

Public Document Pack



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5 October 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 14 October 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**

To confirm the minutes of the meeting of the Committee held on 16 September 2021 (to follow).

5 **ITEMS DEFERRED** (Page 6)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 7-11)

6 **APPLICATION NO DOV/21/00888 - THE WHITE HORSE, CHURCH HILL, EYTHORNE** (Pages 12-19)

Change of use from bed and breakfast to children's residential care home, and replacement of front door with window (Class C3B) (front, side porches and outbuildings to be demolished)

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

7 **APPLICATION NO DOV/21/00881 - LAND AT 67 CANTERBURY ROAD, LYDDEN** (Pages 20-25)

Erection of a single storey outbuilding with decking, steps and railings (part retrospective)

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

8 **APPLICATION NO DOV/21/00524 - BELLA VISTA, QUEENSDOWN ROAD, KINGSDOWN** (Pages 26-31)

Erection of first-floor rear extension and single storey side extension

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 32-37)

Erection of an outbuilding (retrospective)

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

- 10 **APPLICATION NO DOV/21/00225 - VINE COTTAGE, THE STREET, WOODNESBOROUGH** (Pages 38-45)

Erection of 3 dwellings with associated parking and landscaping

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

- 11 **APPLICATION NO DOV/21/00805 - VICTORIA HOUSE, 101 SANDWICH ROAD, WHITFIELD** (Pages 46-52)

Conversion of existing building to four self-contained apartments for supported housing, erection of a replacement side extension and other external alterations

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

- 12 **APPLICATION NO DOV/21/00795 - 134 HIGH STREET, DEAL** (Pages 53-57)

Installation of a freestanding high level link terrace with walk-on skylights over existing courtyard

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

- 13 **APPLICATION NO DOV/20/00038 - THE RAILWAY BELL PUBLIC HOUSE, 120 LONDON ROAD, RIVER** (Pages 58-76)

Erection of 6 dwellings; change of use and conversion of existing public house into 6 self-contained flats; amendment to existing Kearsney Avenue vehicular access; formation of parking; creation of pedestrian accesses to London Road; closure of two existing vehicular accesses to London Road and Kearsney Avenue (proposed pedestrian crossing on London Road west of the junction with Alkham Road)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 14 **APPEALS AND INFORMAL HEARINGS**

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

- 15 **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.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, democraticservices@dover.gov.uk, telephone: (01304) 872303 or email: democraticservices@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 14 OCTOBER 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)**

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.

