

Public Document Pack



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8 September 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 16 September 2021 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "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 **MINUTES** (Pages 6-18)

To confirm the minutes of the meetings of the Committee held on 15 July 2021 (attached) and 12 August (to follow).

5 **ITEMS DEFERRED** (Pages 19-20)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

6 **APPLICATION NO DOV/21/00402 - LAND SOUTH-WEST OF SANDWICH ROAD, SHOLDEN** (Pages 21-51)

Outline application for the erection of up to 117 dwellings with associated parking and means of access (all matters reserved except for access)

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

7 **APPLICATION NO DOV/21/00614 - MEADOWS CARAVAN SITE, ALKHAM VALLEY ROAD, ALKHAM** (Pages 52-61)

Siting of 10 additional static caravans for Gypsies and Travellers; 2 touring caravan pitches; 1 day-room; creation of 24 parking spaces (including the touring caravan car parking); hardstanding and associated infrastructure

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

8 **APPLICATION NO DOV/21/00874 - THE GROOM'S QUARTERS, HULL PLACE, SHOLDEN** (Pages 62-68)

Change of use and conversion to holiday let, to include external alterations and associated parking (part retrospective)

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

9 **APPLICATION NO DOV/20/01008 - 8 CHURCH FARM MEWS, THE STREET, EAST LANGDON** (Pages 69-74)

Erection of an outbuilding (retrospective)

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

- 10 **APPLICATION NO DOV/20/00644 - CONVENIENCE STORE, WHITFIELD URBAN EXTENSION PHASE 1, ARCHERS COURT ROAD, WHITFIELD** (Pages 75-97)

Erection of a convenience store (A1); new vehicle access; erection of 2.4-metre and 3-metre high acoustic fencing; installation of air-conditioning units and parking

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

- 11 **APPLICATION NO DOV/20/00589 - THE OLD RECTORY, MONGEHAM CHURCH CLOSE, GREAT MONGEHAM** (Pages 98-119)

Change of use of land for wedding and events venue with marquee and works to the single storey outbuilding to facilitate conversion to a toilet block

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 12 **APPEALS AND INFORMAL HEARINGS**

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

- 13 **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. 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.

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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.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 July 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
P D Jull
O C de R Richardson
C F Woodgate

Officers: Planning and Development Manager
Principal Planner
Planning Officer
Planning Solicitor
Democratic Services Officer

The following persons were also present and spoke in connection with the following applications:

| <u>Application No</u> | <u>For</u> | <u>Against</u> |
|-----------------------|---------------|-----------------|
| DOV/21/00506 | Mr John Peall | Mr David Marsh |
| DOV/21/00311 | Mr John Peall | ----- |
| DOV/20/00510 | Mr Rob Prince | Mr Mike Sargent |

25 APOLOGIES

It was noted that there were no apologies for absence.

26 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 MINUTES

The minutes of the meeting held on 24 June 2021 were approved as a correct record and signed by the Chairman.

29 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

30 APPLICATION NO DOV/21/00506 - HOURS, CHURCH ROAD, COLDRED

Members viewed an aerial view, drawings, a plan and photographs of the application site which was a large residential plot currently containing a bungalow. The Planning Officer advised that the application sought planning permission for the erection of a two-storey dwelling with rooms in the roof space and a detached garage, with the existing dwelling to be demolished.

The principal issues for Members to consider were the impact on the street scene and residential amenity. The drawings had been amended since the application was first submitted, and it was now considered that concerns regarding the impact on residential amenities had been overcome. Whilst the existing boundary was currently relatively open, the proposal would provide more screening between the application site and Green Leas, the neighbouring property. This would minimise the visual impact of the proposed dwelling which would also be seen against the woodlands to the north-east of the site. The existence of other two-storey dwellings in the area meant that the proposal would not be introducing a new form of development into the immediate vicinity. Officers were also satisfied that the proposed dwelling would not be overly dominant when compared to Green Leas, and approval was therefore recommended.

Councillor C F Woodgate stated that, in his view, the size and scale of the proposed dwelling would be out of place in an historic village like Coldred. Whilst there were larger houses in the village, they were at least 200 yards away from the application site. The proposed dwelling would be in close proximity to Green Leas and overly imposing. In response to a query from Councillor M Bates, the Planning Officer advised that the side of the existing house was five metres from the shared boundary line, with three and a half metres beyond that to Green Leas. The proposed dwelling would follow approximately the same footprint. The bulk of the dwelling would largely be screened by vegetation. He clarified that an outbuilding at the rear of the property would be used for storage and was not part of the application. In respect of archaeology, he clarified that the archaeology condition in the report would be amended to take account of comments from Kent County Council (KCC) which had not yet been received.

In response to concerns raised by Councillor E A Biggs about massing and style, the Planning Officer added that it was not unusual to have a two-storey building next to a bungalow. The proposed dwelling, like the existing one, would be built of brick, with white windows and a similar floor area on the ground floor. The only difference between the two properties was the additional floor. The difference in height between the new dwelling and Green Leas would be between three and a half and four metres. Following a concern raised by Councillor T A Bond, he advised that there was a property on the opposite side of the road whose outbuildings were situated up against the roadway.

RESOLVED: (a) That Application No DOV/21/00506 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with approved plans;
- (iii) Samples of external materials;
- (iv) Details of bin storage provision;
- (v) Details of bicycle storage provision;

- (vi) Obscure glazing to south-west facing first floor windows, including master bedroom;
- (vii) Obscure glazing to second floor rear window;
- (viii) Obscure glazed side screen to first floor balcony;
- (ix) Implementation of landscaping plan;
- (x) Provision of parking area shown on drawings;
- (xi) Construction Management Plan: details of construction vehicle parking arrangements, wheel-washing, dust suppression, etc;
- (xii) Works to cease should any archaeological remains be found during the course of the development;
- (xiii) Protection and retention of existing hedgerow to front boundary;
- (xiv) Section drawings through the site and proposed dwelling;
- (xv) Provision of electric vehicle charging point infrastructure;
- (xvi) Remove permitted development rights for new windows/openings in the south-western elevations;
- (xvii) Remove permitted development rights for extensions/alterations to the roof.

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

31 APPLICATION NO DOV/21/00311 - WOODLAND ADJACENT TO HOURS, CHURCH ROAD, COLDRED

Members were shown an aerial view, plan and photograph of the application site. The Planning Officer advised that, following the lodging of an appeal for the non-determination of a planning application, the Local Planning Authority (LPA) was required to advise the Planning Inspectorate what its decision would have been had the application been determined by the Planning Committee. The Committee's decision this evening would be a material consideration for the Planning Inspectorate. He emphasised that the Committee's decision should be based on the information supplied by the applicant at the time the appeal was lodged.

Members were advised that the application had sought planning permission to infill an existing railway cutting in woodland that was adjacent to the dwelling known as Hours. The stated purpose of infilling the cutting was to stabilise a bank in order to protect trees that were the subject of Tree Preservation Orders (TPO) imposed in

the 1980s. The cutting was one of a few remaining from the East Kent Light Railway that had carried coal from the winding-house at Singledge Lane to Guilford colliery. KCC's archaeology team and the Council's Heritage Officer had determined that, even in its current, eroded state, the cutting was a non-designated heritage asset.

At the time of the application, it had been for Officers to weigh up the balance between protecting TPO trees and preserving a non-designated heritage asset. However, a detailed tree survey had not been submitted with the application which would have allowed Officers to consider what trees were present and their condition, which ones were at risk and how many would be saved by the proposed infilling. Without this information it was impossible for Officers to assess how effective the proposal would be in protecting the trees. As a consequence, the balance had tipped towards preserving the railway cutting. The Council's Tree Officer had visited the site before the appeal was lodged and had requested further information about the trees from the applicant. However, the applicant had responded that a tree survey would be too costly and require too much work. Should the applicant now submit additional information, it would be for the Planning Inspector to take it into consideration when determining the appeal.

Councillor P D Jull commented that much of the old railway line was still visible, including the embankment which circled around Coldred Church. He proposed that the application would have been refused and supported the reasons for refusal set out in the report recommendation.

In response to Councillor R S Walkden, the Planning Officer advised that there were many non-designated heritage assets across the district which were modest yet believed to be sufficiently important that the National Planning Policy Framework (NPPF) required their potential loss to be considered carefully, and justified where this was proposed. Because the cutting was not well known or signposted did not undermine its status which had been determined by KCC's archaeology team and the Council's Heritage Officer. The case that would potentially tip the balance in favour of the application, and the evidence needed, had not been made. The only reasonable decision the LPA could make in the circumstances was to err on the side of caution. If the applicant's appeal was dismissed a fresh application could be submitted with the requisite information.

Councillor Bates advised that he had visited the site and it was evident that a number of trees had been felled. In his view it would be a shame to remove evidence of the cutting without further information. Councillor Biggs agreed that the lack of substantial information about the trees meant that the infilling of the cutting could not be justified. Councillor Bond commented that the site had been an area of natural vegetation for many years and, without the information needed, he was in favour of a cautious approach being taken.

The Planning Officer clarified that some ash trees had been removed from the site with permission. He also mentioned an additional reason for refusal that could be dealt with under delegated powers. This reason would make reference to the fact that insufficient information had been submitted with the application to demonstrate that the harm arising from the proposed infilling of the historic cutting would be outweighed by any overriding planning benefit, such as information to demonstrate any benefits associated with safeguarding the health and stability of trees along its route.

RESOLVED: (a) That Application No DOV/21/00311 would have been REFUSED

for the following reason: (i) The proposed infilling of the historic cutting would result in unjustified harm to a non-designated heritage asset through the loss of the legibility of a rare remaining section of cutting of the East Kent Light Railway and the local industrial heritage, without overriding justification. The proposal would fail to comply with Paragraph 197 of the National Planning Policy Framework (2019).

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary issues set out in the recommendation and as resolved by the Planning Committee.

32 APPLICATION NO DOV/20/00510 - KARMA LEISURE LTD, ADRIAN STREET, DOVER

The Committee was shown a map, aerial views, drawings, plan and photographs of the application site which was located within the settlement confines of Dover, adjacent to the A20/A256 York Street junction. The Principal Planner advised that planning permission was sought for the erection of two buildings incorporating 29 flats and a home working hub. The existing building was to be demolished.

Members were advised that one further letter of objection had been received which raised no new material considerations beyond those set out in the report. In addition, a neighbour from Maritime House had come forward to advise that there was a flat on the top floor of the building. Following a visit and an assessment, it had come to light that the flat was predominantly served by windows facing the marina, with only two facing towards the application site, both of which served a hallway and one being obscure glazed. As such it was considered that the flat would not suffer an unacceptable loss of light, sense of enclosure or overlooking. The flat had access to a flat roof area which was apparently in use. Whilst this area would be overlooked by windows in the proposed development, the existing building also contained windows, albeit some of these were obscured and the building had not been in use for some time. It was therefore considered that the impact on the flat roof was not a ground that would warrant refusal. The occupant had raised several other concerns relating to surface water, air quality and the amount of glazing proposed. Whilst the first two were addressed in the report, the latter was not. The occupant's concern was that heat from the sun would be reflected towards the flat causing it to overheat in the summer. The majority of the glazing would be located further to the north-east, with only around six windows directly adjacent to the flat that could cause a degree of reflection. As such, it was considered unlikely that this would cause a noticeable effect on the flat.

The Committee was advised that there were three key areas for consideration, namely the impact on the character and appearance of the area and heritage assets, the viability of the scheme and archaeology. To the north of the site was a Grade II-listed church and listed buildings and a conservation area to the east, on the opposite side of the A20. The site comprised two parcels of land separated by an alleyway. The larger parcel of land containing the former nightclub building had received planning permission for a six-storey building in 2006 which had now expired. The scheme now presented to Members had been through several iterations in recognition that it was a prominent and important site in Dover. It had also been subject to a design review by a panel of 'experts' who had recommended that a bolder, simpler and more refined design should be adopted. In contrast to the Council's heritage team, the panel viewed the increased enclosure of the listed church in a positive light. Officers and the applicant had subsequently worked

together to amend the scheme in response to the panel's advice, including eliminating excessive areas of blank wall.

As part of the work done on the draft Local Plan, a viability review had been undertaken that had concluded that viability was constrained in much of Dover town and, consequently, affordable housing should not be sought from developments in this area. Nevertheless, as the draft Plan was still in its formative stages, the applicant had been asked to submit a viability assessment. A subsequent review by the Council's independent assessor had concluded that the development would not be able to support affordable housing or developer contributions.

Due to the previous history of the site, KCC had requested that archaeological works be carried out prior to the determination of the application. However, due to concerns that this would cause significant delay and would be difficult to fund, the applicant had held discussions with KCC in order to find an alternative solution. As a result, a mechanism had been imposed whereby archaeological works would take place post determination and, should the need to preserve remains in situ be incompatible with the development, its construction could be prevented.

The Principal Planner stressed that the development would make a substantial difference to the appearance of the site and its contribution to the character of this part of Dover. Officers were of the view that the visual impacts of the development were not wholly positive, and it was for Members to weigh these up. The visual harm caused by the site in its currently dilapidated state was an important factor in reaching the recommendation for approval. Whilst it was a finely balanced application, it was considered that the benefits of the development outweighed any disadvantages.

In response to Councillor Biggs, the Principal Planner clarified that there had been concerns that a narrow alleyway between the two proposed buildings would be dark and uninviting, with the potential to attract anti-social behaviour. The possibility of bringing the alleyway within the development site had been explored and discussions held with KCC. However, the cost and timescales involved were prohibitive. Steps had subsequently been taken to improve the alleyway's relationship to the buildings, including setting the walls at 45° and providing glass frontages. Whilst the design changes were not ideal, it was considered that the applicant had done all they could to improve this part of the scheme in the circumstances. He advised that it would be difficult to involve Members in the design review process which was relatively lengthy and costly. However, he accepted that the outcomes could have been better publicised.

In response to Councillor D G Cronk, the Principal Planner confirmed that the Council's Heritage Officer had been involved in the design review process. Whilst the views of the panel members and the Heritage Officer had differed on the enclosure of the church, it was for Committee members to reach their own conclusions based on the information set out in the report which recognised that it was a finely balanced decision. The design of the buildings had been toned down in order to achieve a more subtle scheme which would sit 'quietly' in a prominent location. He clarified that the home working hub would be for residents only. As a town centre development in a sustainable location, and with a car park nearby, KCC Highways had supported there being no parking provision within the development. Both buildings would have lifts and ground floor access so were suitable for disabled buyers.

In respect of affordable housing, the NPPF and Local Plan policies required Officers to consider whether a development could be constructed in such a way that there was 'headroom' left for the developer to contribute towards affordable housing. There were a number of abnormal obstacles to developing this particular site, including the potential diversion of a sewer and archaeology. These additional costs, together with the relatively low sale value of properties in Dover town centre, meant that there were no surplus monies for affordable housing contributions. He reminded Members that this was an issue that had been reviewed during the current Local Plan process.

Councillor Cronk commented that, in his view, the concerns about the church tipped the balance against the scheme. He was also concerned about disabled access and provision, and could not therefore support the proposal. Councillor Walkden stated that he had initially had concerns about the scheme but was now sufficiently reassured that he could support it. Councillor Bond referred to the fact that the site had previously received planning permission for a six-storey building which made it more difficult to refuse this application. In his view the increased enclosure of the church was not sufficient reason to refuse the application, particularly as it had a modern extension which meant its historical integrity was already compromised. However, he did have concerns about parking for churchgoers and future occupants of the development, querying whether a condition could be imposed to preclude future occupiers from applying for residents' parking permits.

The Principal Planner advised that the parking area for the church was within the ownership of the applicant; its availability for churchgoers in the future could not therefore be guaranteed. He emphasised that it was a relatively short walk from the application site to the public car park. In respect of attaching a condition restricting residents' access to parking permits, he advised that a condition was an enforcement against the land and not people and, as such, the one suggested was unlikely to meet planning tests. The Planning Solicitor agreed, adding that it would not be reasonable to impose such a condition when there was no such restriction on occupiers of other buildings in the vicinity, or a general limit imposed on permits by the Council, as far as he was aware.

Given that there were viability issues, Councillor Bates requested that a condition be added to prevent the home working hub being converted into a flat at some point in the future. The Principal Planner advised that such a condition could be included if Members thought it would make the proposal acceptable. In response to a query from Councillor O C de R Richardson, the Principal Planner advised that no energy-saving measures were proposed due to the viability of the scheme. In any case, measures such as ground-source heat pumps and solar panels could affect archaeological remains and have a detrimental visual impact.

RESOLVED: (a) That, subject to a Section 106 agreement to secure habitat mitigation (including a review mechanism to test viability), Application No DOV/20/00510 be APPROVED subject to the following conditions:

- (i) Standard time limits;
- (ii) Approved plans;
- (iii) Samples of materials;

- (iv) Full details of window frames, glazing bars and window reveals;
- (v) Details of fine detailing to the building, including but not limited to details of copings, railings to balconies, expansion joints, recessed brickwork, rainwater goods, fascias, eaves, etc;
- (vi) Details of any plant, vents, satellite dishes or antennas to be installed;
- (vii) Details of hard and soft landscaping;
- (viii) Details for the provision of double yellow lines to Adrian Street;
- (ix) Details of cycle parking;
- (x) Details of suitable facilities for refuse storage;
- (xi) Archaeological field evaluation, submission of post evaluation archaeological report including, as necessary, the details for the preservation in situ of archaeological remains and details of foundation design;
- (xii) Scheme for foul water drainage, including details of the precise alignment of the public sewer and measures to safeguard it or divert it, as necessary, together with a timetable for implementation;
- (xiii) Details of surface water drainage, including a timetable for its implementation;
- (xiv) Sound insulation scheme;
- (xv) Measures to address unsuspected contamination;
- (xvi) Unexploded ordinance;
- (xvii) Ecological enhancements;
- (xviii) Construction management plan.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and the Section 106 agreement, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

33 APPEALS AND INFORMAL HEARINGS

The Planning and Development Manager presented the report which set out details of the planning appeals determined during 2020/21 and the first quarter of 2021. As a correction to the report, he advised that 25% of appeals had been upheld during the first quarter of 2020/21. It was notable that, of the six appeals upheld during

2020/21, three had imposed conditions relating to permitted development rights. These were considered unnecessary by the relevant planning inspectors.

RESOLVED: That the report be noted.

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

The Committee noted that no action had been taken.

