noted that the application site is within the setting of the Grade I listed Barbican. The Bell Hotel dates from a different period than the Barbican and is of distinctly different style of architecture. Relatively minor alterations to the hotel, so long as they do not result in harm to the setting of the host listed building, are unlikely to result in harm to the surrounding listed assets.
- 2.5 The terrace is already set apart from the main conservation area and street scene by virtue of the low modern brick boundary wall and railings. Whilst the proposed canopy and supporting structure would alter both the character and appearance of the conservation area and the street scene, the well-designed use of quality materials would ensure this would not amount to undue harm.

The addition of 1no. new tree to the corner of the site would further enhance the site and screen the canopy structure to some degree in due course. Given this benefit, it is considered reasonable to secure the provision of this tree with a condition. Overall therefore, it is considered that the proposal would not result in harm to the host listed building, the setting of adjacent listed assets, the conservation area or the visual amenity of the street scene and would comply with paragraphs 130, 201 and 202 of the NPPF in this regard. It should be noted that no concerns were raised by DDC Heritage beyond obtaining details of the fixings and a fabric sample of the canopy. It was also not considered necessary to obtain Listed Building Consent on this proposal given the limited impact of the proposal on the heritage asset. No concerns were raised with regard to the impact on the Barbican.

### Other Matters

- 2.6 There are some nearby residential dwellings, but none are adjacent to the application site. Regardless, the provision of a canopy would not alter the fact that the application site is an established terrace in use ancillary to the brasserie for many years. It is considered that the proposal would have no impact upon existing residential amenities and would comply with paragraph 130(f) of the NPPF.
- 2.7 The application site is not within a recognised Flood Risk Zone. Regardless, there is no change of use proposed and as such, no flood mitigation measures are deemed necessary.
- 2.8 Whilst the application site is in an area of archaeological potential, no excavation works are required to install the proposed support structure or the canopy itself. They would be surface mounted to the terrace. As such, no archaeological measures are considered necessary.

### **3. Conclusion**

- 3.1 The installation of a canopy and supporting structure in this location is acceptable in principle. It is concluded that the proposal is unlikely to result in harm to the host listed building, to the setting of nearby listed assets, to the visual amenity of the street scene or to the character and appearance of the conservation area. Overall, it is considered that the proposed development would comply with the aims and objectives of the NPPF and the CS.

### **g) Recommendation**

I PERMISSION BE GRANTED subject to the following conditions:

- 1) 3-year commencement; 2) In accordance with the approved plans; 3) Fabric canopy to match submitted fabric sample; 4) Tree shown on approved drawings to be provided within first planting season following completion of the

approved works.

- 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:

Andrew Wallace



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21/00387  
20 Winchelsea Road  
Dover  
CT17 9SR

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/21/00387 – Erection of two storey rear extension (amended plans)  
20 Winchelsea Road, Dover**

Reason for report – Number of contrary views (5 Public Representations + Dover Town Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 110, 111, 130, 134

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Local Plan

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

d) **Relevant Planning History**

DOV/06/00144          Erection of a two storey rear extension – Granted

e) **Consultee and Third Party Responses**

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

Dover Town Council – initially objected to the proposals considering they were not in keeping with existing buildings.

On receipt of revised plans, commented “Object. The amended design remains overbearing and too large in the context of existing building and neighbouring properties.”

### Public Representations:

Five representations of objection (including photographs, previously approved plans and artist’s impression of before and after) were received and are available to view in the online planning file and are summarised below. Matters such as loss of views and impact on house prices are not material considerations and cannot be considered in the assessment of an application.