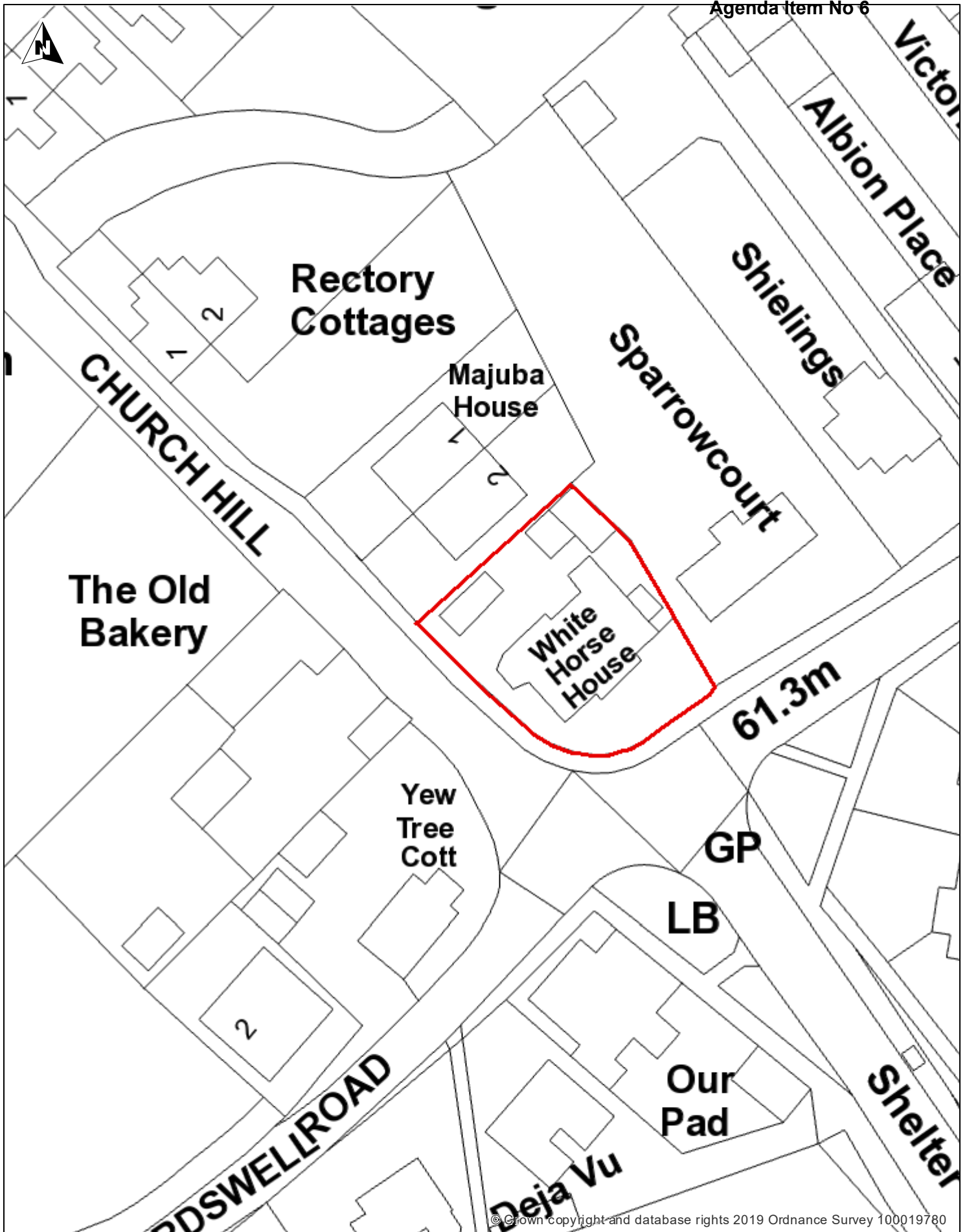
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material 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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21/00888

The White Horse
Church Hill, Eythorne
CT15 4AE

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/21/00888 – Change of use from bed and breakfast to children's residential care home, and replacement of front door with window (Class C3B) (front, side porches and outbuildings to be demolished) - Land at the White Horse, Church Hill, Eythorne**

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, DM2, DM13, DM24

National Planning Policy Framework 2021 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction.
- Section 12 is relevant as the proposal should seek to achieve well-designed places

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Regulation 18 Consultation on the Draft Local Plan

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**

17/00548 – Planning permission was granted for the erection of two houses within the former grounds/parking area of The White Horse.

15/00441 – Planning permission was granted for the change of use of the application property to a 5 bedroom bed and breakfast accommodation.

Prior to 2015, it is understood that the property had been in use as a dwellinghouse from 2010. It is understood that the public house ceased trading circa 2007.

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

The proposal has been amended from its initial submission and two consultations of the application have taken place.

Eythorne Parish Council: The initial response was not to raise an objection in principle but to question the proposed use of the property close to a busy road, and the lack of outside space and parking spaces. The second response from the Parish Council raises no objections.

KCC Highways: Having considered the proposal and the affect on the highway network, no objections are raised.

DDC Environmental Protection: To the initial scheme, a noise report was sought to show how soundproofing might mitigate potential noise from the music room and outdoor buildings. The second response withdraws the request for a noise report following amended plans.

Third Party Representations: There have been 22 representations received from the public consultation. Of these, 10 responses raise objections, 9 responses support the application, and 3 responses are interpreted as neutral. The objections can be summarised as follows:

- Proximity to the busy highway
- Location, outside space for children to play and size of accommodation are inappropriate for children
- No suitable parking is available
- There would be an increase in demand for on street parking
- The proposed parking spaces are of inadequate length, which would require pedestrians to walk close to the carriageway
- The loss of the existing use would reduce the economic benefits to the village
- The use would be too far removed from amenities

The supporting comments can be summarised as follows:

- An appropriate use for the building
- Results in the building being restored and brought into use
- The use will provide employment
- There would be economic benefits for local trades
- Vulnerable children need support
- The parking and security doors proposed will mitigate the risks

f)

1. **The Site and the Proposal**

1.1 The application property is a large detached two storey Edwardian styled building, with a basement and attic. At the time of the site visit, the building was undergoing refurbishment. The building has been used as a public house, dwellinghouse, and for bed and breakfast accommodation. The current building replaced a previous building in use as a public house dating back to the 18th Century.