The meeting ended at 8.09 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 16 SEPTEMBER 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)

2. **DOV/21/00500** **Variation of conditions 2 (approved plans) and 5 (windows) to allow for additional rooflights, replacement of six stained glass windows to side elevation, internal layout alterations and re-positioning of a flue to planning permission DOV/20/00356 (Application under Section 73) - United Reformed Church, The Street, Ash (Agenda Item 6 of 24 June 2021)**

3. **DOV/20/00589** **Change of use of land for wedding and events venue with marquee and works to the single storey outbuilding to facilitate conversion to a toilet block – The Old Rectory, Mongeham Church Close, Great Mongeham (Agenda Item 8 of 24 June 2021)**

4. **DOV/20/00644** **Erection of a convenience store (A1), new vehicle access, erection of 2.4-metre and 3-metre high acoustic fencing, installation of air-conditioning units and parking - Convenience Store, Whitfield Urban Extension Phase 1, Archers Court Road, Whitfield (Agenda Item 8 of 12 August 2021)**

Applications DOV/20/00589 and DOV/20/00644 are dealt with elsewhere on the agenda

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).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

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

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

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

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

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

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

Site Visits

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

The following criteria will be used to determine usefulness:

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

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

Background Papers

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

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

IMPORTANT

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

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

The Development Plan

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

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

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

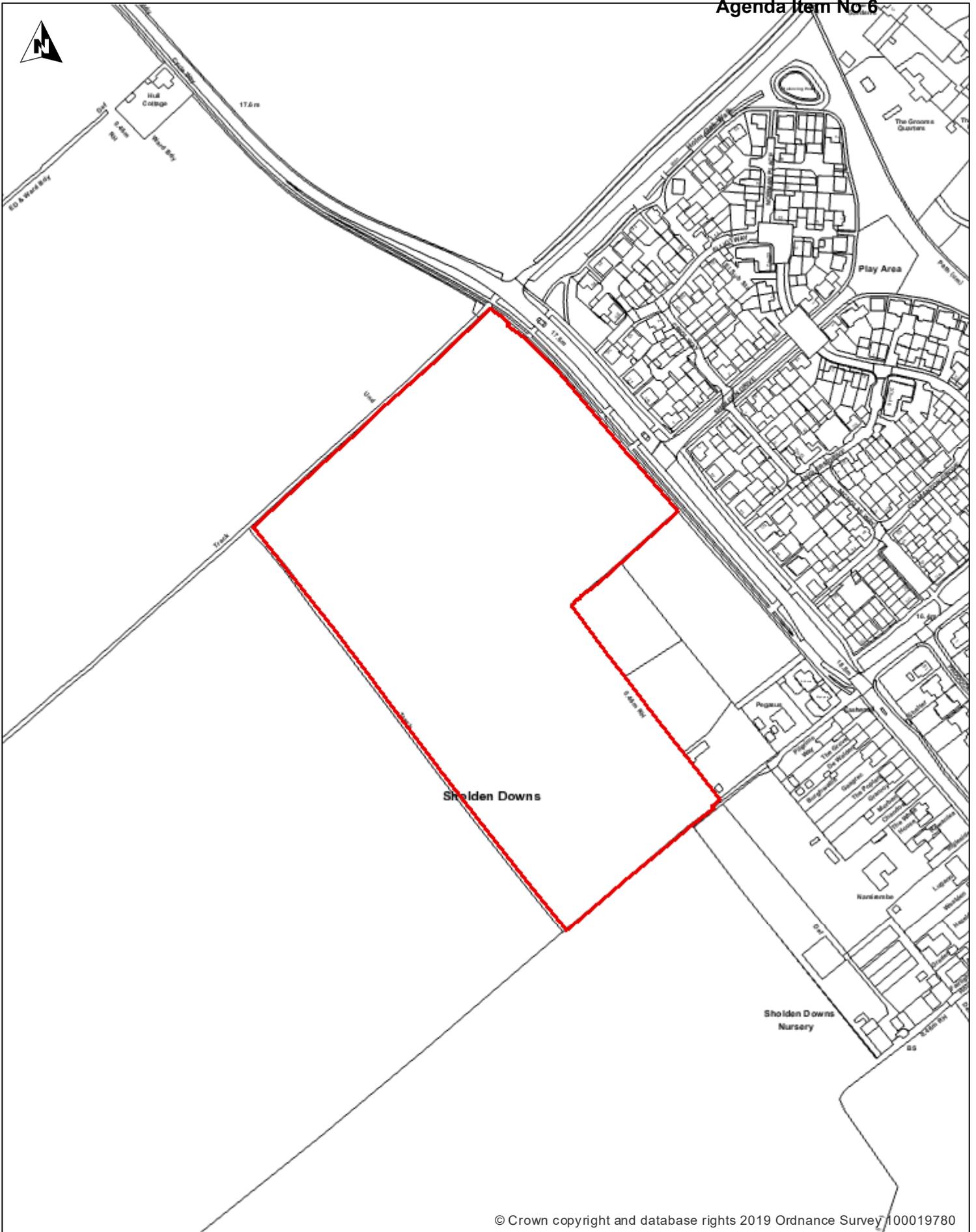
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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

11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



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21/00402
Land South West Of Sandwich Road
Sholden

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/21/00402 - Outline application for the erection of up to 117 dwellings with associated parking and means of access (all matters reserved except for access) - Land south-west of Sandwich Road, Sholden**

Reason for report – number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions and completion of a s.106 agreement to secure planning obligations.

- c) **Planning Policies and Guidance**

Legislation

The combined effect of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) applies in the event that planning permission is granted and requires that a planning obligation (under s.106 of Town and Country Planning Act 1990) may only constitute a reason for granting planning permission for the development if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015) (“**the LALP**”)
- Saved Policies of the Local Plan (2002)

Relevant policies of the Core Strategy include:

- CP2: Provision for Jobs and Homes
- CP3: Distribution of Housing Allocations
- CP4: Housing Quality, Mix, Density and Design
- CP6: Infrastructure
- DM1: Settlement Boundaries
- DM5: Affordable Housing
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision
- DM15: Protection of Countryside
- DM16: Landscape Character
- DM17: Groundwater Source Protection

Relevant policies of the LALP include:

- DM27: Providing Open Space

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

National Planning Policy Framework

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

At paragraph 8, the Framework states that sustainable development has three overarching objectives – an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways, seeking net gains across each.

Paragraph 11 identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits. Footnote 8 is clear that for applications involving the provision of housing, the most important policies will be considered to be out of date where a local planning authority cannot demonstrate a five year housing land supply.

Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 60 – to support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 92 – planning should aim to achieve health, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

Paragraph 111 – development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 – planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – planning policies and decisions should support development that makes efficient use of land, taking opportunities to achieve net environmental gains.

Paragraph 124 – in achieving appropriate densities, planning decisions should take into account the need for housing and the availability of suitable land to accommodate it; availability / capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of well-designed, attractive and health places.

Paragraph 125 – where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 126 – the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- 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);
- 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;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 131 – trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.

Paragraph 132 – design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 134 – development that is not well designed should be refused; but significant weight should be given to schemes that reflect local or national design guidance.

Paragraph 152 – the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where relevant sequential and exception tests are satisfied.

Paragraph 174 – planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services, as well as the intrinsic character and beauty of the countryside; and minimise impacts on and provide net gains in biodiversity.

Paragraph 174 also seeks for development to not be put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 – if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 182 – the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 183 – planning should ensure that a site is suitable for its proposed use, taking into account ground conditions.

Paragraph 185 – taking into account the likely effects of pollution on health, living conditions and the natural environment, planning should ensure that new development is appropriate for its location.

Paragraph 180 – planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 186 – planning should sustain and contribute towards compliance with relevant limit values for pollutants, including air quality.

Paragraph 199 – great weight should be given the conservation of designated heritage assets.

Paragraph 202 – where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Consultation Draft Dover District Local Plan (2021)

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. But it is still at an early stage in its preparation, with the Regulation 18 consultation closing on 17 March 2021. In accordance with paragraph 48 of the Framework, whilst the draft Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Other Material Considerations:

- Planning Policy Guidance
- DDC Affordable Housing Addendum SPD (2011)
- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

d) Relevant Planning History

There is no relevant planning application history for the site.

The site, as part of a larger parcel of land, has been promoted by the applicant to the emerging Local Plan as suitable for housing growth. The Council's Housing & Economic Land Availability Assessment (December 2020) considers part of that wider parcel of land, fronting onto Sandwich Road (comprising the current application site), to be suitable for development.

e) Consultee and Third-Party Responses

Sholden Parish Council - Objects to the above application on the following grounds:

- i. application breaches Core Strategy Policies DM1, DM15, 16 and 25(i);
- ii. application breaches NPPF policies 8 (a), (b) and (c), 9, 104 (d), 163, and 170;
- iii. fully supports the excellent traffic analysis objecting to the application by Mr Martin Hewitt. NPPF 109 refers; and
- iv. the purpose of sustainable development is to build the right houses in the right place at the right time (NPPF para. 7). The applicant may be providing the right houses but there is no or minimal infrastructure to support such a large development. The proposed development is therefore unsustainable.

Core Strategy Policy DM1: In recent and not so recent major and non-major planning applications, DDC planning authority has, on different applications stated that some applications are outside the settlement confines and therefore recommended that the application should be refused and on other occasions the authority has argued that whilst the development is outside the settlement confines, DM1 should be disregarded and the recommendation was to grant the application (disregarding DM1 not being the sole reason for a grant recommendation). In effect, as stated widely in planning, there

are no non-legal precedents on the application of DM1 and, as we are frequently reminded, each application must be treated on its own merits.

It follows therefore that Planning Committee Members must consider whether this proposed development is outside the settlement confines. It is. The applicant says so in para. 6.6 of the Planning Statement: "*The application site lies within the countryside beyond defined settlement boundaries*" and in addition "*was not allocated in the LALP, as shown on the Policies Map*".

Policy DM1 states that development will not be permitted on land outside the urban boundaries unless specifically justified by other development plan policies. Members need to consider what other development plan policies enable/justify the development. There are some but these do not outweigh the adverse impacts of breaches of, DM15, NPPF Policies 7, 8, 9, 104 (d), 163 and 170. Even with these other breaches, the application stands to be refused simply because it is outside the settlement boundaries. Members should not be persuaded that because the tilted balance has been invoked before it is now paramount in this application. It is not. As above, each application is on its own merits.

Core Strategy Policy DM15/16 and DM25 (vi): The applicant admits that the proposed development breaches Policy DM15 which is designed to protect the countryside. The proposed development will destroy countryside. Nothing more, nothing less.

By virtue of the location of the site and the topography of the wider area, the proposal would be prominent and visible in wider views. The current open field site acts as a buffer and provides a transition between the Sholden London Road area and rural villages and hamlets further out in the open countryside. Therefore, the proposal would harm the character and appearance of the wider landscape and would be contrary to policies DM15, DM16, DM25 (vi) of the CS and Paragraph 170 of the NPPF.

NPPF paragraph 7: As stated in paragraph 1 above and below, Deal does not have the roads, schools, doctors' surgeries or sewage system to cope with this major development. As such, the application should be refused.

NPPF paragraph 8: Members and Officers alike will be familiar with the three sustainability objectives of NPPF 8 – the economic, social, and environmental impacts of the proposed development. Members will also know that significant weight should be given to NPPF 8. Below is our reasoning proving that this major development is not NPPF 8 compliant:

Economic: The applicant states that the development during construction will economically benefit the area. Not true. Transitory work cannot be considered sustainable (that is, long term). Anecdotal evidence from local builders and other artisans indicates that very little economic benefit comes to the local area when major developments are being built. Out of town workers are used.

The applicant states that there will be extra revenue through local taxation. Not true. Council tax is raised as a transactional tax. New residents will want and need services. That will create an additional demand on services (police, social care, fire and rescue, refuse collection, etc.). These services, additional to those already provided, will be paid for from Council Tax revenue. It is not, therefore extra revenue.

The applicant makes claims that the proposed development will generate (a) £20 million investment in the local area (b) a New Homes Bonus of £ 500,000.00 and (c)

two hundred economically active residents will result in a significant uplift in gross annual income and expenditure.

However, on (a) there are no facts to substantiate that claim or figure, on (b) the New Homes Bonus Scheme is being reviewed by central government and at present no one can predict what “bonus” (if any) will be forthcoming. On (c), this is an economist’s dream. It can mean anything. And certainly, an addition 200 economically active people are not, in the size of Dover District, going to significantly uplift anything.

Social: Whilst the applicant sets out the economic benefits of the application in Chapter 8 of the Planning Statement, there is no equivalent chapter dedicated to complying with the NPPF social objective.

Strong, vibrant and healthy communities do not occur where traffic is backed up, sewage is backed up (see below), air quality is poor because of vehicles idling at backed up access points and pinch points further afield from the proposed development. Vibrant and healthy communities do not occur where there the local schools and medical services do not have the capacity/resources to absorb increased demands on their services (notwithstanding S.106 agreements which may or may not reach local service providers).

Environmental: Likewise, for the Social objective above, there is no dedicated Chapter for complying with the NPPF environmental objective

As will be seen below, from transport, to sewage, this application cannot in any shape or form comply with the NPPF 8 (c) in that it will protect or enhance the environment, that it will improve biodiversity, reduce waste/pollution or mitigates the effects of climate change. Backed up wastewater and excrement alone defeats these environmental sustainability objectives.

NPPF paragraph 9: NPPF 9 stipulates (amongst other things) that decision makers should make decisions taking local circumstances into account (my stress). This is further supported in central government guidance which says that “...all councillors have a role to play in representing the views and aspirations of residents in plan-making and when planning applications affecting their ward are being considered”. The applicant has in their Planning Statement detailed the following applications as being relevant to this application:

- (a) Land off Church Lane, Deal (19/01260): 14 Dwellings.
- (b) Land North West of Pegasus, London Road, Sholden (19/00216): 42 Dwellings
- (c) Land at Churchfield Farm, Sholden (17/01345): 48 Dwellings + a 64-bed care home.
- (d) Site at Betteshanger Sustainable Parks Betteshanger Road Betteshanger (20/00419): 210 dwellings

For the four applications above, in total there were approximately, from individual members of the public, 360 objections and 40 representations in support. A ratio of around 89% objecting to these applications. Members also need to take into consideration the objections by town and parish councils. These would reflect that ratio. Adding these into the local circumstance mix and there are thousands of people objecting to major planning applications in Deal, Sholden and the surrounding areas.

At the time of writing this application has attracted 25 Public Comments: there 24 objecting and none supporting.

For the purposes of NPPF 9, in deciding this application, planning committee members cannot ignore these local people with their local knowledge of the area and the planning system. To do so breaches NPPF 9.

NPPF paragraph 104(d): The access to this development cuts through the Miners' Cycle Track that runs continuously alongside the A258 from the junction with the Pilgrims Way Sholden (EE389) to the roundabout at Betteshanger Park and then continues to Bridge Hill.

By way of background, the Miners' Cycle Track was built by Italian Prisoners of War to enable the miners to get to and from their shifts safely. It could be said that it was almost 80 years ahead of its time. The Way is an historic piece of infrastructure. This physical piece of our heritage should be preserved. Its second bisection (19/0216, already granted planning permission, will be the first major nearby bisection) will only increase danger for pedestrians, riders and walkers. And completely undermines the The Miners' Cycle Track as a key "Active Travel" way to connect satellite rural settlements with the Deal Urban Area; these include Finglesham, Burgess Green, Betteshanger Circle, Northbourne etc.

The proposed access to the proposed development site irrefutably breaches NPPF 104(d).

NPPF paragraph 109: As outlined in the summary above, SPC strongly advises members to carefully consider the traffic analysis presented by Martin Hewitt, . This work substantially debunks any claim that there will not be severe residual cumulative impacts on the road network.

NPPF paragraph 163: The applicant agrees that the proposed development breaches NPPF 163. Paragraph 6.41 of the Planning Statements says "*...an enquiry was made to Southern Water, they have confirmed to BWB that the foul water network within the vicinity of the site has adequate capacity in the local network to accommodate some (my stress) of the additional flows for the development before reinforcement works is required*". Planning application decision makers are not tasked with deciding applications (be they outline or not) on whether a part of a development complies with an NPPF policy, they must consider the principle of the whole development and the policy in entirety. NPPF 163 is quite clear: an application is to be refused if the local planning authority cannot ensure that flood risk is not increased elsewhere. As will be seen in the following paragraphs, at present neither DDC nor Southern Water cannot give that assurance.

In respect of foul water and excrement drainage, in the very recent past numerous concerns have been raised by councillors and residents. These concerns focus on the ability of Southern Water to confirm or otherwise that they have sufficient capacity to deal with additional developments. Southern Water recently appear to have not only been unable to answer questions on their capacity abilities but also issued apparently contradictory statements concerning their ability to service the 14 dwellings proposed for the Church Lane development. Southern Water itself has advised at least one District Councillor that the Deal area sewage network is in desperate need of upgrading. In addition, Southern Water in their letter of 08 April to DDC Planning Section say: "*This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network*". The implication in that is that the current sewage system cannot cope with additional demands. In pure planning

terms, it is the job (legally mandated) of the local planning authority to ensure that flood risk is not increased elsewhere. If so, NPPF 163 is breached, and foul water flooding is a serious adverse effect on many levels. It follows therefore that the application must be refused on the irrefutable breach of NPPF 163.

In order to try to resolve breaches of NPPF 163, the planning authority has recently imposed a Grampian style condition on the Land off Church Lane (19/01260). Basically, no dwelling is to be occupied until Southern Water have upgraded the sewage network and conclusively proved that it has the capacity to deal with waste without increasing flooding elsewhere.

Such a Grampian condition on this application would not work. The planned build out is in three sections of 35 dwellings. It is impossible to think that a block of 35 dwellings would not be sold and occupied whilst two further plots were being built. With only partial, staged occupation there is no way of telling whether the sewage system would cope with the fully occupied development. Southern Water need to upgrade their systems prior to any new major planning application being granted. Only when this is done can major planning applications be approved.

In previous applications, the planning authority has been at pains to stress that proposed developments are not required to remedy existing problems. And that might indeed be the case. But it goes without saying that any proposed new developments must not exacerbate current serious problems (such as the regular foul water flooding on Albert Road or traffic pinch points at the London Road/Manor Road roundabout). Exacerbating current problems elsewhere undermines the whole sustainable planning process. Approving applications which increase problems elsewhere is not sustainable development.

NPPF paragraph 170: See DM15 and 16 above.

Conclusion: As detailed above, this application falls to be refused on numerous breaches of Core Strategy and NPPF policies. The supporting infrastructure – schools, medical facilities, road capacity, sewage capacity – does not exist to underpin this major development. The access will bi-sect a major historic, walking, riding and cycling network. That alone irrefutably breaches NPPF 104 (d).

Deal Town Council: Objection. Development will have a negative impact on local highway infrastructure and will limit the width on the Sandwich Road; concerns over the affordability and types of houses being built; lack of environment friendly homes and materials being used, e.g. carbon neutral homes, solar panels or wind turbines. Scale of development is too large. This development is not part of the land allocations in the 2006-2026 DDC Local Plan or the current draft DDC Local Plan 2020-2040.

Environment Agency: As this application has low environmental risk, no comments are made.

Natural England: No objection. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As the Council has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposed development will mitigate against its potential recreational impacts.

Highways England: No objection. It is concluded, given the proposed trip generation and distance of the site from the Strategic Road Network (SRN), that the proposed development would not create any significant traffic impact upon the SRN network in this location and its vicinity.

KCC Highways: The residual peak hour traffic generation as a result of the proposals is approximately 60 two-way vehicle trips, with a distribution at the site accesses of:

- 24(am)/19(pm) trips to/from the north via the A258; and
- 36(am)/40(pm) trips to/from the south via the A258.

The additional trips on the A258 route to/from the north are unlikely to have a severe impact on the highway network bearing in mind the increase is less than 2% of the existing traffic flows.

With regard to the A258 route to the south and the London Road/Manor Road roundabout junction, base modelling data is available through the work done for the draft Local Plan. This provides a forecast of the likely existing situation at the end of the Local Plan period in 2040 with committed development and traffic growth taken into account.

The proposed development trips have been added to this scenario in order to assess their impact. The assessment shows that the development will not have a severe impact, with little or no changes in link or junction capacity and journey time.

The development adds only 9 turning movements (6 in and 3 out) at the A258 London Road/Mongeham Road junction. It is acknowledged that there is an existing section of Mongeham Road on the approach to London Road where the carriageway is of insufficient width for two vehicles to pass, and this can occasionally cause traffic to queue back into London Road when drivers having turned in from London Road then have to give way.

The applicant has therefore agreed some works to improve the existing situation by formalising the existing informal give way arrangements, but for drivers heading towards London Road rather than those having turned in from London Road. This should prevent vehicles queuing back onto the A258. The scheme currently proposed will require a safety audit and need to complete a detailed design and approval process through the highway authority, however these requirements can be secured by condition.

Access to the site will be via a new priority right turn lane junction on Sandwich Road. Suitable visibility can be provided at the junction and requires removal of some existing highway trees. The proposed junction arrangements include improvements to give priority to pedestrians and cyclists crossing the junction, in accordance with latest guidance.

A separate footway/cycleway connection from the site is also proposed to the south of the vehicular access, and is acceptable.

All the proposed highway alterations will be subject to a separate detailed assessment by the Highway Authority through the s.278 process, and the works will be fully funded by the developer.

The nearest bus stops to the site are a short distance away in Sandwich Road, and the applicant has agreed to the request from Stagecoach to replace the shelters at

these stops. The details of these replacement shelters will need to be agreed with DDC, which can be secured through condition. Access to the site by bus, cycle and on foot is therefore acceptable.

The initial Travel Plan is noted and I would advise that monitoring of the same is not required by the highway authority bearing in mind the limited impact of the development proposals. A detailed Travel Plan promoting and encouraging sustainable travel can be secured by condition, and the applicant has agreed to encourage sustainable travel through the provision of bus tickets for each household upon first occupation.

The internal layout of the site and associated parking is not for consideration now and will be dealt with through reserved matters. Construction management, including routing and timing of HGV movements, can also be dealt with by condition. Taking all of the above into account the proposals are unlikely to have a severe impact that would warrant a recommendation for refusal on highway grounds.

Stagecoach Bus: The site is served by a pair of bus stops opposite and adjacent Sholden New Road. The north west-bound stop only has a very small shelter, capable of accommodating only 2 or 3 people. We would ask that developer contributions are sought to provide a larger shelter at this stop.

The south east-bound stop is very poorly laid out and does not meet current disabled access requirements. We would ask that developer contributions are sought to reprofile the layby, install a raised kerb and relocate the shelter (although the existing shelter is probably not suitable to relocate due to space constraints).

We note that whilst these stops are within the 400 metre walking distance from the development, the walking route from the south east corner of the development is somewhat indirect. We therefore consider that a more direct footpath route linking with Sholden New Road should be provided. [*The applicant has since altered the illustrative layout to show a more convenient route.*]

We do not envisage running buses into the proposed development. The current level of service is adequate to meet the demand likely to be generated from the proposed development.