- Harm to visual amenity
- Layout and density of building – inappropriate height and massing
- Precedent – no precedent for a 2 storey extension in the terrace/on the street. No other full height extensions in this part of Winchelsea Road.
- Out of keeping with the rest of the houses in the road
- Loss of daylight/overshadowing – impact on light to rear gardens and windows of neighbouring properties (including kitchen, bedroom and bathroom windows). Impact of the reduction in light will be at its greatest in the winter when the sun will be very low in the sky.
- Privacy/overlooking – overlooking of neighbouring gardens. Concerns that any top floor window would look into neighbouring second floor bedroom window.
- Previous application – proposal differs significantly from 2006 application (06/00144) as it is for a full length second storey extension. Previous granted application was for a half length second storey with a slightly pitched roof blended into the current roofline. Proposal is approx. 33% bigger than previously granted permission.
- Property advert (Rightmove) advertises property ‘with planning’
- In respect of revised plans, two further responses were received from previous representees who confirmed they continued to strongly object to these amendments

## **1. The Site and the Proposal**

- 1.1 The application site relates to a two storey mid-terrace dwellinghouse located within the settlement confines of Dover. The site is on the east side of Winchelsea Road, which slopes upwards steeply towards the north and slopes downwards to the east. The site is bounded by No. 18 Winchelsea Road to the south and No. 22 Winchelsea Road to the north.
- 1.2 This application seeks permission for the erection of a two storey rear extension. The design and depth of the extension has been amended from that originally advertised (although has been re-advertised accordingly), with the depth reduced by approximately 0.9m at first floor level, following concerns regarding impact on neighbouring residential amenity. The proposed extension would therefore measure approximately 2.93m in width, 3m in depth at ground

floor level and 2.1m in depth at first floor level. It would have a hipped roof above the ground floor projection (with an eaves height of approximately 2.88m) and a gently sloping roof above the first floor projection, with an eaves height of approximately 5.44m from ground level (measured on the proposed side elevation - View A). The extension would be finished in brickwork with white uPVC windows on the rear elevation and a door on the southern elevation at ground floor level (serving a kitchen). At first floor level would be a third bedroom.

- 1.3 Planning permission was previously approved under application DOV/06/00144 for the erection of a two storey rear extension, however this was not implemented. The extension measured approximately 3.15m in depth at ground floor level, 1.85m in depth at first floor level and had a flat roof at ground floor and lean-to roof above the first floor level. From records, this appears to be the only two storey extension which has been sought and has been granted planning permission within this terrace. The vast majority of dwellings on this side of Winchelsea Road have single storey extensions, which based on their depths, are likely to have been largely constructed under permitted development rights.

## **2. Main Issues**

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

## **Assessment**

### Principle of Development

- 2.2 The 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 the proposed extension would be ancillary and the proposal 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 accords with Policy DM11.
- 2.5 For the above reasons, it is considered that the development accords with Policies DM1 and DM11. It is therefore concluded that the development

accords with the development plan.

- 2.6 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.7 Having regard for the most recent Housing Topic Paper, dated 19<sup>th</sup> January 2021, the Council are currently able to demonstrate a five-year supply. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 596 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, should carry only limited weight.
- 2.9 Policy DM11 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. It is considered that the blanket restriction imposed under (1) of DM11 however is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Insofar as this application is concerned, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.10 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.

- 2.11 Consequently, it is considered that the development plan policy most important to the determination of the application (Policy DM1) is out of date and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

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

- 2.12 The proposed extension would be sited to the rear of the terrace and although the road slopes upwards towards the north, it is considered there would be limited public views of the extension. Nonetheless, the extension would be finished in brickwork to match that of the main dwelling (it is suggested to impose a condition in the interests of amenity). Whilst flat roofs are not generally encouraged, as this would limit the height of the development and would not be widely visible, on balance, the development is considered unlikely to result in undue harm to visual amenity.