1.2 The building is located on the corner of Wigmore Lane and Church Hill. It has a forecourt fronting onto Wigmore Lane and a forecourt and garage building fronting Church Hill. The main elevation of the building

fronts Wigmore Lane. To the rear of the property there are outbuildings and a small yard area.

- 1.3 The 'as existing' plans show two cellars in the basement with access via stairs from within the building; two lounges, a dining room, kitchen and bathroom facilities on the ground floor, and five bedrooms on the first floor. There are two at grade entrances into the building in the front and side elevations. The side entrance is served by a porch which is proposed to be demolished.
- 1.4 The application property falls within the settlement confines of Eythorne and is otherwise not designated or allocated within the Development Plan. There are mostly residential properties surrounding the application site. Within a reasonable walking distance of the application site are shops, a church, school, playing areas and bus stops. Public Rights of Way are also close to the application site.
- 1.5 The adjacent property "Sparrowcourt" is located immediately to the east of the application site. This is Grade II listed. It comprises a 17th Century single storey (plus attic) residential building, with a hipped pitched roof and dormer windows and finished in render under a plain tiled roof. To the west of the application site, on the other side of Church Hill, The Old Bakery and The Granary are 18th Century Grade II listed buildings. The Bakery also has an attached listed wall that leads up Church Hill.
- 1.6 The proposal has been amended since its original submission. The change of use seeks to accommodate up to 4 children in care. The proposed plans show the basement to be used as a cinema room, music room, soft seating room, secure room and sensory room; the ground floor to be used as a lounge, dining room, kitchen, utility area, office, games room and storage; and the first floor to be used as 4 bedrooms and a staff bedroom. The children would share two bathrooms. The staff bedroom would have an en-suite.
- 1.7 The amended block plan shows the removal of three outbuildings in the rear yard of the application site and the provision of 4 car parking spaces on the Wigmore Lane forecourt and 3 parking spaces on the Church Hill forecourt. An existing porch to the side of the building, serving one of the entrances, will be removed and there would be some other minor changes to the elevations of the building to accommodate the change of use.
- 1.8 The proposed change of use is intended to support children for whom, due to their particular needs, it is considered that family living is not currently an appropriate option. The goal is to provide a secure base and long-term support for children who either have a diagnosis of Autism and/or ADHD or require assessment. There will be one-to-one support for the children and the aim to develop strong relationships in order to identify and support specific needs and areas of development.
- 1.9 The care home will provide 52-week a year care for up to four children; offering day and night support with a one-to-one adult to child ratio. It will offer placements to up to 4 male and/or female children aged 7-13 upon admission with the upper age of a resident being 16 years old.

It is intended that all the children will attend local schools, and some may have, in addition, home tutoring. Initially the children will not have unsupervised time. The one-to-one supervision will ensure that an adult is assigned to each child every day and is able to supervise the child at all times (both in the house and whilst out in public). Once the child is settled and of an age where it is felt they are ready to build some independence, a carefully considered independence plan will be created and put in place.

- 1.10 The children's social workers are required to complete a statutory visit every 6 weeks. The house will also be inspected by Ofsted annually. The children will have a CIC Medical annually, however this is usually completed off site at a health centre. The children would receive various assessments; these are also conducted off site at centres or through hospital appointments. The adults caring for the children would normally provide feedback or observations in support of any assessments.