KCC Flood and Water Management (LLFA): Agree in principle to the proposed development – satisfied with the drainage design where surface water is proposed to be infiltrated to ground. Desk-based BGS information indicates that the Chalk Bedrock geology is freely draining and highly compatible for infiltration SuDS.

As part of the detailed design, recommend that site-specific infiltration testing is undertaken at the location of the proposed infiltration devices. At detailed design, final full network calculations and model details should be submitted to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year +20% and 100 year +40% storm intensities.

Final drainage details to be secured by condition.

River Stour (Kent) Internal Drainage Board: Confirm that the intent to dispose of surface water runoff entirely through infiltration is appropriate. Provided the recommendations of KCC (as LLFA) are adhered, no further comments.

KCC Infrastructure: KCC has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Contributions are sought as follows:

- Secondary education: £4,540 per dwelling (excluding 1-bed units less than 56sqm)
- Community learning: £16.42 per dwelling
- Youth service: £65.50 per dwelling
- Library bookstock: £55.45 per dwelling
- Social care: £146.88 per dwelling
- Waste: £54.47 per dwelling

In respect of primary education, no contribution is sought. The proposed development is forecast to produce 33 pupils. This development and other consented developments are forecast to produce 111 primary aged pupils, this is within the 135 place working surplus forecast within the Deal planning group primary schools at the end of 2024-25.

KCC Public Rights of Way: Public Footpath EE389/ED48, and EE386/ED37 would be directly affected by / abut the proposed development. KCC PROW would have no objection to the proposal subject to a condition to provide a full PROW management scheme to agree enhancements and improvements to path status, alignment, surfacing, widths and signage. This would include details of PROW management during construction (if any temporary closures or diversions are required).

The Miners Trail: The primary access to this development cuts across the Miners' Cycle Track that runs alongside the A258. This is a well-used promoted route and a significant part of the Districts leisure and tourism promotion for walking and cycling routes. Cyclist and all user safety must be paramount at this access point and comply to the latest national Cycle Infrastructure Design (LTN1/20). KCC PROW.

We are aware of local Deal Council aims to maintain the cycle routes of the area, providing Active Travel and leisure opportunities to residents and visitors, particularly connectivity from the surrounding villages. We would request that the applicant provides some funding towards improvements for the Trail as mitigation for the above.

[Following discussion with the applicant, rather than making a contribution it is willing to carry out direct improvement works to the Miners Way Trail, secured and controlled by a s.278 agreement.]

KCC Archaeology: The site is in an area of archaeological potential associated with areas of extensive crop- and soil- marks in fields to the south-west and known Romano-British activity on the opposite side of London Road.

These demonstrate the presence of extensive buried archaeological remains and landscapes. These include evidence for several ring-ditches that probably represent the ploughed-flattened remains of Prehistoric burial mounds. Within these fields numerous chance metal-detecting finds have also been recorded, these include a collection of early medieval (Anglo-Saxon) brooches. Such brooches are commonly found in burial contexts and it is now well-recognised that Anglo-Saxon burials were frequently focussed on earlier Prehistoric barrow sites, with the Anglo-Saxons seemingly making use of then visible monuments in the landscape as a focal point for their burials.

The geophysical survey carried out by the applicant of the proposed development site has indicated the presence of two possible ring-ditches within the proposed development area. It is possible that these ring-ditches represent the buried remains of now plough-flattened burial mounds of Late Neolithic/Early Bronze Age date.

In addition to the Prehistoric and Anglo-Saxon funerary evidence, the crop- and soil-marks also show evidence for track-ways, enclosures and other features. One such enclosure, measuring some 35m by 45m, can be seen on aerial photographs towards the centre of the application site. This enclosure was also identified by the geophysical survey which suggests the presence of possible entrances on the enclosure's western and eastern sides. The applicant's assessment suggests that the enclosure is of Iron Age to Romano-British date (presumably based on morphology), but this need not be the case. As yet we do not adequately understand its precise character and significance, but I would note that it does lie close to important findings in the Sholden area.

There is evidence for Romano-British activity on the north-east side of London Road. Here a trackway, pits and cremation were encountered, which are probably associated with a known Roman villa located at Hull Place. It has been postulated that the line of London Road approximately follows the line of an ancient routeway leading north from Deal along the high-ground alongside the Lydden Valley.

There is therefore an indication that the proposed development site may contain important archaeological remains, including remains whose significance is such that they might warrant preservation in situ. On this basis I would suggest that it would be appropriate to seek further information from the applicant in the form of a field evaluation, so that the significance of the archaeological features present can be adequately understood and taken account of in any decision taking.

DDC Heritage: There are no built heritage constraints to the proposed development.

DDC Ecology: The 'Ecological Assessment and Biodiversity Net Gain' report refers to additional wintering bird surveys to be progressed; and full details of the DEFRA metric results to demonstrate a biodiversity net gain is sought.

[Since the comments of the Ecology Officer, the wintering bird surveys have been completed for February and March 2021, and full calculation of the biodiversity net gain calculations have been submitted.]

The 'Ecological Assessment and Biodiversity Net Gain' report offers the following suggestions for mitigation and enhancement:

- a bat sensitive lighting scheme
- bird and bat boxes
- habitat manipulation for reptiles species and provision of hibernacula and log/rubble piles
- hedgehog highways within walls and fences and boxes for shelter

The site lies 0.4km from the Thanet Coast and Sandwich Bay Ramsar and SSSI. The applicant's ecologist has clarified that there is no possibility of surface water runoff from the development entering the Ramsar via the south stream due to the topography of the surrounding land.

A Construction Environment Management Plan is recommended to address any possible pollution impacts from construction (surface water run-off, noise, light, sound, dust etc.) upon the Thanet Coast and Sandwich Bay Ramsar and SSSI.

DDC Environmental Protection:

Contaminated Land: The site has been determined as low risk for contamination (former farm land) and the desk study recommends that a ground investigation be carried out to determine the absence of any contamination as well as to determine the suitability of any soils for re-use as part of the development. As this is the case, conditions to secure further site investigation and any remediation if necessary are recommended.

Noise: There is potential of noise from the nearby A258 road to cause disturbance to future residents. The applicant's noise report discusses means of noise mitigation through layout and provision of appropriate glazing / ventilation partiality for the properties that will be closest to the A258.

Final specifications of noise attenuation on a plot-by-plot basis should be finalised at the reserved matters stage of the design process, once final site layout, internal layouts and glazed openings are known. This final plot layout will enable appropriate mitigation / attenuation measures to be secured.

Air Quality: The applicant's air quality report examines the impact of the development including a qualitative construction phase dust assessment and modelling involving a detailed road traffic emissions assessment to determine the impact of the development on local air quality based on guidance from Defra/IAQM/EPUK.

In terms of the operational phase of the development, modelling predicts that the NO₂, PM₁₀ and PM_{2.5} concentrations for Scenario 3: 2024 Opening year without development and Scenario 4: 2024 Opening year with development are below the relevant annual mean air quality objectives at all receptors.

These conclusions are accepted and are based on current guidance. Overall the impact of the proposed development on air quality is considered to be 'negligible'.

For the construction phase, due to the close proximity of existing residential receptors the highest risk category identified was 'high risk' in terms of dust generated. The air quality report identifies a number of suitable mitigation measures that can be secured (by condition) through a site specific 'Dust Management Plan'. It is strongly recommended that electric vehicle charging points are secured by condition, as proposed in the submitted Transport Assessment.

Southern Water: The additional foul sewerage flows from the proposed development may lead to an increased risk of foul flooding from the sewer network. Southern Water and the developer will need to work together in relation to the delivery of the sewer network reinforcement and the timing of occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review. Southern Water endeavours to provide reinforcement within 24 months of planning

permission being granted, although for larger developments this may be exceeded in respect of work related to initial feasibility, flow monitoring, detailed design and construction.

Southern Water therefore seeks a condition to restrict occupation, so it is phased with the delivery of sewerage network reinforcement works. This is to ensure adequate waste water capacity is available to adequately drain the development. Southern Water seeks an informative that development shall not commence until details of foul sewerage and surface water disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water.

Kent Police Designing Out Crime: A condition is recommended to address designing out crime, which should include details of fences and gates; pedestrian routes; lighting; car parking layout to achieve natural surveillance; door and window specification; layout of play area; tree planting and landscaping; cycle and bin storage; and security during construction.

Public Representations

A total of 32 letters of objection to the proposed development have been received which raise the following comments:

- the houses would not be affordable;
- ongoing problems with the adequacy of the wastewater drainage system in the surrounding area, resulting in foul water flooding. This would worsen with new development;
- lack of local infrastructure – schools, medical infrastructure (GP, dentist) to accommodate development;
- lack of employment opportunities will result in residents traveling to work;
- increased traffic and air pollution;
- viability concerns relating to affordable housing;
- loss of existing property value;
- will set precedent for additional development on agricultural land;
- disruption to foot and cycle path will cause accidents with cars crossing at access;
- Sandwich Road (A258) is already congested due to new builds and school traffic;
- loss of greenfield land;
- impact on wildlife, including protected flora and birdlife;
- emergency services will have issues with additional homes;
- Deal has already seen a lot of new development;
- recent developments have used up road capacity on surrounding network into Deal;
- loss of open space;
- sholden does not need any more houses resulting in loss of village character;
- loss of agricultural land;
- potential loss of privacy for nearby properties;
- poor visibility at access to site;
- highways impact must be considered with other development;
- shortage of parking on other developments with on-street parking resulting in dangers to cyclists and pedestrians;
- each dwelling should have EV charging point;
- site naturally drains into the northward flowing stream with ecology sensitivities;

- access road cuts across bridleway; and
- further recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA).

f) 1. The Site and the Proposal

The Site

- 1.1 The site is located on and abuts the south western side of Sandwich Road, Sholden and extends across an area of 4.99 hectares.
- 1.2 To the north west the site is bound by a public right of way (footpath EE386/ED37), beyond which are other open fields. To the south east is an adjacent housing site (land north west of Pegasus) with extant planning permission for up to 42 dwellings (reference 19/00216). A dogleg part of the site extends to the rear of the 'Pegasus' site up to public right of way footpath EE389/ED48.
- 1.3 To the rear of the site (to the south west) is agricultural land.
- 1.4 The site is located outside of the settlement boundary of Sholden, but adjoins the approved development scheme that will extend the built up area along Sandwich Road (19/00216). Opposite the site across Sandwich Road is a recently built residential scheme that extends level to the north western (outer) extent of the site.
- 1.5 Levels of the site rise gently to the south west away from Sandwich Road.
- 1.6 The boundaries of the site are typified by low-lying hedgerow and grassland buffers that define other adjacent agricultural parcels. There is denser tree and hedgerow vegetation separating the site from the adjacent housing site to the south east.
- 1.7 The site is not within a conservation area or contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 (land at least risk of flooding).

Proposed Development

- 1.8 Outline planning permission is sought for erection of up to 117 dwellings with principal access onto Sandwich Road. Matters of the layout, scale, appearance and landscaping of the proposed development are reserved for subsequent approval.
- 1.9 A parameter plan has been submitted for approval, which shows areas of residential development across a larger central part of the site (and adjacent to the 'Pegasus' housing site to the east) and areas of open green space around the edges.
- 1.10 30% affordable housing is proposed, split 70/30 affordable rent / intermediate tenure (such as shared ownership). The mix of market and affordable dwelling type and size is shown illustratively at this stage and considered further in this report.
- 1.11 An illustrative masterplan has been submitted that shows how the proposed development could be achieved. This includes:
 - a central spine road connecting to the principal access;
 - connections to both flanking public rights of way;

- a separate footway / cycleway at the south eastern end of the Sandwich Road frontage;
- surface water attenuation basins (a form of (SuDS) along the Sandwich Road frontage and within the eastern corner of the site;
- a play area (a Local Equipped Area of Play (LEAP)) in the western corner of the site, connecting to a linear park along the south western and south eastern boundaries;
- houses fronting onto Sandwich Road, the SuDS and linear park (along the rear boundary);
- residential units backing onto the adjacent housing site to the south east; and
- perimeter blocks of houses with defensible rear gardens.

1.12 As well as the parameter plan drawing (for which approval is sought), the following documents accompany the application:

- Design and Access Statement
- Illustrative Masterplan
- Planning Statement
- Agricultural Land Classification and Soil Resources
- Air Quality Assessment
- Arboricultural Impact Assessment
- Ecological Assessment and Biodiversity Net Gain Assessment
- Flood Risk Assessment
- Phase 1 Geo Environmental Assessment
- Transport Statement and Travel Plan (with Road Safety Audit)
- Heritage Statement
- Landscape and Visual Impact Appraisal
- Noise Impact Assessment

2. Main Issues

2.1 The main issues in the consideration of this application are:

- principle of development
- loss of agricultural land
- affordable housing and dwelling mix
- design
- landscape and visual impact
- impact on residential amenity
- transport and highways
- archaeology and built heritage
- drainage and flood risk
- noise and air quality
- ground conditions
- s.106 contributions
- planning balance / conclusion

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 The site is located outside the existing settlement boundary of Sholden, although it adjoins an approved residential scheme to the south east and is opposite other houses on Sandwich Road. In such a location Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the Proposed Development does not fall within any of these exceptions, it is contrary to Policy DM1.
- 2.4 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy. Therefore, as one of the most important policies for determining the application, the weight to be afforded to Policy DM1 must be considered further in light of paragraph 11 and footnote 8 of the Framework.
- 2.5 Notwithstanding the primacy of the development plan, paragraph 11(d) of the Framework states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test (75% or less)), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or where specific policies in the Framework indicate that development should be restricted.
- 2.6 Having regard for the Council's current housing land supply (HLS) position it is currently able to demonstrate a five-year HLS of 5.56 years and the Council has not 'failed' the Housing Delivery Test with its latest measurement being at 80%.
- 2.7 However, as Members are aware, the current Core Strategy policies and the settlement confines referred to within the policies 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 557 dwellings per annum. As a matter of judgement, it is considered that the evidence base underlying Policy DM1 is out-of-date and the blanket ban on development outside the defined urban confines is inconsistent with the Framework which focusses on protecting important elements of the countryside, where they are present, and not all countryside. Moreover, paragraphs 78 and 79 of the Framework on rural housing provide no support for a blanket prohibition on the provision of housing in the countryside, especially on sites close to or adjoining existing settlements. As such, the Policy DM1 should carry only limited weight.
- 2.8 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the

proposed development, being outside the settlement boundary, is also considered to conflict with Policy DM11.

- 2.9 However, whilst the aim of Policy DM11 and the Framework are similar – to maximise use of sustainable modes of transport – the blanket restriction of Policy DM11 (to prevent development outside of settlement boundaries) does not follow the approach of the Framework, which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded limited weight.
- 2.10 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside, which is broadly consistent with the Framework. However, given that the spatial restriction of Policy DM1 is afforded less weight and the blanket restriction of Policy DM15 to prevent development resulting only in the loss of countryside is does not follow provisions of the Framework (as explained above), parts of policy DM15 therefore are not up-to-date. It is thus considered that Policy DM15 should be afforded less than full weight.
- 2.11 Given how important Policy DM1 is, and in view of the tension between policies DM11 and DM15 and the Framework, it is considered that the ‘basket of policies’ which are most important for determining applications are out-of-date and should not be given full weight.
- 2.12 The application must therefore be assessed against paragraph 11 of the Framework which directs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted.
- 2.13 This approach is consistent with the position presented in the Committee Report for development at Betteshanger Sustainable Parks, Sandwich Road, Sholden (DOV/20/00419). Here it was concluded that this tension between the Council’s Core Strategy housing requirement (of 505 dwellings per annum) and the larger standard methodology figure meant that the settlement boundaries of the Core Strategy and by implication the spatial restriction of Policy DM1, DM11 and DM15 were out of date.
- 2.14 The relevance of the weight to be attached to these policies (DM1, DM11 and DM15) in respect of whether or not the proposed development on the site should be approved is considered further in the overall planning balance at the end of this report.
- 2.15 Whilst the draft Dover District Local Plan only carries limited weight given its relatively early stage of preparation, Members should note that the Local Plan Regulation 18 consultation that closed in March 2021 included an allocation for housing on the application site for an estimated 100 dwellings, anticipated to be delivered in the short term (up to 2024).

Loss of Agricultural Land

- 2.16 The Framework makes provision for the natural capital of land to be recognised including the economic and other benefits of the ‘best and most versatile agricultural land’. An ‘Agricultural Land Classification and Soil Resources’ report submitted by the application considers the site can be considered as ‘best and most versatile agricultural land’; however the applicant presents that in the context of the District – that such land is not uncommon and given the need to release greenfield sites for housing

development (to meet those needs of local communities) such loss is inevitable and should be outweighed by the benefits of the proposed development.

Affordable Housing and Dwelling Mix

- 2.17 In accordance with Core Strategy Policy DM5 and ‘Delivering Affordable Housing Through the Planning System SPD’ (2007), the proposed development would provide 30% affordable housing, with an appropriate tenure split of 70% affordable rent and 30% shared ownership. This provision would be secured through obligations in a s.106 agreement.
- 2.18 Core Strategy Policy CP4 requires the mix of major residential development to be informed by most recent Strategic Housing Market Assessment (SHMA) information.
- 2.19 The Council’s latest SHMA (Dover Strategic Housing Market Assessment – Partial Part 2 Update, December 2019) provides a mix of market and affordable dwellings to best meet current and future housing needs. The mix of the proposed development (based on the illustrative scheme) against the SHMA is set out at Table 1. Whilst there is some variance, most notably in the number of 4 bed houses, this to an extent is offset by a greater number of three beds; and for affordable one bed apartments, it is considered that other locations are more appropriate (perhaps through higher density town centre or brownfield schemes) and more likely to deliver such units.
- 2.20 Thus the proposed scheme is considered to appropriately respond to the housing need profile of the District and is consistent with Policy CP4 in this regard.

Table 1: Dwelling Mix

| | Market | | Affordable (affordable rent) | |
|--------------|-----------|----------------------|------------------------------|----------------------|
| | SHMA 2019 | Proposed Development | SHMA 2019 | Proposed Development |
| 1 bed | 6% | 5% | 32% | 12% |
| 2 bed | 21% | 20% | 11% | 12% |
| 3 bed | 38% | 54% | 23% | 69% |
| 4 bed | 34% | 19% | 32% | 6% |

- 2.21 Whilst the current scheme is outline and the final mix of units may change, an appropriate final mix in line with details provided at this outline stage or other appropriate arrangement can be considered and secured at the time of a reserved matters application.

Design

- 2.22 The Framework emphasises that creating high quality places is fundamental to what the planning and development process should achieve. This includes that development should function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and effective landscaping; is sympathetic to the local character; establishes a strong sense of place; and is safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity for future users.

- 2.23 As an outline planning application, matters of layout, scale, appearance and landscaping are subject to reserved matters for subsequent consideration, but the submitted Design & Access Statement identifies a number of principles (as shown on the illustrative layout) that would inform that more detailed design stage. These include:
- an attractive landscaped gateway into the site;
 - creation of tree lined avenues;
 - retention of existing and planting of new native trees and boundary treatments;
 - a hierarchy of streets from a central spine road;
 - a focal space at the heart of the development, with landmark buildings (up to 2.5 storeys);
 - a range of densities across the site from up to 30 dwellings per hectare (dph) around the periphery of the built area to up to 40dph in the centre of the site;
 - permeable walking / cycling connections to existing public rights of way and Sandwich Road; and
 - linked areas of open space centred around the a LEAP in the western corner of the site, then extending along its rear and south eastern parts to create a linear park.
- 2.24 Overall, the design approach of the illustrative layout is considered appropriate and consistent with the Framework, providing a suitable basis to consider further details at reserved matters stage.
- 2.25 Matters relating to external lighting details have not been submitted, but would need to be appropriately considered at reserved matters stage once the final proposed layout of houses and surrounding spaces is known.
- 2.26 At an average density of 37dph, based on 117 dwellings, the proposed development is considered consistent with Core Strategy Policy CP4 in seeking at least 30 dph so to make effective use of deliverable land. Whilst Policy CP4 encourages higher densities above 40dph wherever possible, such a scheme is considered likely to be at too greater variance with the edge of settlement character of the site and its surrounding suburban context.
- 2.27 The Kent Police Designing Out Crime Officer has no objection to the proposed development subject to a condition which should include details of fences and gates; pedestrian routes; lighting; car parking layout to achieve natural surveillance; door and window specification; layout of play area; tree planting and landscaping; cycle and bin storage; and security during construction.