#### Impact on Residential Amenity

- 2.13 The proposed extension would be visible from a number of properties within the terrace and as a result of concerns regarding impact on residential amenity (as discussed at paragraph 1.2 of this report), the depth of the first floor of the extension was reduced and the development re-advertised accordingly.
- 2.14 Due to the orientation of the site and direction of the sun path, the proposed extension would cast some additional shadow across the rear gardens and rear elevations of properties to the north, which sit at a higher ground level. This would be largely during the morning and midday. During the afternoons, due to the orientation of the terrace and lower roof height of the proposed extension, the majority of the development would sit within the shadow of the existing terrace and would be unlikely to result in significant overshadowing. As such, the development would result in some additional overshadowing to properties to the north for part of the day.
- 2.15 In respect of overbearing impact, the development would be directly visible from the rear gardens of neighbouring properties and rear windows. No other properties within the terrace have first floor rear extensions, and whilst permission has previously been granted at this address, and notwithstanding that the depth of the first floor extension has been reduced from the original submission, it is approximately 0.25m deeper than the previously approved scheme (which was not implemented).
- 2.16 The agent has set the first floor back so that it does not intersect a 45 degree angle taken from the centre point of the neighbouring first floor window (at No. 22 Winchelsea Road) which is believed to serve a bedroom. Notwithstanding this, the flank elevation of the extension would be directly visible from the neighbouring property. This would result in a sense of enclosure not currently experienced by occupants of this property and other occupants of properties to the north of the site, albeit the impact would be limited by the scale of the proposed extension. In respect of properties to the south of the site, whilst the

extension would be visible and would be at an elevated position (due to the higher ground level of the application site), due to the scale and appearance of the extension, which would be set away from the southeastern boundary, this is considered unlikely to result in an unacceptably overbearing impact to the properties to the south.

- 2.17 In respect of privacy, the extension would contain a window on the rear and door on the flank (southeast) elevation at ground floor level (serving a kitchen) and a window on the rear elevation at first floor level. These would predominantly overlook the garden of the application site, however due to the sloping ground level of the terrace, there would be some wider views across the rear gardens of neighbouring properties, particularly those to the south which are at a lower ground level. However, there is already a window at first floor level on the existing rear elevation and it is considered that the proposal would be unlikely to result in unacceptable further overlooking or loss of privacy to neighbouring residents. In order to prevent direct interlooking to neighbouring properties, it is considered appropriate to suggest a condition is imposed preventing the installation of windows on the flank elevations of the extension under permitted development rights, as it is considered that obscure glazed or non-opening windows on these elevations (which could normally be installed under permitted development rights) could result in perceived inter/overlooking or loss of privacy.
- 2.18 Consequently, whilst the proposed extension would result in some additional overshadowing to neighbouring properties during the morning and afternoon and some sense of enclosure to the properties at a higher ground level to the north of the site, it is considered the proposals would be unlikely to result in unacceptable harm to privacy. On balance, and subject to the conditions suggested, the impact on the residential amenities of neighbouring occupiers is considered acceptable.

#### Other Material Considerations

##### Impact on Parking/Highways

- 2.19 The existing property contains one bedroom and under the proposed scheme, two further bedrooms would be created. In respect of Policy DM13, the site is considered to be located 'edge of centre' as on street parking is at or very close to saturation. DM13 would require a maximum of one parking space to be provided for a dwelling of this size. In this instance, no off-street parking is currently available and none could be provided as part of the proposals. Nonetheless, as the requirement is for a maximum of 1 space, the proposals would comply with this policy.

##### Impact on Flood Risk

2.20 The application site is located in Flood Zone 1 which has the lowest risk from flooding and due to the size of the site (less than 1 hectare), a flood risk assessment is not required. The development is considered acceptable in this regard.

### **3. Conclusion**

3.1 The application site is located within the settlement confines and the proposed two storey extension is considered acceptable in principle in accordance with Policy DM1. Due to the siting of the proposal, the extension is considered unlikely to result in harm to the character and appearance of the street scene. The proposal would result in some overshadowing to properties to the north during the morning and afternoon, however this would be somewhat limited by the height and depth of the extension. The extension is considered unlikely to result in undue harm to privacy and whilst some neighbouring occupants may experience a sense of enclosure, on balance, the impact on the residential amenities of nearby occupiers is considered acceptable. Having regard to the tilted balance engaged by Paragraph 11 of the NPPF, for the reasons outlined above, it is considered that the disbenefits of the application do not significantly and demonstrably outweigh the benefits of the development. Subject to the conditions suggested below, it is considered, on balance, that the proposed development would accord with the aims and objectives of the NPPF.

### **4. Recommendation**

- I PERMISSION BE GRANTED subject to conditions:  
(1) Standard time condition, (2) list of approved plans (3) matching materials (4) restriction of permitted development rights to install windows on the flank elevations of the extension
  
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer:  
Rachel Morgan