2. Main Issues

- 2.1 The main issues are:

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

Assessment

Principle of Development

- 2.2 The application site falls within the settlement confines of Eythorne. As such, under Policy DM1, the change of use of the building is acceptable in principle.
- 2.3 Core Strategy Policy DM24 seeks to retain rural shops and public houses. The public house use of the building ceased some 15 years ago and there have been intervening uses. Therefore, the application of this policy does not apply.
- 2.4 Core Strategy Policy DM2 seeks to protect buildings in employment use. The previous use as a bed and breakfast and the proposed use are both quasi-residential uses that provided and will provide employment opportunities. In fact, it is more likely that the proposed use will increase the level of employment opportunities on site compared with the previous use. As such, the proposal does not conflict with Policy DM2.
- 2.5 Paragraph 92 of the NPPF promotes healthy, inclusive and safe places and services communities need. In essence, therefore, and in relation to the determination of this application, the principle of the change of use is acceptable and supported in the NPPF.

Impact on Character and Appearance

- 2.6 The proposed change of use seeks to retain the residential accommodation provided within the building, but to increase the level of facilities available to the proposed occupiers. For a building of this size, the proposal to accommodate 4 children in their own bedrooms, and one staff bedroom would not amount to an over-intensification of the use of the building.
- 2.7 The proposed accommodation on the ground and basement floors seeks to provide access to a range of facilities for the children. The removal of outbuildings in the yard also increases the area of outside space for the children to enjoy external play space and exercise.
- 2.8 Whilst there may be a small increase, from the previous bed and breakfast use, in the level of people coming and going during the day, the difference is not considered to be material or change the prevailing character and appearance of the area.
- 2.9 The existing forecourts will be used for car parking and, with the removal of the entrance porch and outbuildings, the application building will retain its current spatial setting.
- 2.10 In conclusion, in view of the previous public house and bed and breakfast uses of the building, the proposed change of use is not considered to have any material bearing upon the prevailing character and appearance of the area and accords with paragraph 130 of the NPPF.

Impact on Residential Amenity

- 2.11 The proposed use would be compatible within a residential area. In view of the proposed number of children it is not anticipated that the proposed use of the building will give rise to a materially greater degree of comings and goings that would be noticeable within the immediate area. The building is not in a quiet residential location where comings and goings would be more apparent. Rather it is on a junction where there is already a degree of vehicle movements and associated traffic noise. In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded.

Impact on Highway Safety

- 2.12 In effect, the proposed parking layout is an improvement on the previous parking layout that was available to the bed and breakfast use, as the removal of the garage building, and set back of the boundary fence to serve the rear yard area, enables a better depth of parking space to be provided on the forecourt served by Church Hill. There are no technical objections from KCC Highways to the proposed use, the site's location on the crossroads and the level of car parking provided. It is not considered therefore that it can be reasonably demonstrated that the proposed use would give rise to harm to highway safety.
- 2.13 Policy DM13 is based upon the adopted parking standards as set out in KCC's Parking Standards SPG (2006). This document is to some

extents out of date, as there is no parking standard equivalent to the proposed Class C2(b) use. The closest standard that could be applied relates to residential care homes. This would require 1 space per 6 beds, 1 space per member of staff plus 1 space for two other members of staff and 1 space per resident staff. On the basis of the standard, the requirement would be 5-6 spaces. The proposal provides 7 spaces.

3 Conclusion

- 3.1 The proposed use would help meet a need and provide accommodation for vulnerable children. The application building is of sufficient size and in a sufficient location to be able to provide reasonable accommodation for the children with access to a reasonable level of amenities and public facilities. The local school for example is a short walk up Church Hill on the same side of the road.
- 3.2 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a decision maker shall have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest it possesses. The proximity of the listed buildings to the application property requires an assessment to be made on the impact of the proposal and considerable importance and weight must be given to any predicated harm. In view of the very limited changes to the external appearance of the application building and its site, the loss of a porch and outbuildings, along with the proposed use, it is considered that the proposal would not have a material impact upon the setting of these listed buildings. As such, their setting would be preserved.
- 3.3 It is considered that the proposal should be supported as a sustainable form of development in a suitably sustainable location. It also provides accommodation for a vulnerable group of children who require this level of care. As such, the accommodation would meet the requirements of the NPPF to provide for the specific needs of groups and would meet the requirements for social inclusion.