Open Space

- 2.28 LALP Policy DM27 requires residential development to provide sufficient on site open space or contribute towards off site facilities where that may be more appropriate, in relation to accessible green space, outdoor sports facilities, equipped play space and allotments.
- 2.29 Against the LALP standards, the amount of on site accessible green space (measuring 0.82ha) exceeds the minimum required; and a suitably sized and located play space (LEAP) is proposed. In terms of allotments, it is understood as there are none currently being delivered by the Parish Council a contribution is not required / necessary.

- 2.30 For outdoor sports facilities a contribution per size of dwelling is agreed with the applicant consistent with the Council's standard formula – 1-bed £208.43; 2-bed £353.01; 3-bed £438.08; 4-bed £542.38.

Landscape and Visual Impact

- 2.31 As a greenfield location on the edge of Sholden, development on the site inevitably will have a landscape and some visual impact upon its surroundings. CS Policy DM16 states that such development should only be approved where it can be sited to avoid or reduce the harm and/or design measures incorporated to mitigate the impacts to an acceptable level. This is consistent with Framework – that it is necessary for development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 2.32 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which considers such impacts of the proposed development.
- 2.33 In terms of landscape, the site is classified (by the Dover District Landscape Character Assessment (October 2020)) as falling within the 'Open Arable Chalk Farmland with Woodland' landscape character type and more specifically within landscape character area 'Northbourne'.
- 2.34 Key characteristics of the 'Northbourne' landscape character area include its gently rolling topography, numerous small blocks / belts of woodland that break up large arable fields; some wider views across the arable and mixed crop fields; a strong public right of way network, enabling access into the countryside; and views generally enclosed by woodland and the rolling topography.
- 2.35 The LVIA considers the more immediate landscape context of the site – that it does not represent the more characteristic distribution of woodland blocks and many of the historic field boundaries have been eroded over time. It notes that the established settlement edge and proximity to Sholden is clearly an influencing factor, and whilst open in nature the site is not a remote or intact landscape of recognised quality.
- 2.36 In this context, the LVIA considers the landscape to be of ordinary / common value and has a medium sensitivity and susceptibility to change. With the proposed development, the introduction of new dwellings would have a relatively localised and minor adverse impact once the landscape and boundary planting has matured.
- 2.37 The identified landscape planting across the site is considered very important, to establish / reinforce the south west and north west boundaries and so provide a greater degree of containment and screening. Whilst the proposals are submitted in outline, the illustrative layout shows how the development could provide adequate landscape mitigation, which can be secured through reserved matters.
- 2.38 In terms of visibility, the LVIA identifies that views to the north are largely limited by existing development opposite on Sandwich Road, the gently rising landform and layers of vegetation associated with Betteshanger Park. To the east, again the built edge of the existing settlement along Sandwich Road / London Road provides significant screening. To the south, some middle distance views could be available towards and from the upper reaches of St Martin's Church in Great Mongeham. To the west views of the site (without mitigation) do extend across the undulating landscape.

- 2.39 The LVIA undertakes a more detailed assessment of specific viewpoints from identified potential receptors. Of these, three viewpoints are selected from local roads; ten from public rights of ways (footpaths and bridleways); six from nearby residential properties; and others from public buildings or business premises including St Martin's Church and Cottingham Lakes.
- 2.40 Of these visual receptors, the greatest impact of the completed development is considered by the LVIA to be 'minor adverse' from the surrounding highway, public rights of way network and from the outlook of some neighbouring residential properties. From these viewpoints, the LVIA considers there will be some localised visual change, but notes that the development (of houses and associated landscape) would be characteristic of existing built form in the wider area.
- 2.41 With regard to St Martin's Church, the LVIA's more detailed assessment considers there to be no notable change in outlook as a result of the proposed development. Likewise, visitors to Cottingham Lakes would experience no notable change in experienced views.
- 2.42 Overall, the level of landscape and visual impact, and how that effects the overall character and amenities of the surrounding area, is considered to demonstrate that the site is capable of accommodating the proposed development without a level of unacceptable harm. This includes the landscape planting mitigation measures proposed to provide boundary screening and increase the assimilation of the scheme with the existing suburban character of the area. As such the development is considered to accord with Core Strategy Policy DM16.

Residential Amenity

- 2.43 For the proposed new homes, consideration of future levels of amenity, including privacy, outlook, levels of daylight and sunlight, garden size/private amenity space and overall size of each dwelling and its rooms, should be considered at reserved matters stage, rather than part of this outline application.
- 2.44 Given the site's edge of settlement location there are no immediate neighbouring properties whose residential amenity would be affected. The arrangement of the illustrative layout, with gardens backing onto the adjacent site to the east (with extant planning permission 19/00216) and retaining the mature common field boundary, indicates an acceptable amenity relationship between the two schemes.

Transport and Highways

- 2.45 CS Policy DM11 and the Framework aim to locate travel generating development where there is opportunity for walking, cycling and use of public transport.
- 2.46 The applicant's Transport Assessment identifies the pedestrian and cycling accessibility of the site to surrounding local facilities, including convenience shops, primary school, public house, village hall, church, and GP surgery. It also highlights the regular bus routes that pass the site along Sandwich Road, with regular services to locations including Sandwich, Deal and Dover.
- 2.47 As such, and in accordance with the consultation advice of KCC Highways, the site is considered suitably accessible by sustainable means of transport.

- 2.48 The applicant has confirmed agreement to upgrade the northwest bound bus stop shelter on Sandwich Road and the shelter and associated kerb / layby provision to serve the existing south east bound bus stop.
- 2.49 Sustainable modes of travel from the site would be encouraged through a Travel Plan, including the provision of bus tickets for each household upon first occupation, which can be secured by condition.
- 2.50 Principal vehicular access to the site would be from a new priority access onto Sandwich Road, including a right hand turn lane on the existing highway. KCC Highways has confirmed this arrangement to be acceptable, including that appropriate visibility can be provided.
- 2.51 To maintain the amenity and benefit of the existing foot and cycleway (Miners Way Trail) that runs along the southern side of Sandwich Road, it would be slightly realigned away from the bell mouth of the principal access to the site. This would be to enable pedestrians and cyclists crossing the junction to maintain priority over vehicles, as well as providing appropriate visibility. This is agreeable to KCC Highways.
- 2.52 In terms of trip generation and impact on the highway network, KCC Highways advise the peak hour traffic from the proposal is approximately 60 two way vehicle trips, which are unlikely to have a severe impact on the highway network (including the London Road/Manor Road roundabout junction) as an increase of some 2% to existing flows.
- 2.53 However, recognising the increase in traffic that would occur, the applicant has agreed to provide works to improve the flow of traffic along Mongeham Road (where the carriageway is of insufficient width for two vehicles to pass) by formalising the give way arrangement in favour of drivers coming from London Road. This should prevent vehicles queuing on London Road as they would have priority, when travelling southwards, through the narrow section of Mongeham Road.
- 2.54 Overall, it is considered that Core Strategy Policies DM11 and DM12, as well as transport provisions of the NPPF, are satisfied.
- 2.55 Core Strategy Policy DM13 (Parking Provision) requires that development provide a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. Such matters should however be considered at the subsequent reserved matters stage once a detailed proposed layout comes forward.

Built Heritage and Archaeology

- 2.56 The Heritage Statement that accompanies the application identifies designated heritage assets in the surrounds of the site, including the Grade II* listed Church of St Martin, the Grade II* Registered Northbourne Court Park and Garden, and the Grade I Listed Church of St Augustine, but considers the proposed development will have no impact upon their setting. DDC's Heritage agree.
- 2.57 In relation to archaeology, the site is in an area of archaeological potential associated with areas of extensive crop and soil marks in fields to the south-west and known Romano-British activity on the opposite side of London Road.
- 2.58 The applicant has agreed to carry out intrusive field investigation work to better understand what may or may not be beneath the site, but asks that this be a condition of the outline planning permission for the survey work to be undertaken before (and

then to inform) the submission of reserved matters. Given this outline application expresses the number of dwellings as an 'up to' figure, and there is opportunity to rearrange the built areas should any significant archaeology be found, this approach is considered a reasonable one. The risk that archaeology is found that necessitates significant alterations to the development proposals remains with the applicant.

Noise

- 2.59 The applicant's Noise Assessment considers that noise levels associated with traffic on the A258 have the potential (for those proposed houses closest to the road) to cause disturbance in habitable rooms when a partially opened window is relied upon for ventilation.
- 2.60 Therefore, as advised by DDC's Environmental Protection, final specifications of noise attenuation and appropriate ventilation measures, on a plot-by-plot basis, should be secured at reserved matters stage once a final site layout, internal layouts and glazed openings are known.

Air Quality

- 2.61 In respect of air quality, the applicant's Air Quality Assessment demonstrates that the proposed development would not result in exceedances of levels of nitrogen dioxide or particulate matter above objective levels at local receptor locations. The development would therefore have a negligible impact. DDC's Environmental Protection agree.
- 2.62 In respect of construction impact on air quality, the potential for generation of dust can be appropriately mitigated through a 'dust management plan' to be secured by condition.

Ground Conditions

- 2.63 A Phase 1 Geo-Environmental Assessment has been submitted and assessed by DDC Environmental Protection. The site has been determined as low risk for contamination; however as recommended by the applicant a further ground investigation, to be carried out to determine the absence of any contamination, any remediation if necessary, as well as to determine the suitability of any soils for re-use as part of the development, should be secured by condition.

Ecology

- 2.64 In relation to existing ecology on the site and wider area, the application is accompanied by an Ecological Assessment and Biodiversity Net Gain Assessment. Key findings of this report are that:
- no roosting bat habitat was found;
 - low levels of bat activity were recorded within the site;
 - no badger sets were found within the site. Whilst part of a set was found close to the eastern boundary, there would be no development within 30m of that;
 - no reptiles were found following survey work; and
 - wintering bird surveys identified no species associated with the nearby Thanet Coast & Sandwich Bay SPA and Ramsar site.
- 2.65 In this context, the Ecological Assessment and Biodiversity Net Gain Assessment offers measures of mitigation or enhancement including: a bat sensitive lighting

scheme; bird & bat boxes; habitat creation for reptiles and invertebrates;, and hedgehog accessibility (or 'highways') through walls and fences, with suitable boxes for shelter. These measures are welcomed, are consistent with paragraph 179 of the Framework that promotes the conservation and enhancement of ecological networks, and can be secured through condition.

- 2.66 The Ecological Assessment and Biodiversity Net Gain Assessment demonstrates how a biodiversity net gain would be achieved across the site – quantified as a 20% net gain in habitat units and 134% net gain in hedgerow units.

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

- 2.67 The impacts of the development are considered and assessed in this report. It is also necessary to consider 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.
- 2.68 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.
- 2.69 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. 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.
- 2.70 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.71 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. A contribution in accordance with the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy (of 1-bed £19.26; 2-bed £38.52; 3-bed £57.78; 4-bed £77.05) is therefore sought to this effect.

Drainage and Flood Risk

- 2.72 The site is located within Flood Zone 1, the area the Environment Agency considers

as the lowest risk of flooding.

- 2.73 In accordance with the Framework paragraph 169, major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 2.74 In relation to the proposed development, a Flood Risk Assessment and Sustainable Drainage Statement has been provided by the applicant, confirming infiltration drainage to be appropriate with the provision of a number of surface water drainage attenuation basins. KCC Flood and Water Management (as the Lead Local Flood Authority) agrees and raises no objection subject to conditions in respect of the final design and verification of the scheme to be approved.
- 2.75 With regard to foul water drainage, matters raised by the Parish Council and local residents that there are issues with foul waste are noted. The consultation comments of Southern Water, as responsible for foul drainage, are therefore crucial.
- 2.76 Southern Water considers the additional foul sewerage flows from the proposed development may lead to an increased risk of foul flooding from the sewer network, but advises it is working to provide sewer network reinforcement to provide additional capacity and address any existing issues.
- 2.77 Through working with the developer, Southern Water considers that sufficient infrastructure reinforcement for future development can be carried out within 24 months of the grant of planning permission, thus enabling development to be built at the same time.
- 2.78 It is therefore vital that occupation of the development (that would increase demand on foul water infrastructure) does not happen until such necessary reinforcement works are provided. To ensure this a planning condition is recommended, to be structured as follows:
- that no dwelling shall be occupied until any necessary sewerage network reinforcement work has been carried out to ensure that adequate wastewater network capacity is available to adequately drain the development; and
 - before occupation of development, details of the foul water drainage network to serve the development (including evidence of any network reinforcement works carried out), to demonstrate there is sufficient available capacity without increasing the risk of flooding on or off the site, shall be submitted to and approved in writing by the Council as local planning authority.
- 2.79 This condition meets the relevant planning tests in that it is necessary, relevant, precise, enforceable and reasonable in all other respects, and presents an appropriate way to ensure the development and infrastructure it is reliant on are delivered in orderly/timely manner.

Section 106 Contributions

- 2.80 Policy CP6 of the Core Strategy emphasises that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 2.81 In light of the consultation responses received and planning assessment above, the

following obligations are required to be secured through a s.106 agreement:

Table 2 s.106 Contributions

| Matter | Contribution |
|---|---|
| Secondary education | £4,540 per dwelling (excluding 1-bed units less than 56sqm) |
| Community learning | £16.42 per dwelling |
| Youth service | £65.50 per dwelling |
| Library bookstock | £55.45 per dwelling |
| Social care | £146.88 per dwelling |
| Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy | Per dwelling: <ul style="list-style-type: none"> - 1-bed £19.26 - 2-bed £38.52 - 3-Bed £57.78 - 4-bed £77.05 |
| Outdoor sports facilities | Per dwelling: <ul style="list-style-type: none"> - 1-bed £208.43 - 2-bed £353.01 - 3-Bed £438.08 - 4-bed £542.38 |
| Affordable housing | 30% affordable housing; split 70/30 affordable rent / intermediate. Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage |
| Bus stop shelter | Provision of new shelter to serve north west bound bus stop on Sandwich Road / London Road closest to the site Provision of a new or relocated shelter as well as improvements to the layby and kerb facilities for the south east bound bus stop on Sandwich Road / London Road closest to the site |

- 2.82 Whilst a waste contribution has also been requested from KCC, the basis for this has still to go through a wider consultation process including with DDC as local planning authority. Thus on this basis the request cannot be confirmed to meet the required tests to justify any planning obligation and will not be sought for the proposed development
- 2.83 Other infrastructure improvements to the highway network can reasonably be secured via condition requiring the applicant to enter into a s.278 agreement to carry out those works before occupation of development:

- improvements to the surface of the Miners Way Trail along Sandwich Road in the vicinity of the site; and
- works to improve the prioritisation of vehicles along the narrowed section of Mongeham Road, to reduce the likelihood of vehicles queuing on London Road.

3. Conclusion

- 3.1 In light that policies that are most important for determining this application are considered out of date in respect of the delivery of housing and associated settlement boundaries, this planning application for the proposed development should be considered in respect of the 'presumption in favour of sustainable development' as set out at paragraph 11d of the Framework.
- 3.2 This requires that planning permission be granted unless (i) the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the application or (ii) the adverse impacts of doing so (in granting planning permission) would 'significantly and demonstrably' outweigh the benefits.
- 3.3 In respect of (i) this planning assessment demonstrates that no assets of particular importance (including sites of national or international importance for wildlife / ecology, the AONB or any designated heritage asset) would be adversely affected by the proposed development.
- 3.4 For (ii), the proposed development would deliver a range of benefits including new market and affordable housing to which significant weight should be attached; new public open space for the benefit of existing and new residents alike; a net gain in biodiversity; improvements to the Miners Way Trail and public rights of way network; and a range of positive economic measures through the construction phase and occupation of the houses. Against these benefits, whilst some harm of the proposed development is identified through the loss of some 'best and most versatile agricultural land' and impact on the character of the landscape and visual amenities from views towards the site, these are considered to not 'significantly and demonstrably' outweigh the benefits of the scheme (when assessed against the Framework as a whole) such that planning permission should be refused.
- 3.5 It is therefore recommended that planning permission be granted as set out below.

g) Recommendation

I That PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions set out above (Table 2) and subject to the following conditions to include:

- 1) Reserved matters details – layout, scale, appearance and landscaping
- 2) Outline time limit
- 3) Approved plans

Pre-Reserved Matters

- 4) Archaeological field investigation – in accordance with details to be submitted and approved; and then findings to be submitted and verified before submission of any reserved matter application

Pre-Commencement

- 5) Intrusive ground investigation surveys and risk assessment
- 6) Details of and verification of ground remediation (if necessary)
- 7) Unforeseen contamination
- 8) SuDS detailed design
- 9) Environmental and Transport Construction Management Plan (including dust suppression)
- 10) Noise attenuation and ventilation measures to achieve appropriate internal and external levels
- 11) Public rights of way management and improvement scheme to be submitted and approved
- 12) Tree / hedge protection measures
- 13) Secured by design measures
- 14) A scheme of ecological mitigation and enhancement measures to be approved
- 15) Details to achieve at least a 10% net gain in habitat units across the site

Highways conditions

- 16) Details of visibility splays of principal access onto Sandwich Road before commencement
- 17) Completion of principal access and separate footway/cycleway connection before occupation
- 18) Completion of improvement works to Mongeham Road before occupation of development, in accordance with s.278 agreement
- 19) Scheme of electric vehicle charge to be approved before commencement
- 20) Completion of highway infrastructure for each dwelling before occupation
- 21) Improvements to the Miners Way Trail in accordance with s.278 agreement

[other matters relating to provision of car and cycle parking, street lighting, bin storage, gradients, street furniture etc. to be addressed at reserved matters stage]

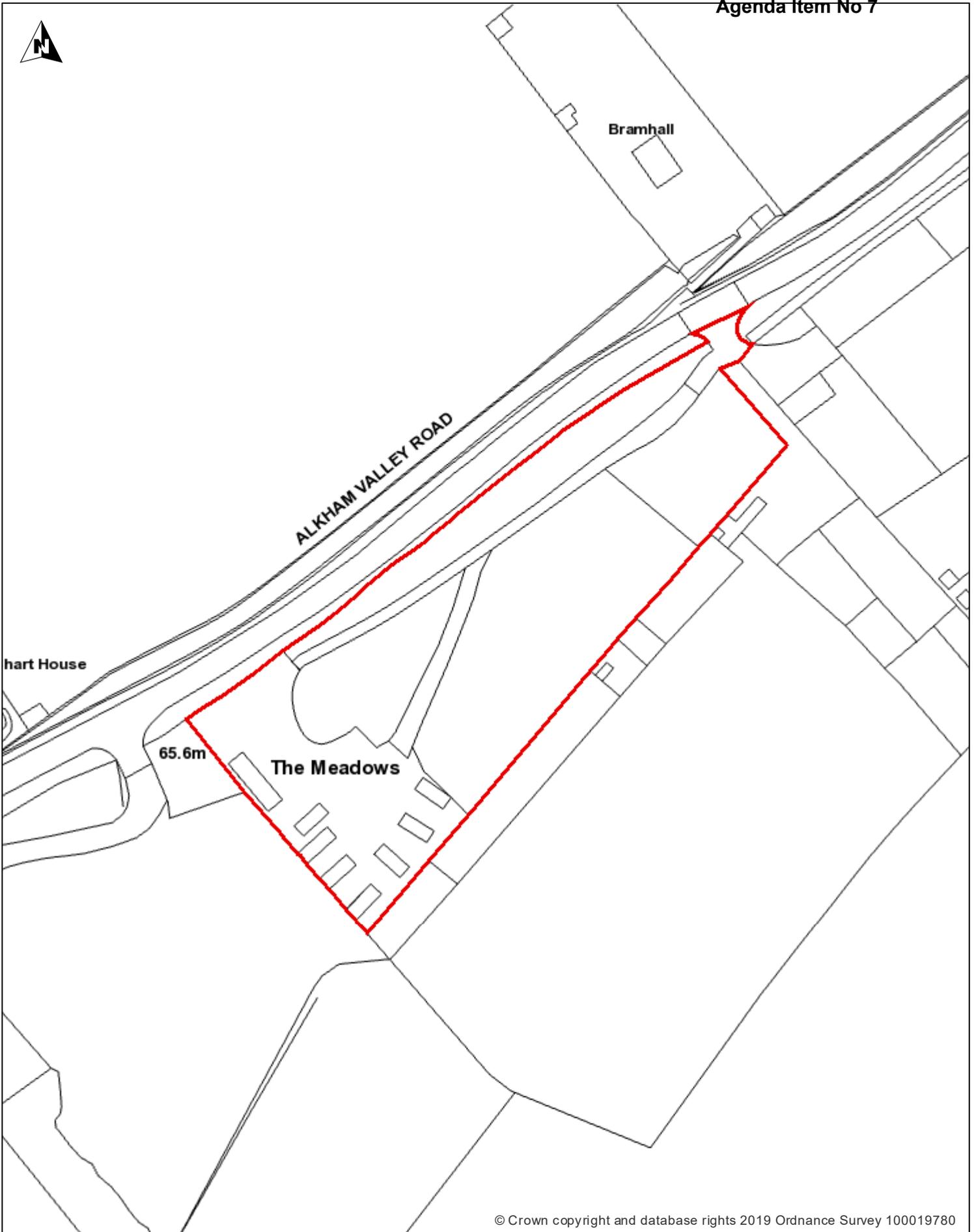
Pre-Occupation

- 22) No development shall be occupied until any foul water drainage network reinforcement, to ensure sufficient network foul water capacity is available to adequately drain the development, has been carried out
- 23) Details of equipment for children's play area
- 24) Travel plan
- 25) Landscape management plan

- 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 Somerville



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 10 additional static caravans for Gypsies and Travellers; 2 touring caravan pitches; 1 day-room; creation of 24 parking spaces (including the touring caravan car parking); hardstanding and associated infrastructure - Meadows Caravan Site, Alkham Valley Road, Alkham**

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**

During the progress of this application, the description of the application was amended, which resulted in a further round of consultation. The initial and any consequent responses received are set out as follows.

Environment Agency: The proposal has a low environmental risk – no comments are made. No further comments are made upon re consultation.

Kent Highways: No objection subject to resolving two issues – which can be achieved through the imposition of conditions. No further comments are made upon re consultation.

KCC: Seeks financial contributions towards school infrastructure. (Officer Response – not minded to seek this 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 18 other responses received from the public consultation exercise; 3 are neutral, 9 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.
- A Highway Condition imposed on the 2009 permission has not been complied with.
- Loss of hedgerow and landscaping of the site.
- The proposal lacks amenities.
- The proposal does not provide proper gypsy pitches.
- The location of the site is not sustainable.

The applicant's agent has responded in full to one of the letters that raises objections.

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, in effect, 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 10 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

Assessment

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 historically been recognised (taking into account other benefits/factors associated with the use) as being a suitable 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. In this case however, the existing

use of the site (use and appearance) is a material consideration. It's also relevant to note that the location is accessible to and from nearby facilities and adjoins an existing hamlet.

- 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 is 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 not yet 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 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.

Planning Balance

- 2.19 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 (who are intended for the additional pitches) will continue to form part of the local community.
- 2.20 The additional pitches ('housing') on this site would also help sustain and support the vitality of local services at the hamlet, nearby village and surrounding area, which is also promoted in the NPPF.
- 2.21 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.

3. **Conclusion**

- 3.1 In conclusion, it is considered that the site, by reason of its specific characteristics, including its authorised use and proximity to local services, including the need to meet a 5 year supply of gypsy and traveller pitches in the district, represents 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.
- 3.2 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

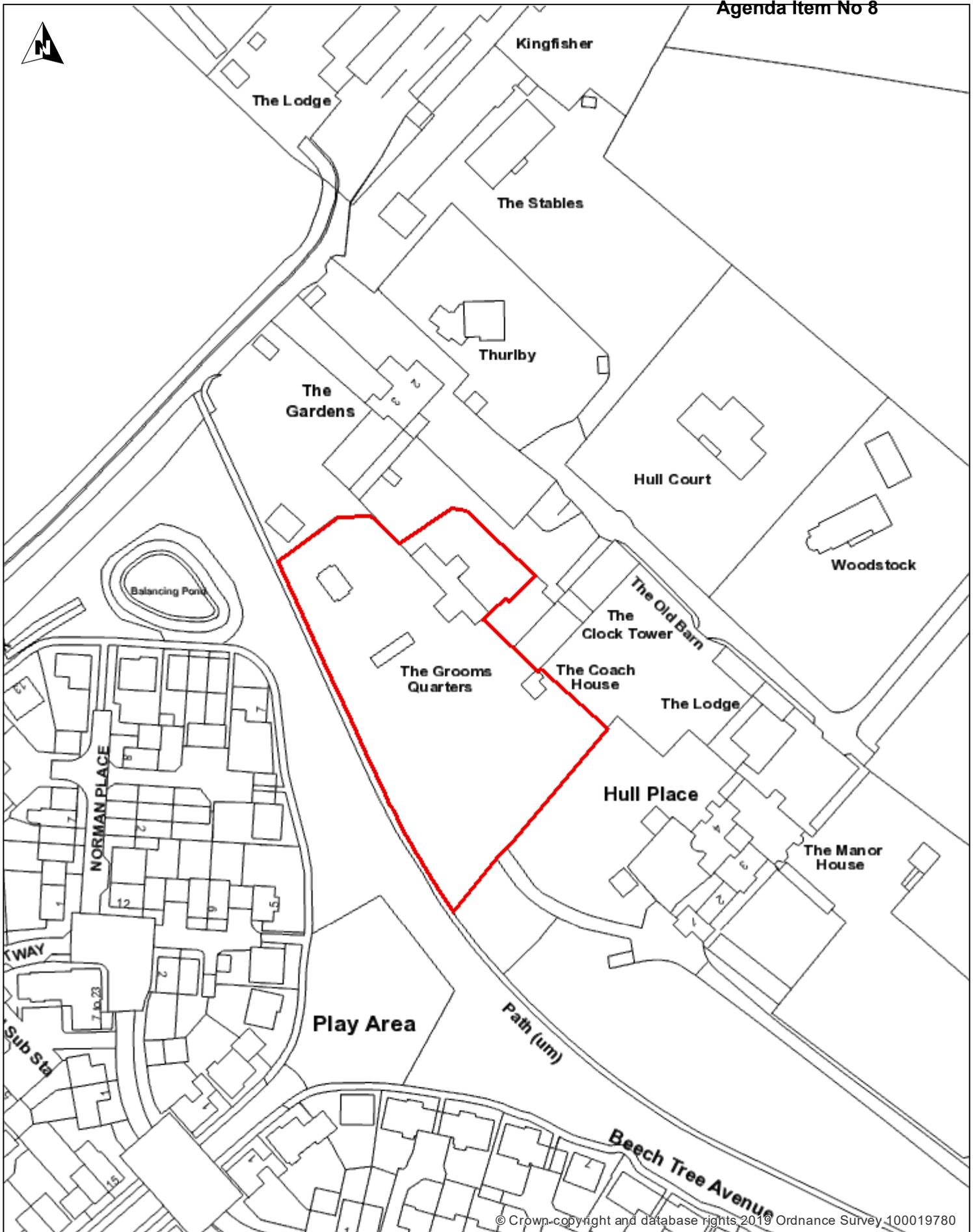
- I PERMISSION BE GRANTED subject to the imposition of the following Conditions:
- i) The development hereby permitted shall be carried out in accordance with the submitted Drawings
 - ii) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Department 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



21/00874

The Grooms Quarters
Hull Place, Sholden
CT14 0AQ

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/21/00874 – Change of use and conversion to holiday let, to include external alterations and associated parking (part retrospective) - The Groom’s Quarters, Hull Place, Sholden**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will not be permitted on land outside the urban boundaries and rural settlement confines unless specifically justified by other development plan policies, or it is functionally requires such a location, or it is ancillary to existing development or uses.
- DM4 – Beyond settlement confines, permission will be granted for commercial uses if the building to be re-used or converted is of suitable character and scale for the use proposed and would contribute to local character and be acceptable in other planning respects.
- DM11 – Seeks to contain travel generation to within the settlement confines.
- DM15 – Seeks to protect the character and appearance of the countryside.

National Planning Policy Framework 2021 (NPPF)

- Section 6 seeks to build a strong, competitive economy. Decisions should enable the sustainable growth and expansion of all types of business in rural areas. Both through conversion of existing buildings...and enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and through providing safe and accessible places.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Section 15 seeks to conserve and enhance the natural environment and recognise the intrinsic character and beauty of the countryside.

The Kent Design Guide (KDG)

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

National Design Guide 2019

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

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan 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**

20/00577 – Granted, for the erection of a detached garage (part retrospective)

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

Parish Council: Raises objections in support of the other responses that have raised objections and queries the ownership of the site access.

Kent PROW: No comments.

Other Public Representations: There have been 6 other responses received from the public consultation exercise, raising objections and concerns with the application. These are summarised as follows:

- The application building is too close to other residential properties
- The proposal would increase noise levels and disturbance within the immediate area
- The proposal represents an overdevelopment of the site
- There would be an increase in traffic
- The parking area overlaps onto an existing access and right of way
- The hardsurfacing of the access into the site is not in the application site
- The proposal would not be supported by sewerage and water supplies

1. **The Site and the Proposal**

1.1 The application building is a single storey detached outbuilding, within the garden of the dwelling (The Grooms Quarters) which was last in use as a storage area/garage. The building has recently undergone changes to its external appearance and the internal floorspace has been refurbished. The building has a roughly square form with a half-hipped pitched roof. It is finished in black, vertical cladding under a slate covered roof. The internal floorspace has been converted to be ready to be used for living accommodation – having a mainly open plan, layout, with a mezzanine floor on one side containing a double bed.

- 1.2 The building is within the grounds of the dwelling -The Grooms Quarters. This has its principal elevation facing north east towards an access that serves other residential properties to the north and west. A separate access to the side/rear garden of the main house leads from the shared access and a parking court. The topography of the land rises from the access into the side/rear garden. Within the garden area, close to the application building, there are areas for car parking.
- 1.3 Within the garden area there is another outbuilding/garage which was granted permission in 2020, a pergola, hot tub and swimming pool. The doors in the rear elevation of the house lead onto the swimming pool.
- 1.4 To the west along the boundary of the application site there is a degree of vegetation that helps to screen views from the footway on the west side of the garden boundary and from the newly constructed housing estate.
- 1.5 The application site falls within the Hull Place Estate. Hull Place is an early 18th Century Manor House located east of the application site. This has been converted into dwellings. Within its former grounds, there are a number of older outbuildings now converted into dwellings, and newer buildings, constructed as dwellings. The Coach House and Stable Block building is located to the south east of the application site and is a Grade II listed building.
- 1.6 The application proposal seeks to re-use an existing building as holiday let accommodation. The accommodation will have a double bed on a mezzanine floor and an open plan layout. Access to the building is through the door on the front elevation – which faces onto the car parking area and access.
- 1.7 The garden of the house is intended to also serve the guests of the proposed accommodation – who will have access to the hot tub and swimming pool.
- 1.8 A small business plan has been submitted. It is anticipated that the letting of the building would meet the costs of converting/refurbishing the building within some 4 years.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity
- Other Issues

Principle of Development

2.2 The application site falls outside the urban area of Deal where Policy DM1, subject to exceptions (see DM4 below) seeks to restrict development.

- 2.3 The building has historically been used for purposes ancillary to the main house and the intended imposition of the planning condition will limit the occupation of the building so that it is not used as an independent dwelling - and as such will retain a connection with the function of the main house on the site. This weighs in favour of the application.
- 2.4 Policy DM4 allows the conversion of buildings within the countryside for commercial uses. The application building is of permanent construction, it has a modest scale, and it appears as an outbuilding within the grounds of an existing house. As such, the building and its proposed use are considered to meet the criteria set out under Policy DM4. This weighs in favour of the application.
- 2.5 Policy DM11 seeks to limit travel demand outside the urban and settlement boundaries. This weighs against the application. However, the Policy's blanket approach to resist development which is outside the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. As such, less weight can be applied to this policy in the determination of the application.
- 2.6 Paragraph 84 of the NPPF supports new businesses through the conversion of existing buildings within the rural area. In addition, the location of the application, although not within the urban boundary of Deal, is suitably close to Sholden and Deal to be considered in a reasonably sustainable location within easy access of local amenities, facilities, public transport and shops – which also meets the requirements set out in Paragraph 84 of the NPPF.
- 2.7 In view of the support for the proposal in the NPPF, and Policy DM4 of the Core Strategy, it is considered that the proposal is acceptable in principle.

Impact upon Character and Appearance

- 2.8 The proposed change of use seeks to retain the building with some changes to its external elevation. The building is located within the garden area of the house and the future guests will use the same means of access, parking area, garden and facilities that are currently used by the applicant's household. In essence therefore, there would be very little change to the residential character and appearance of the site and the surrounding area – albeit there will be a small increase in the number of people on the land.
- 2.9 The garden and grounds of the house are quite generous in size and there is space to accommodate a slight increase in users of the land not to give rise to any obvious or material over-occupation or intensification of the land that might affect the prevailing character and appearance of the area.
- 2.10 As such, it is considered that the prevailing character and appearance of the countryside, and the setting of the Hull Place Estate, would not be materially affected.

Impact upon Residential Amenity

- 2.11 The application building has undergone small elevational changes. The guests will use the garden area of the host house. It is not considered that the increased use of the building or the garden will be material to the extent of warranting a refusal of planning permission.
- 2.12 This limited impact also applies to the use of the driveway through the Hull Place Estate to reach the site and turning into the site from an existing parking court.

Other Issues

- 2.13 The changes to the existing building and the occupation of this building are suitably separate from the designed heritage assets not to give rise to any material impact upon their setting. As such, the setting of the listed buildings would be preserved to meet the statutory requirements of Section 66 of the Principal 1990 Act.
- 2.14 The concerns expressed through the responses to the consultation have been taken into account. For the reasons stated above, it is not considered that additional noise from the use of the building and garden will give rise to undue levels of noise and disturbance that would be unduly harmful to residential amenity.
- 2.15 The matters raised about access and works to provide hardstanding outside the application site are not material considerations in the determination of this application.

3. Conclusion

- 3.1 The proposal seeks to re-use an existing building for holiday letting accommodation. It is considered that the proposal is acceptable in principle and, in the absence of any material harm, the proposed use should be supported as a benefit to the local economy within a reasonably sustainable location.

g) Recommendation

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

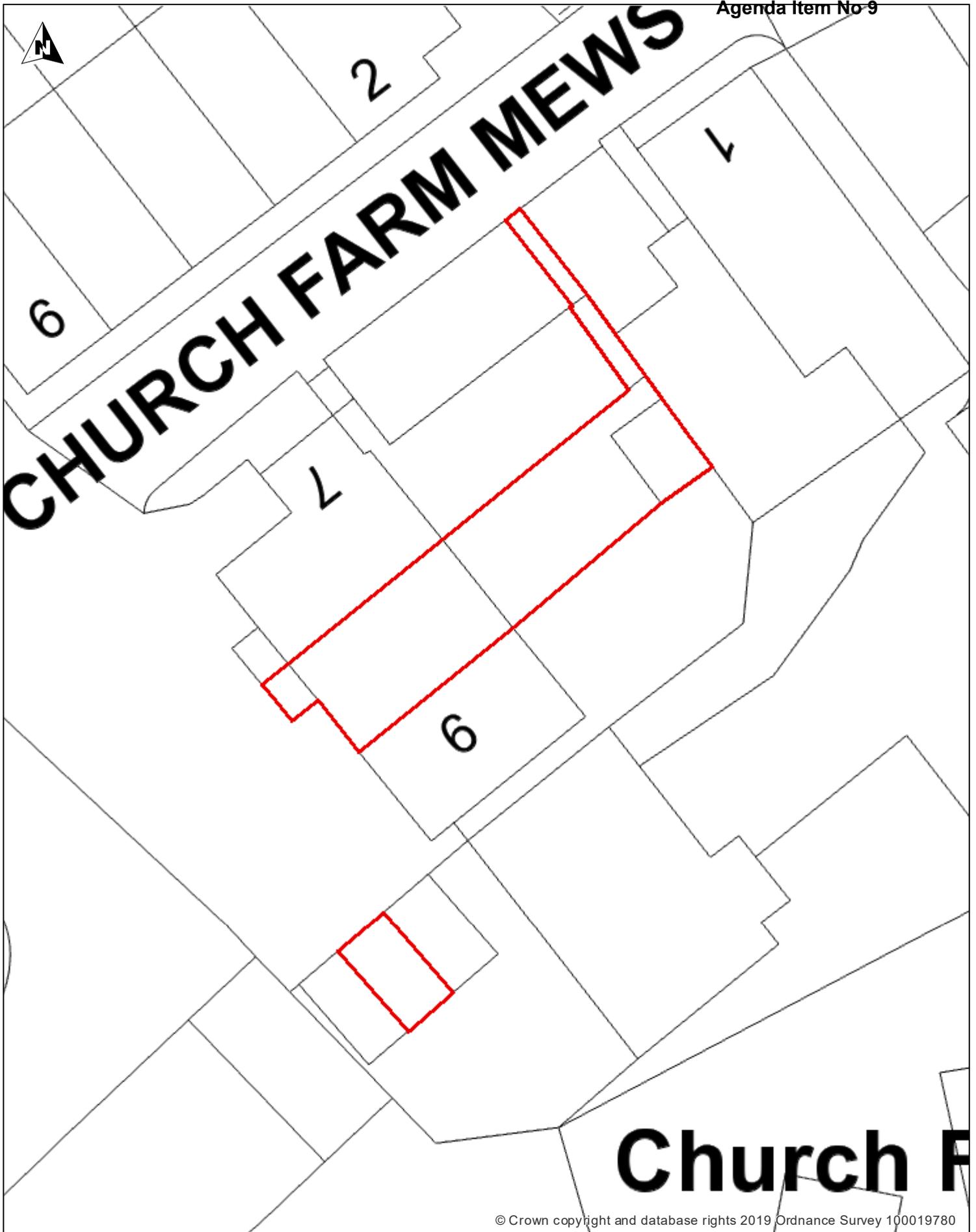
- i) The layout of the building to be in accordance with the submitted drawings.
- ii) The application building shall not be used or occupied for any purpose other than as holiday accommodation by persons

whose only, or principal, home is situated elsewhere. A written log for each period of occupation, which shall include the name and permanent address of the occupants, and the period of their occupation shall be kept for a period of two years following the occupation of the holiday accommodation hereby permitted. This log shall be made available for inspection on demand at any reasonable time by any Officer of the Local Planning Authority.

- 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



20/01008

8 Church Farm Mews
The Street, East Langdon
CT15 5FE

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/20/01008 – Erection of an outbuilding (retrospective) - 8 Church Farm Mews, The Street, East Langdon**

Reason for Report: Six contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

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

National Planning Policy Framework (2021) (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 seeks to achieve sustainable development.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 130 requires that planning policies should ensure that well-designed places are achieved, with the creation of high-quality buildings that create a high standard of amenity for existing and future users
- Paragraph 170 requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

Kent Design Guide

National Design Guide

d) **Relevant Planning History**

Original Planning permission – 05/01442 - Erection of 9 dwellings, 2no. covered parking structures, associated car parking, alterations to existing vehicular access and creation of pedestrian access, erection of stable block, restoration of pond and erection of means of enclosure and ancillary works (existing barns to be demolished) - Granted

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

Langdon Parish Council – objection – recommended the following solutions:

- Paint the building black to blend in with surrounding properties
- Move outbuilding away from boundary
- Increase height of fence to screen office from view
- Assess light pollution form outbuilding
- Reroute rainwater guttering

County Archaeologist - no archaeological measures are required

Third Party Comments - A total of five individuals have raised objections to the proposal summarised as follows:

- Too high when adjacent to boundary
- Noise pollution
- Light pollution
- Materials are inappropriate
- Replaces shed which was much smaller
- Breach of covenant
- Poor communication about build

In addition, thirty letters of support have been received, raising the following points:

- The owners need additional space
- The design and materials used are appropriate to the area
- Does not overlook neighbouring property and is only slightly taller than fence
- Fit for desired purpose
- Flat roof is similar to that seen on other nearby properties
- Materials will weather in, in time
- Replaces a rotten shed and is further away from the boundary than the shed
- Would be permitted development

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

1.1 The application relates to a two-storey terraced dwelling on the southeast of Church Farm Mews in East Langdon. This property is finished in black timber cladding with a tiled roof.

1.2 The site is within the village confines of East Langdon. The principal elevation of the property faces towards a parking area within Church Farm Mews.

1.3 8 Church Farm Mews is attached to 7 Church Farm Mews to the northwest and 9 Church Farm Mews to the southeast. It is also bounded by 1 Church Farm Mews to the northeast. The area comprises a quiet, well established residential area.

1.4 The application is for a single storey outbuilding to the northeast of the main dwellinghouse. The outbuilding has already been constructed and measures 4.6 metres wide by 3.2 metres deep at its narrowest point and 4.2 metres at its deepest

with a maximum height of 2.5 metres. The outbuilding has created a home office and has been finished in vertical western red cedar cladding with the roof finished in rubber single ply membrane with aluminium clad black overhang. The door and window are aluminium.

2 Main Issues

2.1 The main issues for consideration are considered to be:

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

Assessment

Principle of Development

2.2 The site is located within the settlement confines and the creation of ancillary residential accommodation in this location would accord with Policies CP1 and DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations.

Character and Appearance

2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Furthermore, paragraph 170 states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside'.