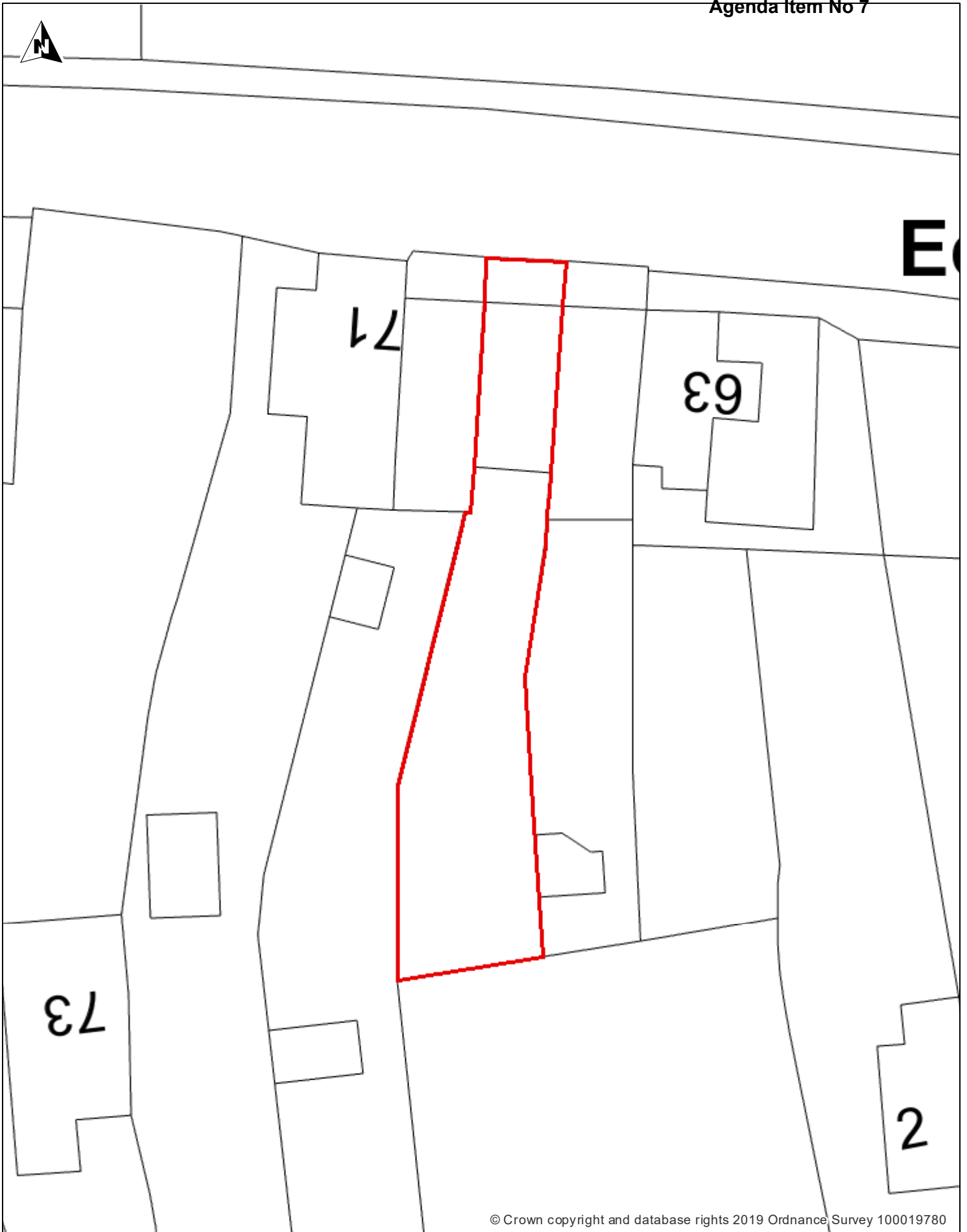
g)

Recommendation

- I Planning permission be GRANTED with the imposition of the following conditions:
 - i) In accordance with the approved plans.
 - ii) The use of the building to be limited to up to 4 children at any one time.
 - iii) Parking spaces as shown on the approved plans shall be provided before first use and retained thereafter
 - iv) Details of cycle, refuse and recycling facilities to be submitted for approval and implemented before first use
- 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



21/00881
67 Canterbury Road
Lydden
CT15 7EX

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/21/00881 – Erection of a single storey outbuilding with decking, steps and railings (part retrospective) - Land at 67 Canterbury Road, Lydden**

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

National Planning Policy Framework 2021 (NPPF)

- Section 12 is relevant as the proposal should seek to achieve well-designed places

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Regulation 18 Consultation on the Draft Local Plan

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**

There is no relevant planning history related to the proposed development.