2.4 The outbuilding is not visible from the public highway or from surrounding areas due to its location within the rear garden. The outbuilding replaced a shed which sat on a similar footprint to the new outbuilding.

2.5 The outbuilding has been finished in vertical western red cedar cladding. While different from surrounding finishes, the manner in which this natural material is used, creates a soft/clean finish which is not unattractive to the eye. In addition to the prevailing boundary screening, which partially screens the building from neighbouring gardens, it's not considered that the appearance of the outbuilding unduly jars with the prevailing character such that it is harmful or injurious to the visual quality of Church Farm Mews.

2.6 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context.

Residential Amenity

2.7 The nearest property to the proposed extension is 1 Church Mews. This is to the northeast of the application site and sits at a lower ground level than the application site. There are no windows located within the rear elevation of the outbuilding, thereby preventing the potential for any overlooking to the property. The shed which sat on this footprint previously spanned most of the width of the garden and was on the boundary of 1 Church Mews. The new outbuilding is set slightly away from the boundary by approximately 0.5 metres. The height of the outbuilding is 2.5 metres,

half a metre taller than the existing fence which is set along the boundary line. The additional height is noticeable and the change in ground level does make the outbuilding more visible when viewed from 1 Church Farm Mews. That said, taking into account the 0.5m set off from this boundary and the 'soft' wood appearance of the structure, the on-balance view is that the outbuilding does not result in unacceptable visual intrusion and/or an overbearing impact on the living environment within this property sufficient to warrant the refusal of planning permission.

- 2.8 The other properties which share a boundary with the host dwelling are 7 and 9 Church Mews. The footprint of these properties are at least 10 metres away from the outbuilding, which is located at the end of the garden. The rear of these properties and their immediate garden areas are considered to be at a suitable distance so as to not experience an overbearing impact, overshadowing or any loss of privacy from the outbuilding.
- 2.9 I do not consider there would be any harm to the residents of these properties caused by this outbuilding. Photographs will be shown at the committee meeting to convey the appearance of the building from the neighbouring properties.
- 2.10 Third parties have raised a couple of queries which require consideration. Firstly, given the limited scale of the building, it is not considered that any significant light pollution would be caused. Likewise, it is unlikely that any significant noise would be generated from the outbuilding, given its limited size. Secondly, the roof would fall from south west to north east, with the north eastern elevation set away from the boundary by 0.5m. Consequently, any guttering would overhang the garden of the host property, rather than a neighbour. Finally, neighbours have commented that the outbuilding may breach covenants. Covenants are not material to the assessment of planning applications and cannot, therefore, be taken into account. Instead, any breach of covenant would be matter between the parties.

3. Conclusion

- 3.1 The outbuilding for use as a home office, due to its design and appearance, would not be out of keeping with the immediate character of the surrounding area. The building is quite discreet, not being readily seen from any public vantage point. Furthermore, for the reasons outlined above, while the proposal will have some impact on adjoining occupiers, the conclusion is that this impact (in respect of overshadowing, overbearing or loss of privacy) does not cause harm sufficient to justify the refusal of the application. Consequently, the proposals would not conflict with the overarching aims and objectives of the NPPF.
- 3.2 I therefore recommend planning permission be granted.

g) Recommendation

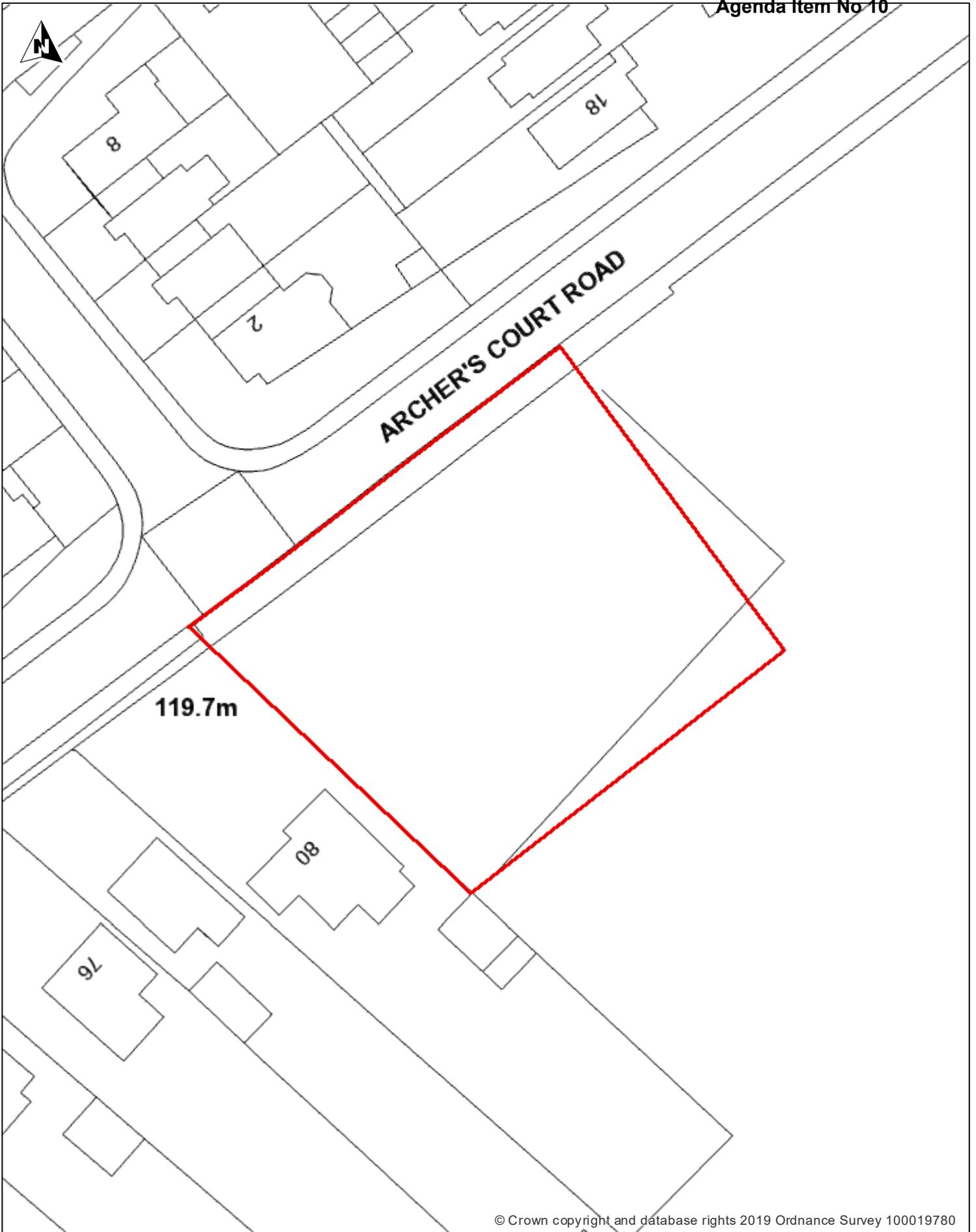
I Planning permission be GRANTED subject to the imposition of the following conditions:

- (1) 3-year time limit for commencement,
- (2) compliance with the approved plans
- (3) No openings on northeast elevation
- (4) Use of the outbuilding to remain incidental to the residential use of 8 Church Farm Mews.

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

Case Officer

Amber Tonkin



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 2.4-metre and 3-metre 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 (Consideration of the application was deferred by the Planning Committee at its meeting held on 12 August 2021)

b) **Summary of Recommendation**

Subject to the matters set out in part g) of this report, Permission be given.

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/10/1010, 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 15th 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 10th 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 19th 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 20th 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.

Further comments received 4th August 2021:

No objection, subject to conditions. Whilst there will clearly be vehicular trips associated with visits to the convenience store the vast majority of these visits are likely to be from drivers already passing by the site, visiting as part of a linked journey, diverting from an existing journey, or transferring their custom from an existing store. Vehicular trips are also likely to be spread across the several routes available to/from the store. There is also likely to be a reduction in existing trips through the Archers Court Road/Sandwich Road junction due to customers transferring their custom from existing stores in the locality. The Retail Impact Assessment submitted also identifies that 75% of custom will ultimately come from residents of the nearby Whitfield Urban Extension (WUE), who are likely to access the store on foot or bicycle rather than drive the significant distance required to gain access by car from Archers Court Road. In this respect the proposals include a footway connection along Archers Court Road, between the store and the footpath connection to the new school and wider WUE site. This also provides a link to the recently completed crossing facility in Archers Court Road.

Taking all of the above into account the proposals are unlikely to generate a significant increase in vehicle trips on the wider highway network or have a severe impact in capacity terms.

The proposed accesses to the site are acceptable, providing adequate visibility and width. The northern access is for customers to enter/exit the site and is located so as not to create a crossroads arrangement with Cranleigh Drive, thereby removing the associated conflicting vehicle movements. The southern access will be for delivery vehicles only and will be gated when not in use. Whilst this access is opposite the Cranleigh Drive junction, the number of movements will be minimal and is acceptable.

Car parking is provided within the site to an acceptable level based on likely demand, together with cycle parking.

Construction activities and the associated movement of HGV's and parking for site personnel can be controlled through a Construction Management Plan secured by condition.

Further comments received 20th August 2021 (after the scheme was amended):

I refer to the amended plans submitted for the above on 17th August and note the relocation of the proposed loading bay. A swept path diagram is required to demonstrate how delivery vehicles will access/egress this new location.

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.

Further comments received 18th August 2021 (after the scheme was amended):

Environmental Protection have no further comments following earlier email dated 21/07/20.

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

There have been no further public representations since the application was presented to planning committee on 12th August 2021.

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 372m² (244 m² 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.

- 1.4 This application was presented to Planning Committee on 12th August 2021 with a recommendation for approval, subject to conditions. At the meeting, Members resolved to defer determination of the application to:

- (1) allow officers to explore a revision of the plans with the applicant;
- (2) for further details of the delivery management plan; and
- (3) to request that the Environmental Health Officer attends the meeting.

Amendments have now been received which relocate the delivery bay to the left-hand side of the building (previously located to the right-hand side of the building).

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 372m² (244 m² 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. The scheme has been amended such that the building is now well separated from No.80, following concerns by members of the committee regarding the potential impacts on the residential amenity of the occupiers of No.80. As a result of this, the building would not appear cramped within the plot.
- 2.20 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.
- 2.21 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.

- 2.22 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

- 2.23 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. This application was presented to planning committee on 12th August 2021. Members of the planning committee deferred the application, in part due to concerns regarding the impact of the development on the living conditions of the occupiers of No.80. Since then, the application has been amended, with the delivery bay relocated from the south western side of the retail unit to the north eastern side (i.e. further away from No.80). consequence of this is that the building itself would be closer to the boundary with No.80.
- 2.24 The proposed building would be 2m from the boundary of No.80 (previously 9m) and 5.3m (previously 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. A 1.8m high acoustic absorptive fence would be constructed just off the boundary with No.80, allowing for the retention of an existing hedge. Due to the relocation of the building closer to No.80, the upper parts of the building, including its roof, would be visible over the boundary fence. However, it is not considered that this would cause significant loss of light or sense of enclosure, due to the limited height of the building and the separation to the boundary. 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.
- 2.25 Given the proximity of the development to number 80 it is necessary to consider the effect of noise on the occupants this that property. This was a particular concern to members of the Planning Committee when the application was discussed at the meeting in August. Since that meeting, the scheme has been amended, such that the loading bay and plant area (the areas likely to generate greater noise) would now be significantly further from the boundary of No.80. 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 6.3m from the dwelling itself. The loading bay would be 33m from the boundary with No.80 (the previous scheme sited the loading bay 6.5m from the boundary). The plant area would be 31m from the boundary with No.80 (the previous scheme sited the plant area 2m from the boundary). It is still proposed to erect a 2.4m high acoustic absorptive fence around the

plant area. Finally, the ATM would be around 23.5m from the boundary with No.80 (previously 20m from the boundary). 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.

- 2.26 The application, as originally submitted, was 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. 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 to mitigate noise impacts. The submitted report concluded that, 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. This report has not been updated following the amendment of the application, however, the noisier parts of the site are now significantly further from the nearest neighbouring property and the noise mitigation measures originally outlined are still to be provided. 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.
- 2.27 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.
- 2.28 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.
- 2.29 For the reasons set out above, it is not considered that the development would have an unacceptable impact on living conditions.

Impact on Local Highway Network

- 2.30 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.
- 2.31 The proposal includes two vehicular accesses. It is proposed that the western access would provide access for delivery lorries, with the eastern access be 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. In accordance with advice from KCC, tracking plans have been provided which demonstrate that a 12.2m (26T) rigid delivery vehicle could access and exit the relocated delivery bay in a forward gear, even when cars are parked. Visibility out of these accesses would be acceptable, each achieving 43m by 2.4m by 43m.
- 2.32 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.

- 2.33 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.
- 2.34 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

- 2.35 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

- 2.36 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

- 2.37 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

- 2.38 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.
- 2.39 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.
- 2.40 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

- 2.41 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 provided 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 to 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.

- 2.42 At the planning committee meeting of 12th August, members resolved to defer the application for three reasons. The first of these was to allow officers to explore a revision of the plans with the applicant. The applicant has been forthcoming and has amended the scheme in accordance with the comments of members. The second reason was to allow for further details of the delivery management plan to be provided. The applicant has confirmed that the largest delivery vehicles will be 12.2m (26T) rigid delivery vehicle and not articulated lorries. These would visit the site between two and four times per day; one to two per day delivering ambient, fresh, frozen and milk products and one to two delivering bread (between 7am and 8pm Monday to Saturday and between 7am and 5pm Sundays and Bank Holidays). In addition, up to one Transit-type van and one Luton-type van would visit per day to deliver newspapers/magazines and sandwiches respectively (between 6am and 10am). Deliveries will be managed to ensure that no more than one vehicle delivers goods at any one time. The applicant has also confirmed that delivery vehicles would access the site via the A2 and Archers Court Road. The final reason for deferment was to request that the Environmental Health Officer attend the next meeting. The Environmental Health Officer has been asked to attend the next meeting but, at the time of publication, your officers are awaiting confirmation.

3. **Conclusion**

- 3.1 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.
- 3.2 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.
- 3.3 It is therefore recommended that permission be granted.
- 3.4 At the time of presenting this report, the public advertisement period relating to the most recent set of plans is due to expire 20th September. Any relevant comments received therefore will be reported verbally to committee. The recommendation at g) below is also framed to account for the imminent expiry of the advertisement period.

g) **Recommendation**

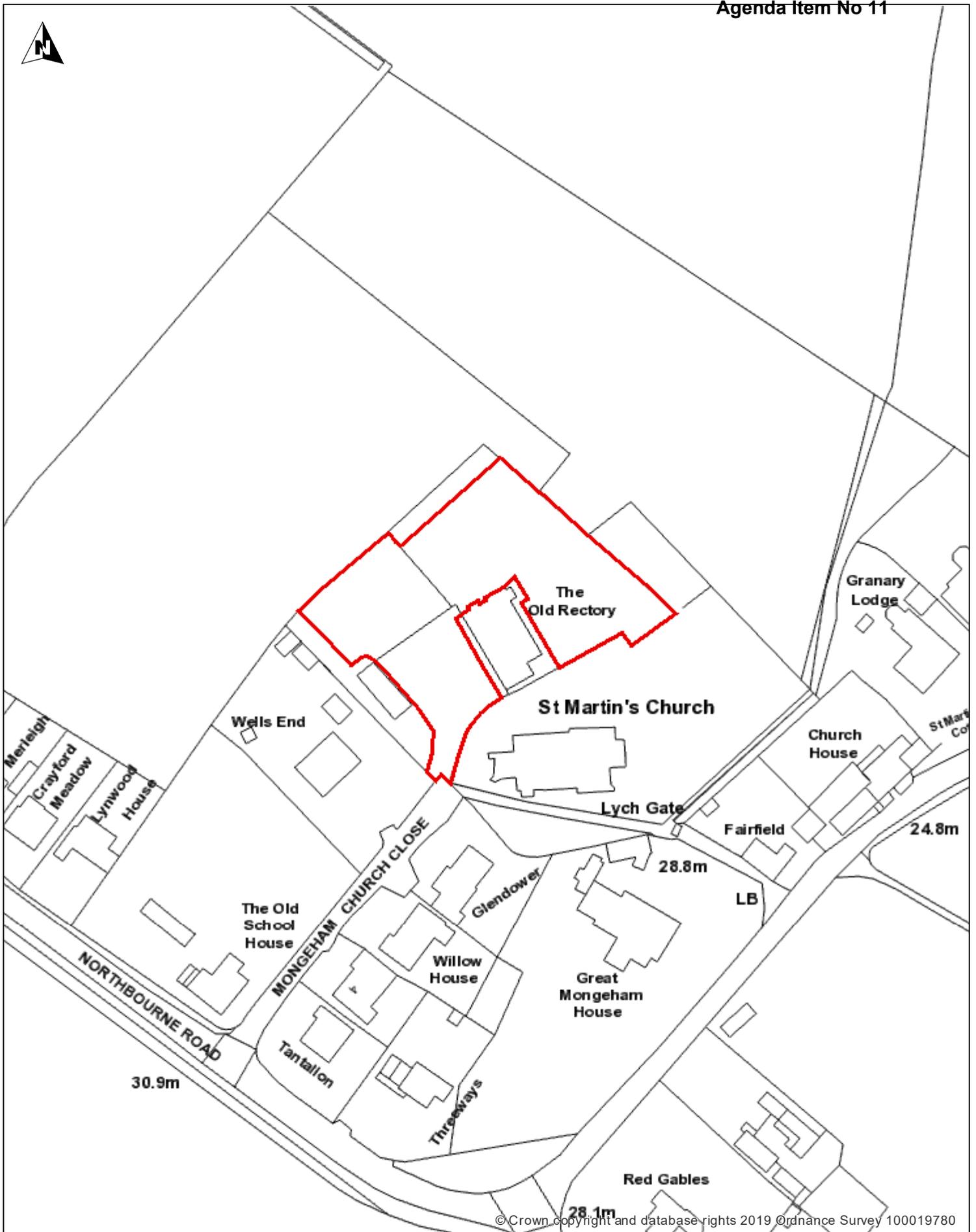
- I SUBJECT TO no new third-party comments being received prior to the expiry of the advertisement period raising new material planning considerations, PERMISSION BE GRANTED subject to conditions to include:

(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



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20/00589
The Old Rectory
Mongeham Church Close, Great Mongeham
CT14 0HL

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/20/00589 – Change of use of land for wedding and events venue with marquee and works to the single storey outbuilding to facilitate conversion to a toilet block - The Old Rectory, Mongeham Church Close, Great Mongeham**

Reason for report – Submission of Sustainable Travel Plan and number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Core Strategy Policies

DM1, DM11, DM13, DM15 & DM16

Draft Local Plan Reg 18

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

National Planning Policy Framework 2019 (NPPF)

Paragraphs 2,8,11,12, 47, 83, 177 & 180. Chapters 9 (sustainable transport), 12 (well-designed places), 15 (natural and local environment) & 16 (historic environment)

National Design Guide 2019

Kent Design Guide

- d) **Relevant Planning History**

As per previous Planning Committee report of 24 June 2021 meeting (attached at Appendix 1).

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

As per previous Planning Committee report of 24 June 2021 meeting (attached at Appendix 1).

The following consultee comments have been received since the previous report was produced (June 2021):

KCC Highways – I refer to the Travel Plan Statement (TPS) submitted for the above on 6 August and confirm I have no objections to the proposals subject to the TPS being implemented and maintained, and subject to the other matters to be covered by condition as requested in my comments of 30 April 2021.

KCC PROW - I have no further comments to make. Highways are the Higher Authority here and I am happy with their response.

Public Representations:

All representations can be found in full on the online planning file. A summary has been provided below of the all the public representations received to date.

129 letters of support received making the following comments:

- Given the current economic situation in the UK, due to COVID 19, I can fully see the benefit to the local economy (i.e. job creation, use of local produce and suppliers, accommodation, restaurants and pubs, taxi firms).
- It is a beautiful venue which seems ideal for the proposed plans.
- It would bring much needed funds in helping to maintain and repair the 14th century church financially through extra wedding fees
- In addition to direct employment each event will require supplies from local businesses,
- predominantly catering but also other services.
- There will also be secondary spending by travelling guests, not accommodated on site, before and after the ceremony, in the local hospitality and accommodation sectors particularly but also in the wider visitor facing economy.

131 letters of objection received raising the following relevant planning matters:

- I do not see any contingency plans for when a wedding is held at both venues or a wedding at the old rectory and funeral at the church or an 'event' at the old rectory
- Vehicle Swept Path Analysis drawing are for a short wheelbase Transit van or similar, and not for a bus on extra long wheelbase chassis
- There will be insufficient parking spaces , the calculations are incorrect and vehicles will be arriving and leaving throughout the day causing congestion.
- The idea of a minibus for all staff is impractical
- Request a site visit to assess the poor visibility of the junction, parking and narrow road
- Increase in traffic
- Increase in vehicles along this narrow lane could cause problems for people accessing and leaving their homes by car and for pedestrians, including the elderly and young residents, and walkers accessing the footpaths to the fields beyond the church.
- The noise levels generated by weddings with late night music & revellers will disturb local residents, especially in the close and carry across the rear field to neighbours living on Northbourne Road.
- This is a quiet, residential Conservation area with a mixed population from very old to very young and is totally unsuitable for such a venue.
- Unsuitable access
- Will lead to dangerous parking on Northbourne Road
- Mongeham Church Close is a very narrow residential close which will not support the number of cars that can be anticipated at a wedding.
- There will also be significant disruption for the residents of the Close on non wedding days with catering lorries and other vehicles bringing supplies for forthcoming weddings.
- There is no room for cars to pass each other apart from a small turning area.
- When leaving Mongeham Church Close onto Northbourne Road there are always residents cars parked especially at weekends. Any additional parking would not be possible.
- There is inadequate parking at The Old Rectory for guests, catering staff, security attendants etc. and the overflow would be forced to park elsewhere.

- The disturbance caused would be unbearable both during the day setting up and when the guests arrive and leave late at night.
- There are plenty of other venues locally licensed for Weddings and Events and another is definitely not required in Mongeham Church Close.
- Having to put up with loud music for more than 6 months of the year is very disturbing.
- This is a peaceful, residential close and the quiet will be shattered by the noise of loud music, people partying, cars coming and wedding guests leaving late at night.
- Would cause considerable traffic problems and congestion on surrounding roads.
- Visibility splays are inaccurately shown.
- Consideration of local wildlife especially to the Bats
- Will have an adverse effect on the nesting birds and general wildlife.
- Out of keeping with this residential area
- Up to 200 guests yet the most the church gets is maybe once a year 100 people for the Christingle service.
- A shuttle bus would be problematic.
- At St Martins we also have various regular events, IE Music evenings, Art displays, Bell ringing, Flower festivals, Visiting bell ringing teams, and other functions as well as the usual regular services per week. There is absolutely no way that the access to the church which is shared with the old rectory could cope with the amount of traffic that would be involved.

An update on any additional representations will be provided verbally to Committee Members at the Committee meeting.

Addendum to Committee Report of 24 June 2021

1. Update on Application

- 1.1 This application was presented to Planning Committee on 24 June 2021 when it was recommended that planning permission be granted subject to conditions. A copy of the Committee Report is attached at Appendix 1.
- 1.2 At the meeting, members resolved to defer determination of the application, *“pending further details of the traffic management plan and to enable the applicants to explore options for additional on-site parking.”* The previous report remains germane to the determination of this planning application. A copy of the Minutes of the June Planning Committee is attached at Appendix 2.
- 1.3 Following the Committee’s resolution to defer determination of the application, a Travel Plan was received 06th August 2021 from the applicant’s agent. The travel plan seeks to ensure that the majority of the parking associated with any event is accommodated within the forecourt parking area of The Old Rectory; promotes alternative, sustainable transportation; seeks to minimise the use of the private car and promote car sharing. Following the receipt of the Travel Plan Statement, KCC Highways were formally reconsulted on the application. This report reviews this additional information and also considers other matters raised by the members during the previous committee held on 24 June 2021.

Travel Plan Statement

- 1.4 The revised parking plan makes provision of 24 car parking spaces (an increase by 3 parking spaces, albeit it is noted that one parking space would

be reserved for the applicant's car) including one disabled parking space. The Travel Plan provides details of deliveries and staff access i.e. the vehicle movements likely to occur a day before the wedding and on the day of the wedding (before and after the guests leave). It is noted that the marquee and sound system would be set up the day before the wedding and would be delivered in three vans resulting in 6 vehicle movements. On the wedding day, the catering staff would be collected and returned by minibus organised by the wedding venue. The flowers would be delivered to site by van; hair and makeup artists would arrive in their cars and leave the site before the arrival of guests. The DJ, photographer and wedding celebrant would arrive in their respective cars. However, it is also proposed that if need be, the DJ and photographer would be collected and returned by a taxi at the expense of the venue. On the day after the wedding, the marquee and sound system would be taken down and associated equipment would be returned in 3 vans resulting in 6 vehicle movements.

1.5 To prevent the parking of cars on the surrounding public roads, the applicant has proposed the following be put in place:

- The wedding invites will require an RSVP which will include booking of car parking spaces, advising that car parking spaces are limited and on a first come first served basis, and include notification and bookings for the free minibus pickup service (see below).
- There will also be stewards on site so in the event that anyone turns up to the site without having booked parking space, and no spaces are available, they will be given instruction as to where to park for the free minibus pickup.
- Depending on demand for on-site parking, alternative arrangements can be made for the owner's cars or for the DJ, photographer, or celebrant.
- Free Minibus service to be promoted and booked by guests prior to the wedding to encourage use of this facility and maximise efficiency of service. It is proposed that the wedding venue would operate a 16-seat minibus service offering free collection and return for all wedding guests. The collection and return service locations would be coordinated with the wedding organisers and it is envisaged that collection points would be a central location in Deal, such as Deal train station, which links into national rail services, but could include other specific locations, such as guest accommodation, as may be necessary.
- The venue website and wedding invites to provide details of travel arrangements including: Venue location and best vehicle routes; parking arrangements and parking space booking; minibus collection and return service and booking; access via train and minibus collection; a request to respect the surrounding neighbourhood and to refrain from parking on the surrounding public roads.

1.6 The applicant has also taken into consideration the possibility of the use of the buses, train and cycles in the best way possible. There are north and south bus stops within 100m of the site entrance connecting into Route 81A: Sandwich (via Deal) to Dover, Route 541 Tilmanstone (via Deal) to Dover; Sandwich Connect Service: Upper Deal (via Betteshanger) to Staple. The applicant

acknowledges that it would be unrealistic to expect wedding guests to use this service, however, it is proposed that staff associated with the venue could be encouraged to use the bus by reimbursing the bus fare.

- 1.7 Walmer Station is the closest National Rail station, which is 1.3 miles (2km) from the venue. According to the Institute of Highways and Transportation's guidance Providing for Journeys on Foot, journeys of up to 2km can acceptably be taken on foot. It is acknowledged that it would be unrealistic to expect wedding guests to walk from this station, however, it is proposed that it is a very short taxi ride and could be included in the free minibus collection route, although Deal station is only one stop on the same line and is a more likely collection point.
- 1.8 Cycling is always to be encouraged, but again, it is unlikely that a wedding guest would use this form of transport. The existing Bed and Breakfast at The Old Rectory already operates a bike hire service for guests and offers electric bike charging. It is proposed that staff associated with the wedding venue will be encouraged to cycle to and from the site, receiving the equivalent bus fare as an incentive.
- 1.9 The applicant has confirmed that there would be the Transport Plan Co-ordinator (TPC) who will monitor adherence to the protocols by all parties, will record modes of transportation used and take up of the free transportation offers and will review the Travel Plan in the light of this information on a 3 year cycle.
- 1.10 KCC Highways have reviewed the Travel Plan Statement submitted by the agent and raise no objection. They have advised that they're content with the submitted travel plan subject to it being secured by appropriately worded conditions. Further to this, it is advised that the conditions recommended in the previous report (24 June 2021) would still apply and should be secured in the event of grant of permission.

Other Matters

- 1.11 The possibility of grant of temporary permission was a matter of discussion during the previous planning committee (held on 24 June 2021). Further discussion has been had with the applicant in this regard and the applicant has confirmed that they would be willing to accept a temporary permission for at least 3 years.
- 1.12 Another matter discussed was the potential reduction in the number of events. The applicant would like the application considered on the basis of 30 events a year with 50 heads per event.
- 1.13 In respect of conditions, members recommended deletion of condition 6 which required the provision of the bus stop clearway at the stop in Northbourne Road. This condition has been removed from the recommendation. The wording of the condition in respect of number of events has been amended to include both weddings and events to avoid any ambiguity. Finally, the condition in respect of the removal of marquee within 2 weeks of the event has been amended to accord with the submitted Travel Plan Statement which confirms that the marquee would be removed a day after the wedding.

2. **Conclusion**

- 2.1 On assessment of further information received by the applicant, together with reconsultation response received from KCC Highways, the previous conclusions drawn in relation to the current application remain largely unchanged.
- 2.2 The proposal would cause no harm to the rural character and appearance of the surrounding area. It would bring back a disused listed outbuilding back into use and would not cause harm to the setting of the principal listed building or the character of the Conservation Area. It would not cause unacceptable harm to the living conditions of the neighbouring occupants. It would promote expenditure within the local economy and contribute towards the social viability and functioning of the local area. No harm to wildlife/ecology interests have been identified. In the previous report, the benefits were weighed against a potential periodic short-term increase in traffic and competition for on-street parking. Following the review of the new Travel Plan, it's felt that the measures proposed within it, including management/oversight of parking per event and provision of a viable mini-bus service, would be likely to significantly mitigate any concern in respect of periodic increases in competition for on-street parking. Any limited residual harm arising would in any event be more than outweighed by the economic and other benefits of the scheme. The proposal would therefore accord with development planning policies and the NPPF and is therefore recommended for approval.

f) **Recommendation**

- I. PLANNING PERMISSION BE GRANTED, subject to conditions which include:
- 1) 3-year standard time limit
 - 2) Approved plans
 - 3) Samples of materials for the outbuilding
 - 4) Joinery details
 - 5) number of weddings/events restricted to 30 per year and number of heads to 50 per event
 - 6) Provision of 24 car parking spaces as shown on the plans
 - 7) Implementation of Travel Plan Statement: includes parking provision, use of minibus service and vans and other sustainable transport.
 - 8) Bat sensitive lighting scheme
 - 9) Landscaping scheme
 - 10) Installation of a noise limiter prior to first use
 - 11) Submission of a detailed noise management plan prior to first use.
 - 12) Restricting hours of use (amplified music during the reception, which will be turned off at 11:15pm and all events will finish at 11:45pm).
 - 13) Marquee shall be removed the day after the wedding as confirmed within the Travel Plan Statement.
- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi

Appendix 1 – 24 June 2021 Committee Report

- a) **DOV/20/00589 – Change of use of land for wedding and events venue with marquee and works to the single storey outbuilding to facilitate conversion to a toilet block. The Old Rectory, Mongeham Church Close, Great Mongeham, CT14 0HL.**

Reason for report: Number of representations (129 letters of support and 105 letters of objection)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

DM1, DM11, DM13, DM15 & DM16

Draft Local Plan Reg 18

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

National Planning Policy Framework 2019 (NPPF)

Paragraphs 2,8,11,12, 47, 83, 177 & 180. Chapters 9 (sustainable transport), 12 (well-designed places), 15 (natural and local environment) & 16 (historic environment)

National Design Guide 2019

Kent Design Guide

- d) **Relevant Planning History**

DOV/90/00139 - Proposed swimming pool. Approved

DOV/93/00310 - Construction of detached swimming pool & games room. Approved

DOV/16/01474 - Listed building consent - Conversion of stable to form 2 bedroom ancillary accommodation. Alterations including: Removal of staircase and insert partitions. Approved

DOV/17/00256 - Conversion of outbuilding to ancillary accommodation and the insertion of new window and door. Approved

DOV/20/00590 - Listed Building consent - Replacement roof and side window including repairs to single storey outbuilding attach to the north east corner of the walled garden. Pending - recommended for approval

DOV/20/00933 - Erection of a gazebo. Approved.

e) **Consultee and Third Party Representations**

KCC Highways – The proposal is for a maximum of 30 weddings per year with a maximum of 50 guests at each wedding. There is unlikely to be a severe, residual, cumulative impact on the transport network or on highway safety with the mitigation measures and restrictions proposed. It is recommended that the following be secured by condition:

- Number of weddings limited to 30 per year.
- Maximum number of guests at each wedding limited to 50.
- Provision of a bus stop clearway at the stop in Northbourne Road.
- Provision of a minimum of 17 car parking spaces.
- Provision of a guest minibus service between the venue and locations in Deal with details to be submitted.
- Provision of a Travel Plan Statement to encourage sustainable travel.

KCC PROW - Object to the application because of the access required via Mongeham Church Close, which also has the recorded status of Public Footpath ED49 of which pedestrians have the right of access. The increase of vehicle movements envisaged to be between 18 to 40 per day at peak times would have significant impact on the footpath and exasperate a problem for pedestrians using the route on a regular basis.

The travel plan states that *“There is currently no parking area associated with the Church and so all wedding guests (and guests associated with Christenings, funerals, or other Church events) must park along Mongeham Church Close or on Northbourne Road.”* I have visited the site on many occasions but never at the weekend and have yet to see a car parked on Mongeham Church Road, I am unsure if it would be possible for two vehicles to pass each other on this road due to its narrow width (approx. 5 metres). I believe that venue guests avoiding the public transport would inevitably park on the footpath as there is inadequate parking on Northbourne Road. If you are minded to grant consent to this application in order to prevent future incidents I would request a condition that there should be no parking on Mongeham Church Close associated with events at the church.

DDC Environmental Health – The Team has reviewed the Sustainable Acoustics Noise Impact Assessment. The findings of the report are accepted and approved on the basis that weddings are to be limited to 30 events per year and guest numbers limited to 50 per event. The report makes recommendations for planning conditions regarding the submission of an updated Noise Management Plan and the installation of a noise limiting device. No objection has been raised subject to conditions requiring submission of an updated Noise Management Plan and installation of a noise limiter.

DDC Ecologist – I have reviewed the bat survey report and accept the findings. Bats were not found to be roosting within the outbuilding, however, a bat sensitive lighting scheme has been proposed as a mitigation measure. This should follow the published guidance of the Bat Conservation Trust and the Institute of Lighting Professionals 2018.

DDC Heritage Team – no objection raised. Amended drawings were received during the application process and the parallel listed building application was approved

Mongeham Parish Council – object to the planning application for the following reasons:

- Removal of historic hedge
- visibility splays required by KCC Highways for the safety of increased traffic in
- Mongeham Church Close cannot be attained.
- blight the conservation area and disturb the surrounding village.
- would cause considerable disruption to the residents of Great Mongeham Church Close and the whole of Great Mongeham in terms of increased noise, increased traffic movements/congestion and parking issues
- the proposed marquee system could cause noise issues for the residential properties in close proximity as well as the rest of the village, as well as the noise generated by the increased vehicle movements and departing guests at the end of the wedding reception.
- the site is not in a sustainable location
- noise nuisance
- significant pressure of parking leading to cars being parked on Northbourne Road
- Mongeham Church Close is a very narrow, no more than 3m wide, single lane residential cul-de-sac. There is no room for cars to pass each other. The proposed venue is at the end of the close so all the other residents will be greatly inconvenienced by the coming and going of vehicles.
- There will be significant disruption for the residents of the Close on non-wedding days with catering lorries and other vehicles bringing supplies for weddings.

Public representations

129 letters of support received making the following comments:

- Given the current economic situation in the UK, due to COVID 19, I can fully see the benefit to the local economy (i.e. job creation, use of local produce and suppliers, accommodation, restaurants and pubs, taxi firms).
- It is a beautiful venue which seems ideal for the proposed plans.
- It would bring much needed funds in helping to maintain and repair the 14th century church financially through extra wedding fees
- In addition to direct employment each event will require supplies from local businesses,
- predominantly catering but also other services.
- There will also be secondary spending by travelling guests, not accommodated on site, before and after the ceremony, in the local hospitality and accommodation sectors particularly but also in the wider visitor facing economy.

105 letters of objection received raising the following relevant planning matters:

- Increase in traffic
- Increase in vehicles along this narrow lane could cause problems for people accessing and leaving their homes by car and for pedestrians, including the elderly and young residents, and walkers accessing the footpaths to the fields beyond the church.
- The noise levels generated by weddings with late night music & revellers will disturb local residents, especially in the close and carry across the rear field to neighbours living on Northbourne Road.
- This is a quiet, residential Conservation area with a mixed population from very old to very young and is totally unsuitable for such a venue.
- Unsuitable access
- Will lead to dangerous parking on Northbourne Road

- Mongeham Church Close is a very narrow residential close which will not support the number of cars that can be anticipated at a wedding.
- There will also be significant disruption for the residents of the Close on non wedding days with catering lorries and other vehicles bringing supplies for forthcoming weddings.
- There is no room for cars to pass each other apart from a small turning area.
- When leaving Mongeham Church Close onto Northbourne Road there are always residents cars parked especially at weekends. Any additional parking would not be possible.
- There is inadequate parking at The Old Rectory for guests, catering staff, security attendants etc. and the overflow would be forced to park elsewhere.
- The disturbance caused would be unbearable both during the day setting up and when the guests arrive and leave late at night.
- There are plenty of other venues locally licensed for Weddings and Events and another is definitely not required in Mongeham Church Close.
- Having to put up with loud music for more than 6 months of the year is very disturbing.
- This is a peaceful, residential close and the quiet will be shattered by the noise of loud music, people partying, cars coming and wedding guests leaving late at night.
- Would cause considerable traffic problems and congestion on surrounding roads.
- Visibility splays are inaccurately shown.
- Consideration of local wildlife especially to the Bats
- Will have an adverse effect on the nesting birds and general wildlife.
- Out of keeping with this residential area
- Up to 200 guests yet the most the church gets is maybe once a year 100 people for the Christingle service.
- A shuttle bus would be problematic.
- At St Martins we also have various regular events, IE Music evenings, Art displays, Bell ringing, Flower festivals, Visiting bell ringing teams, and other functions as well as the usual regular services per week. There is absolutely no way that the access to the church which is shared with the old rectory could cope with the amount of traffic that would be involved.

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

- 1.1 The application site is located at the end of Mongeham Church Close, which is accessed off Northbourne Road. Mongeham Church Close is an adopted road and a Public Right of Way (ED49). The site lies within the village confines of Great Mongeham and within Church Great Mongeham Conservation Area. The Old Rectory lies adjacent to St Martin's Church (to the south). There is also a separate pedestrian route available between the churchyard and Northbourne Road.
- 1.2 The Old Rectory at Great Mongeham (application property) was originally the Rectory associated with Great Mongeham Church, which is dedicated to St Martin. The Old Rectory is a Grade II listed property, and the architectural style of the building suggests that the building was constructed during the second half of the 18th Century. From the review of the submitted statement, it is understood that during the second world war, The Old Rectory was used as living accommodation for a gun battery that was stationed within the grounds. After the war, the property was returned to the church and the current owners bought The Old Rectory in 1985 as a family home. The property now also operates as a bed and breakfast.

- 1.3 The main house sits towards the middle of the plot, with a gravel forecourt to the front of the property to the southwest. There are two walled gardens, one to the northwest side of the building and the second to the rear, northeast of the building. The main house is two storey, with rooms in the roof, constructed of red brick, with large, four-over-four, sliding sash windows, a hip ended roof finished with Kent peg tiles and three dormer windows to the front. On the west side of the gravel forecourt is an outbuilding, which was formerly a stable and cart shed. This building is of brick construction, with a shallow pitched slate finished roof, hipped at both ends. This building is currently used as a B&B.
- 1.4 This application seeks permission for the change of use of land for a wedding and events venue with marquee and rebuilding works to the single storey brick outbuilding (sited within the northeast corner of the walled garden to the northwest of the main house) to facilitate the conversion to a toilet block. The building is on the site of a former brick-built garden shed, which made use of the north and east walls of the walled garden and is accessed off the rear garden, via a door through the north garden wall. The structure is considered to be curtilage listed due to its age (mid-19th century), historic and current relationship to the principle Grade II listed building.
- 1.5 Originally, the application sought permission for over 60 weddings a year with a maximum capacity of 200 guests per wedding, although it was the estimated the average would be 100-120 guests per event. Significant concerns were raised by KCC Highways in respect of the highway impacts associated with the proposed use. The applicant's agent submitted a series of amendments to the application which involved reduction of the number of events to a maximum of 30 per year and the number of heads, up to a maximum of 50 per event. The amendments also included clarification in respect of how travel and parking would be managed during the event, along with amended plans and a topographical survey of the junction, to clarify the extent of visibility splays that could be achievable.
- 1.6 The proposal would make provision for 17 car parking spaces within the forecourt without double parking. The supporting statement also states that the use of the forecourt will be limited to the occupants of the house, bed and breakfast guests associated with the wedding and delivery vans associated with the event. Wedding guests not staying at The Old Rectory will be offered free transportation to and from the event via a 16-passenger seat minibus. Waiting staff will also be transported to and from the venue in a 16 seat minibus.