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

Lydden Parish Council: Provided a detailed response but in essence raises objections to the proposal on the basis of invasion of privacy and the negative impact upon neighbouring properties.

Third party Representations: There have been 24 representations received. Of these, 14 responses raise objections, and 10 responses support the application. The objections can be summarised as follows:

- The building is too large, dominant, disproportionate, overbearing and out of keeping
- The development is oppressive and imposing and results in the loss of sunlight into neighbouring gardens
- The development gives rise to overlooking and loss of privacy
- The use of the building as a bedroom would increase the degree of overlooking and loss of privacy
- The building was not constructed into the ground and with the use of posts that project above ground – this increases the height of the development

- The building is constructed contrary to Fire and Building Regulations
- The drawings and information submitted are misleading and inaccurate

The supporting comments can be summarised as follows:

- The proposal brings the rear garden area fully into use
- The proposal does not lead to unacceptable levels of overshadowing, overlooking or loss of privacy
- Additional screening can be provided to help mitigate loss of privacy
- The building is well-proportioned and improves the appearance of the area
- The proposal improves natural surveillance
- The proposal obviates the need to extend the application property, which would be difficult
- New fencing has recently been erected along the boundary with No.69 which improves the level of mutual privacy

f)

1. **The Site and the Proposal**

- 1.1 The application property is a two storey, mid-terraced Victorian cottage, located within Lydden Village. Beyond the immediate section of the garden to the rear of the application property, the garden rises up the side of the hill in a southerly direction. The other rear gardens of properties along this terrace also rise in a southerly direction.
- 1.2 Both Nos.65 and 69, the adjoining properties, have gardens that rise toward their rear boundaries. These also have outbuildings and a degree of terracing – areas of the rear gardens that have been ‘flattened’ within the slope of the land, so that they can be used as seating areas.
- 1.3 Due to the rising topography, there are views from the back of the rear gardens across gardens and towards the terrace of properties. Some views are partly screened through boundary enclosures, outbuildings and landscaping/vegetation.
- 1.4 Although the application property and terrace, are located within the confines of the settlement, as designated within the Core Strategy, the parts of the garden that rise up the hillside fall outside the confines of the village settlement. However, this ‘boundary’ line is not visible or otherwise obvious within the gardens.
- 1.5 This section of the village, the application property and terrace and the extent of their rear boundaries, are located within the Area of Outstanding Natural Beauty (AONB).
- 1.6 The application proposal has been mostly constructed. This involves the erection of a timber outbuilding, with a shallow pitched roof, which is located at the end of the garden at approximately 21m. In front of this building is an upper decked area. There are steps down to a lower decked area and then steps down to the lawned part of the garden. The building works have been carried out, but the interior of the building has not yet been finished.

2. Main Issues

2.1 The main issues are:

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

Assessment

Principle of Development

2.2 The application site falls partly within and partly outside the settlement confines of Lydden. The proposed development falls outside the confines, within the countryside. Under Policy DM1, development is permissible within the countryside if it is ancillary to an existing use or development. As the proposal is for the benefit of the occupiers of the application property, within the garden, the proposed development would be in accordance with Policy DM1. As such, under Policy DM1, the proposed development is acceptable in principle.

Impact on Character and Appearance

2.3 The proposed development is visible at a distance from Canterbury Road when viewed from either side of the terrace of properties. It is a suitable distance from the public highway not to appear prominent in the street scene. It is visible within the context of other buildings and vegetation located on the side of the hill. As such, it does not appear intrusive, and the prevailing visual quality of the street scene is preserved.

2.4 The application building appears as an outbuilding. It is constructed of timber with a shallow pitched, felted roof. Although it has UPVC windows, which adds a degree of domestication to its appearance, the building is not considered to be poorly designed, disproportionate or otherwise out of keeping within its garden setting.

2.5 The AONB designation extends across the built and unbuilt sections of the village. Although visible on the hillside from Canterbury Road, the proposed development is within the existing garden area of the application property, adjoining other gardens either side and above, and not visible within the context of the open and wider landscape. As the proposal does not encroach beyond the garden and is visible as a 'garden' or domestic structure, it is not considered that the landscape and scenic beauty of the AONB is harmed.

2.6 The decked areas that have been created as part of the proposal are less visible within the street scene and in the context of the AONB. As such, the decked areas and steps that serve the development are not considered to harm the prevailing character and appearance of the area or the landscape and scenic beauty of the AONB.

Impact on Residential Amenity

- 2.7 The pre-existing contours and topography of the garden, prior to the proposed development being carried out, would have provided or would have had the potential to provide a degree of overlooking across and down the adjoining gardens towards the buildings that form part of the terrace, in particular.
- 2.8 The immediate properties either side, have terraced areas and outbuildings in the rear half of the gardens which also allow a degree of overlooking across and down the gardens.
- 2.9 The above matters comprise material considerations in the determination of the current application.
- 2.10 It is considered that the proposed building stands out more than those outbuildings in adjoining gardens. Although the building, in itself, is not considered to be particularly large or imposing, its location at the top of the garden makes it appear more prominent than those in the adjoining gardens.
- 2.11 The windows in the front elevation of the outbuilding would allow the occupiers of the building to be able to look towards the rear elevations of the terrace of properties and partly across the gardens of adjoining properties. Notwithstanding, it is considered that the building is suitably separate from the adjoining buildings (21 metres) to avoid having an overbearing or otherwise intrusive impact upon the living conditions of the occupiers of adjacent properties.
- 2.12 Similarly, the views from the outbuilding are at a distance from the adjacent properties and the windows in their rear elevations, measured at around 21 metres, to avoid having an unduly harmful impact upon the privacy of the occupiers of these properties from overlooking. In coming to this conclusion, the pre-existing intervisibility between properties has been taken into account.
- 2.13 It is considered that the greater potential for overlooking and loss of privacy comes from the decking areas in front of the outbuilding – which are large enough to provide sitting out areas. Again, there are views across and down adjoining gardens, but the upper decked area provides virtually un-impeded opportunities for looking across and down over the side boundary fence, shared with No.69, to two small seating areas created within terraces. As a means of mitigating this level of harm, a planning condition is recommended, should permission be granted, to require the applicant to erect a fence of a suitable height (some 1.8m above the height of the decked area) along the side section of the upper decked area. It is considered that once erected the balance between providing a reasonable level of residential amenity to the applicants and occupiers of No.69 would be reached.
- 2.14 From the lower decked area of the application garden, there is a close view over the boundary fence with No.65, onto the seating area that has been created on a terrace in the rear garden of that property. It is also recommended that a 1.8m high boundary fence (as measured from the proposed decked area) should be erected to help mitigate the level of harm - to the extent that there would be a reasonable level of amenity retained for the applicant and the occupiers of No.65.

2.15 In conclusion, this decision is in the balance. In view of the pre-existing contours and garden levels, and the mitigation that could be provided through the erection of additional fencing along sections of the side boundaries of the site, the proposal is considered to be acceptable. Intervisibility would remain between windows and garden areas of adjoining properties and the proposed development, but due to the degree of separation, some intervening fencing and landscaping and the topography of the land, the increase in the levels of harm would not be material or unduly harmful.

3. Conclusion

3.1 The proposed development is located within the garden of the application property and is considered to be ancillary to an existing development/use of the land. The proposal is visible from public vantage points, but not prominent or otherwise intrusive.

3.2 The application site and this section of the village fall within the AONB. The proposed development is seen within the context of the garden and other nearby buildings and does not encroach onto or form part of the wider and more open landscape. As such, the landscape and scenic beauty of the AONB is conserved.