2 **Main Issues**

- 2.1 The main issues are:
- The principle of the development
 - Impact on character and appearance
 - Impact on Heritage
 - Impact on residential amenity
 - Impact on the highway network
 - Impact on ecology

ASSESSMENT

Principle of the development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.3 The site is located within the settlement confines and as such, Policy DM1 applies which limits development to within the confines, unless specifically justified by other development plan policies, functionally requires a rural location, or it is ancillary to existing development or uses. The site lies within the village confines of Great Mongeham. The proposal is therefore considered acceptable in principle subject to site specific considerations.
- 2.4 Prior to the assessment of the impacts of the proposed development, it is necessary to establish whether the change of use of the site to a Wedding Venue is acceptable in principle. Regard has been had to the paragraph 83 of the NPPF which states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 2.6 A Business Plan was submitted with the application with a view to demonstrate the viability of the business case. Having reviewed the business case, it is noted that the aim is to generate local employment and help facilitate the increased use of existing commercial facilities in the surrounding area, which would assist local businesses. It is expected that many of the wedding guests may be likely to stay locally at nearby hotels and B & B facilities as well as use local taxis and minibuses. It is considered that the proposals could contribute to wider economic benefits in the District. It sets out that catering and bar facilities for the proposed functions will be provided by local firms, as will waiting staff, florists and DJ's or musicians. A typical example of spending on local businesses associated with a wedding at the venue is outlined within the submitted Business Plan. It is expected that a list of local businesses will be supplied to prospective clients to encourage local employment. It is argued that with an approximate use of 30 times per year, this would make a substantial contribution to local employment. Whilst representations received with the application have questioned the information provided within the application, the figures stated in terms of income generation and jobs are estimates. The precise economic contribution will be variable, however, it would be reasonable to assume that the provision of a new wedding facility in the area would generate income for those local businesses that provide goods and services for such a use.
- 2.7 It is considered that there would likely be a significant benefit to the local economy from the provision of the facility in this location. Furthermore, the proposal would be consistent with the objectives of the NPPF in terms of the need to support new business ventures through the conversion of existing buildings in rural areas. The proposal would meet the objectives of the economic dimension to sustainable development. In conclusion, taking into account the benefits arising from the change of use, the business case put forward for the conversion to a wedding venue is considered acceptable in principle.

Impact on the Character and Appearance of the area

- 2.8 The site is within a sensitive location, on the edge of countryside. Therefore, policy DM15 applies in this instance. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats. Regard should also be had to policy DM16 of the Core Strategy which generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.
- 2.9 The walled garden area, which is proposed to be used for civil ceremonies, would have formal landscaping, with pathways bordered by low level box hedges, with a lawn in the central areas and flowers planted in the surrounding beds. The submission of detailed landscaping plan could be secured by an appropriately worded condition. The proposal involves rebuilding of the toilet block in the northeast corner of the walled garden. By virtue of the limited scale and height of the building, the visual impact associated with the works to the toilet block remain unchanged. Nevertheless, it is relevant to note that the existing walls to the garden are about 2.4m high and shield views from the surrounding areas.
- 2.10 The garden area immediately to the rear of the existing dwelling is proposed to be used for the receptions where a temporary marquee would be erected for each event. The marquee will be located in the area to the northwest of the house, which is the furthest point from any other residential properties. By virtue of the existing 2.4m high boundary walls and existing landscaping on site, a temporary marquee would not be highly prominent in views from the surrounding countryside/landscape. Equally, given the location of the marquee to the rear, it would not be visible from the neighbouring properties or the public realm or conservation area.
- 2.11 For the foregoing reasons, the proposed development would not be contrary to policies DM15, DM16 and paragraph 170 of the NPPF which calls for development to take into account the intrinsic character and beauty of the countryside.

Impact on Heritage

- 2.12 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (189–196) at Chapter 16. Notwithstanding the statutory duty, the NPPF paragraph 195 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.13 The proposal involves part rebuild and conversion of the outbuilding to a toilet block. Although in a state of disrepair, the structure is considered to be curtilage listed due to its age (mid-19th Century) and relates to the principal Grade II listed building. Therefore, this aspect of the proposal is also subject to a Listed Building Consent application. The Principal Heritage Officer has advised the structure is within the walled garden and consequently not viewed within the context of Old Rectory itself; works to the outbuilding are therefore not considered to have an impact on the setting

of the principal listed building. The outbuilding is currently largely derelict, with the roof structure largely lost and the structure covered by vegetation.

- 2.14 The proposal seeks to replace the derelict corrugated roof structure with a new slate roof and replace a side elevation window which is in a poor state of repair. The brick elevations have in part been damaged by vegetation growth and will require rebuilding and repointing. The proposed works are considered to be sympathetic to the character of the outbuilding. Finally, having regard for both the statutory duty of the council under The 'Act' and the policy within the NPPF, no harm would be caused to the setting of the Listed Buildings or the Conservation Area. It would therefore be in accordance with paragraphs 195 and 196 of the NPPF.

Highways/Travel Impacts

- 2.15 The NPPF requires that development that generates a significant increase in movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised, consistent with the policy objectives of DM11. Planning must play an environmental role by contributing to, protecting and enhancing the natural environment including adapting to climate change including moving to a low carbon economy.
- 2.16 Originally, the application sought permission for over 60 weddings a year with a maximum capacity of 200 guests per wedding, although the estimated average was 100-120 guests per event. The forecourt of the application property has the capacity to accommodate 17 car parking spaces without double parking. Significant concerns were raised by KCC Highways in respect of the travel impacts associated with the proposed use by virtue of the intensification of the use of the existing road and lack of parking. KCC PROW also raised an objection in respect of the potential intensification of the use of Mongeham Church Close (whilst an adopted road for vehicular traffic, it is also a Public Right of Way).
- 2.17 A series of amendments were made to the application which involved the reduction in the number of events to a maximum of 30 per year and the number of heads per event would be up to a maximum of 50. The reduction in number of events and number of heads per event would result in a significant reduction in vehicular traffic and the need for parking at the venue. The peak number of movements is estimated to be 15 over a short period of 1 hour in relation to the arrival and departure of guests. Whilst Mongeham Church Close is narrow for a relatively short section, it is wide enough for two vehicles to pass in the northern section leading to the application site, and at the junction with Northbourne Road. KCC Highways have advised that bearing in mind the existing low traffic levels in the close and the fact that the movements by wedding guests will be tidal in nature, these additional movements are unlikely to significantly increase the incidence of opposing vehicles meeting in the close. The movements associated with a wedding are also over a short period of time. Whilst there are no footways in the close, it is an existing low speed environment shared by pedestrians and vehicles without any apparent issues. Third party concerns were raised in respect of the resultant unmanageable traffic if events took place both at St Martin's Church and the application site. Whilst there is the possibility of an event taking place at the church at the same time as a wedding, there is no parking available at the church and associated vehicle movements in Mongeham Church Close are therefore likely to be minimal.
- 2.18 In respect of parking, from the review of submitted plans, 17 spaces could be achieved within the site without double parking. KCC Highways have advised that the likely car sharing between wedding guests; the availability of a guest minibus service between

the site and Deal; and catering staff being transported by minibus, 17 spaces is likely to be sufficient for a wedding, if limited to 50 guests, and with use of 5 rooms available limited to wedding guests only. The applicant has also advised that their vehicles can be parked at another property for the duration of a wedding event. The delivery vehicles associated with a wedding will be visiting when guests are not parking on site, thereby providing them with room to turn within the site. The use of minibus and car share could be encouraged through measures incorporated in a Travel Plan Statement. In light of the above, it is considered reasonable to attach conditions to restrict the number of weddings/events to 30 per year and a maximum of 50 heads per event; secure adequate parking on site; provision of a guest minibus service between the venue and locations in Deal and submission of a Sustainable Travel Plan to incorporate appropriate sustainable travel measures.

- 2.19 KCC Highways raised concerns in respect of the limited visibility available at the junction formed by Mongeham Church Close and Northbourne Road. Subsequently amended plans were received with a view to clarify the visibility splays achievable at the access. However, the visibility splays were based on the legal boundaries documented within the land registry documents for properties on either side of the access. There was, therefore, a discrepancy in respect of the situation of visibility splays 'on the ground' and the boundaries within the legal documents (i.e. they did not corroborate). As a result, KCC Highways recommended that a topographical survey be carried out to provide further clarity and to avoid any ambiguity in this regard. Subsequently, survey plans were received and reviewed by KCC Highways.
- 2.20 KCC Highways advised that the visibility at the junction of Mongeham Church Close with Northbourne Road is poor and not in accordance with current guidance of 43 metres x 2.4 metres x 43 metres. However, this is due to vegetation encroaching on the highway verge and this can be cut back by the highway authority. The visibility available to the west of the junction, with vegetation cut back, is approximately 2.4 metres x 43 metres. Nevertheless, there are some existing steps and associated side walls within the highway which may impact on this visibility due to their height, and therefore taking this into account, a splay of approximately 2.4 metres x 38 metres is available. Visibility available to the east of the junction with vegetation cut back to the base of the existing wall is approximately 2.4 metres x 38 metres measured to the centre line of the road, which is acceptable in these circumstances as there is unlikely to be any overtaking due to the adjacent bend. In conclusion, whilst the achievable visibility splays do not conform with the current guidance they are a significant improvement over the existing situation (i.e. improve the visibility of the existing access), particularly in the critical direction to the west, where a splay of only approximately 2.4 metres x 12 metres is available at present.
- 2.21 It is noted that there is prevalence of on-street parking taking place in Northbourne Road, including at the bus stop opposite the junction. The increased use of the junction as a result of the proposals could lead to undesirable parking across the bus stop. KCC Highways have recommended that this issue could be resolved by attaching a condition requiring provision of a yellow bus clearway at the bus stop.
- 2.22 KCC PROW have been reconsulted on the amended proposals. However, no revised comments have been received to date. Notwithstanding, given the fact that Mongeham Church Close is also an adopted road, it is not considered that the intensification of use of the road for short periods during the year would result in unacceptable impact on the public safety to level that justifies a refusal.
- 2.23 Having regard for the above, it is considered that the highway impacts arising as a result of the traffic generated by the proposed change of use could be managed by

attaching suitably worded conditions as recommended above. Therefore, it is not considered that the proposed change of use would cause unacceptable harm to the pedestrian/highway safety, free flow of traffic or harm the convenience of road users. It would therefore accord policy DM11 of the Core Strategy and paragraph 109 of the NPPF which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Impact on Neighbours

- 2.24 Regard has been had to 180 which states, “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they 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.”
- 2.25 It is proposed that the marquee in the rear garden would have amplified music during the reception, which will be turned off at 11:15pm and all events will finish at 11:45pm. It should be noted that the nearest properties are located to the south, and are about 60m from the rear garden area, separated by two garden walls. The other properties to the south are separated by the house. To the east, the rear garden beyond the walls, is bounded by the church yard, with the properties about 65m away.
- 2.26 This application was accompanied by an initial Acoustic Mitigation Proposal and Noise Management Plan. It has been proposed that an acoustically lined marquee would be used to mitigate noise. The proposal seeks to install the state-of-the-art directional music system for the dance floor within the marquee. It is understood that it is a modular speaker system enabling a number of loudspeakers to be installed across a single plane. Due to the alignment and orientation of the speakers, the system becomes highly directional. The Environmental Health Officer has visited the site to inspect this arrangement. It was considered that the directional music system works well with limited noise spillage outside the dance floor. The proposed acoustics proposal also includes use of a distributed audio system. It comprises of multiple smaller speaker cabinets and is omni-directional. It is considered that the use of distributed audio speakers could result in noise impacts, however, the overall noise levels could be controlled by virtue of installation of a noise limiter to ensure no unacceptable noise impacts arise from the proposal. A further Acoustics report was received which sets out recommendations for an updated Noise Management Plan and installation of a noise limiting device. Environmental Health have accepted the findings of the report and have not raised an objection in respect of the proposal, however, conditions have been recommended requiring submission of an updated Noise Management Plan and installation of a noise limiter which have been included in the recommendation.
- 2.27 Having regard to the above, it is not considered that the proposed change of use would cause unacceptable noise impacts (subject to conditions) such that the living conditions of the neighbouring occupants would not be unduly prejudiced. Therefore, the proposed development would be accordance with paragraph 180 of the NPPF.

Ecology

- 2.28 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. Given the characteristics of the surrounding area and the poor state of the outbuilding, a bat survey was recommended to be carried out during the application process. Subsequently, a bat survey was carried out which revealed no evidence of any bats using the building during the building during the emergence survey period, although bats were seen crossing over the survey site and adjacent areas from the south – east. Notwithstanding the absence of bats, it has been recommended that the proposed building should be lit according to Bat Conservation Trust recommendations. In light of the above, it is considered that the proposed development would not result in harm to the ecology subject to a condition requiring the proposed lighting to conform with Bat Conservation Trust recommendations.

3.0 Conclusion

- 3.1 The proposal would cause no harm to the rural character and appearance of the surrounding area. It would bring back a disused listed outbuilding back into use and would not cause harm to the setting of the principal listed building or the character of the Conservation Area. It would not cause harm to the living conditions of the neighbouring occupants. Finally, the proposed development would not cause harm to the wildlife habitats. It would promote expenditure within the local economy and contribute towards the social viability and functioning of the local area. Significant weight has been attached to this public benefit. Weighed against these benefits is a potential periodic short-term increase in traffic and competition for on-street parking. However, it should be noted that the proposal would also encourage sustainable travel i.e. guests transported by means of minibuses and use of car share. Notwithstanding, it is acknowledged that the likely increase in traffic and parking demand constitute minor negatives and whilst would carry some weight, it is considered to be more than outweighed by the benefits of the scheme. The proposal would therefore accord with development planning policies and the NPPF. It is therefore recommended that the application be granted.

g) Recommendation

I. PLANNING PERMISSION BE GRANTED, subject to conditions which include:

- 1) 3-year standard time limit
- 2) Approved plans
- 3) Samples of materials for the outbuilding
- 4) Joinery details
- 5) number of weddings restricted to 30 per year and number of heads to 50 per event
- 6) Provision of a bus stop clearway at the stop in Northbourne Road
- 7) Provision of a minimum of 17 car parking spaces as shown on the plans
- 8) provision of a guest minibus service between the venue and locations in Deal
- 9) Provision of a Travel Statement to encourage sustainable travel
- 10) Bat sensitive lighting scheme
- 11) Landscaping scheme
- 12) Installation of a noise limiter prior to first use
- 13) Submission of a detailed noise management plan prior to first use.

- 14) Restricting hours of use (amplified music during the reception, which will be turned off at 11:15pm and all events will finish at 11:45pm).
- 15) Marquee shall be removed within 2 weeks after each event.

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

Case Officer

Benazir Kachchhi

Appendix 2 – 24 June 2021 Committee minutes

APPLICATION NO DOV/20/00589 - THE OLD RECTORY, MONGEHAM CHURCH CLOSE, GREAT MONGEHAM

The Committee was shown an aerial view, drawings, a plan and photographs of the application site which was situated within the settlement confines of Great Mongeham and within a conservation area. The Senior Planner advised that planning permission was sought for a change of use of land as a wedding and events venue, with the erection of a marquee and works to an outbuilding to facilitate its conversion to a toilet block. As an update to the report, she advised that further objections had been received which raised no new matters for consideration. Comments had also been received from KCC's Public Rights of Way (PROW) team in response to re-consultation. Its objection by reason that there would be a significant increase in traffic using Mongeham Church Close which was also a PROW had now been lifted.

Members were advised that the main dwelling on the site, the Old Rectory, was a Grade II-listed building whose walled garden would be used for civil ceremonies. The number of weddings or events would be restricted to 30 per year, with a maximum number of 50 guests. There would be 17 parking spaces without the need for double parking. Noise levels would be controlled by the use of a noise limiter. Whilst the proposal would cause a short-term increase in traffic and competition for on-street parking during events, the public benefits of the scheme were considered to outweigh these negative aspects, the benefits being the bringing back into use of a disused listed outbuilding and the promotion of expenditure within the local economy which would contribute towards the social viability of the area. Furthermore, it was considered that the proposal would not cause harm to the rural character and appearance of the surrounding area, nor would it cause harm to the living conditions of neighbouring occupants or to wildlife habitats.

In response to Members' queries and concerns, the Senior Planner advised that a disabled car parking space could be included, and that the toilet block would be accessible by wheelchair. She explained that the improved visibility splays at Mongeham Church Close and Northbourne Road were required because of the intensification in the use of the access (currently limited to residential use) that would arise from the proposal. KCC Highways had recommended the provision of a bus-stop clearway in Northbourne Road to prevent undesirable parking across the bus-stop. The Principal Planner clarified that the requirement to provide a minimum number of parking spaces rather than a maximum had followed from advice given by KCC Highways.

Councillor Bates questioned why KCC's PROW team had withdrawn its objection. Whilst 30 weddings a year did not appear to be many, the majority of them were likely to take place between May and August which meant an average of at least one wedding a week. 17 parking spaces for 50 guests was not sufficient in his view. Guests would almost certainly park in Northbourne Road and in Mongeham Church Close, causing congestion and inconvenience for local residents. Furthermore, the frequency of these events during the summer months would impede local residents' enjoyment of their gardens. Councillor Richardson agreed, commenting that traffic congestion would be a weekly occurrence during the summer months. He expressed concerns about noise levels and questioned why the proposed visibility splays did not conform with the current guidance.

The Senior Planner advised that the applicant had initially proposed 60 events per year with a maximum number of 200 guests per wedding. The application had been 'live' for a year and there had been a good deal of consultation during that time with KCC Highways which had

withdrawn its objection on the grounds that the highways impact would not be severe. A minibus service for guests would help to reduce the number of cars, and the submission of a travel management plan had been attached as a condition, the latter requiring approval by KCC Highways. In respect of noise issues, the Principal Planner advised that advice had been sought from the Environmental Health team which had carried out tests at the site. The recommendation was based on their expert advice. The installation of a noise limiter would be required by condition. The Chairman clarified that a noise limiter would automatically cut off the music if it exceeded a certain number of decibels.

Councillor Bond queried where catering and other support staff would park. He was sceptical about plans to bus guests in from Deal given the pressure of parking in that town. Whilst a travel management plan was well intended, it was his view that a significant number of guests would do whatever was most convenient for themselves, including parking where they liked. He expressed concerns about the impact on the church, particularly if it was holding weddings at the same time as the application site. In his view parking and traffic had not been properly addressed and would have a significant impact on local residents and the church. He commented that condition 15, as currently worded, would probably enable the applicant to keep the marquee up all through the summer months given the probable frequency of weddings and other events. Whilst the proposal ticked some boxes, it was in the wrong area.

The Senior Planner stressed that, unless the travel management plan was found to be satisfactory by KCC Highways, the condition could not be discharged and the applicant would be in breach of conditions. She clarified that the condition relating to the marquee was there because the dates of events were unknown and it would ensure that it was not left up for the entire year. The background to the visibility splays was set out in paragraphs 2.18 and 2.19 of the report. As a result of discrepancies between the visibility splays shown in legal documents and those physically evident, KCC Highways had recommended that a topographical survey should be undertaken. The survey had been reviewed by KCC Highways and, whilst the splays were not in accordance with current guidance, they would be an improvement on the current situation once vegetation had been cut back by the highway authority.

In response to a suggestion by Councillor Beaney, the Principal Planner advised that conditions could be strengthened to require that parking on site was to be used only for guests. In addition, the minibus service could be designated for both guests and staff. She advised Members that they had the option to grant temporary planning permission which would allow the applicants to test their travel management plan. The Senior Planner clarified that the applicants had stated that they would not park on site when events were on and this could be conditioned. Councillor Beaney stated that he was in favour of supporting a local business if conditions could be strengthened in the ways suggested, including a reduction in the number of events to 25. It was not a large wedding venue and he believed that many people would travel together by car.

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/20/00589 be APPROVED as per the report recommendation subject to amendments/additions to conditions as follows: (a) 3-year temporary permission; (b) Number of weddings/events being reduced to a maximum of 25 per year and number of heads to 50 per event; (c) Removal of the bus-stop clearway at the stop in Northbourne Road; (d) Provision of a minimum of 17 car parking spaces as shown on the plans, to include a disabled parking space; (e) Provision of a guest and staff minibus service between the venue and locations in Deal; and (f) Provision of a Travel Management Plan to encourage sustainable travel including measures regarding staff parking and owners parking off-site during events. On being put to the vote, the motion FAILED. It was moved by Councillor T A Bond and duly seconded that Application No

DOV/20/00589 be DEFERRED to allow the applicants to explore the possibility of providing additional on-site parking and for further details of the traffic management plan.

On being put to the vote, the motion was CARRIED.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/20/00589 be DEFERRED pending further details of the traffic management plan and to enable the applicants to explore options for additional on-site parking.