3.3 The proposal is considered, on balance, to be acceptable subject to the erection of fencing (or increasing the height of fencing) along certain sections of the side boundaries of the garden. With this fencing the impact is not considered to be unduly harmful to the extent of warranting a refusal of planning permission, in this case.

g)

Recommendation

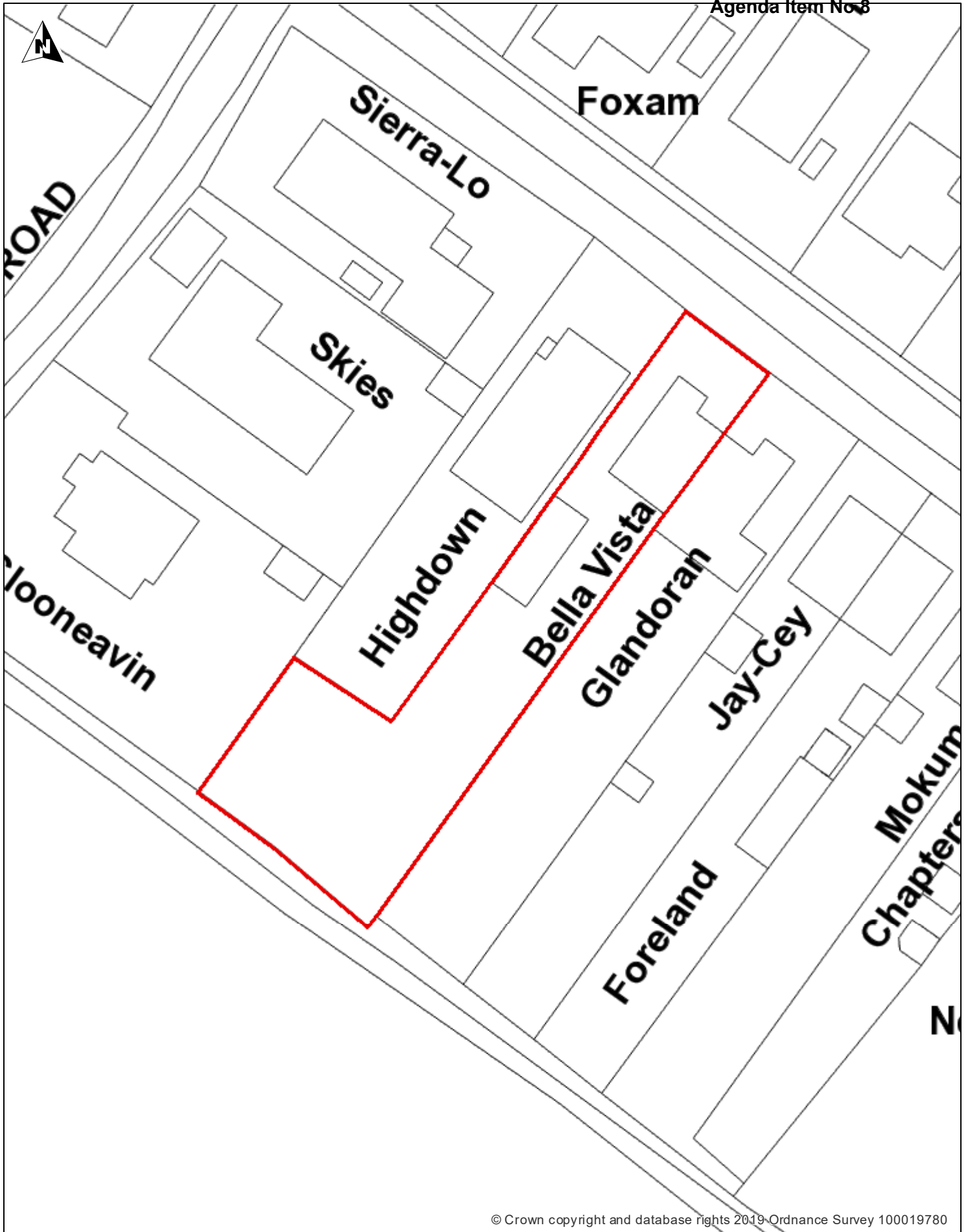
I Planning permission be GRANTED with the imposition of the following conditions:

- i) In accordance with the approved plans.
- ii) The use of the building to be used for purposes ancillary to the main dwellinghouse
- iii) Within 3 months, fencing shall be erected at a height of 1.8m along the side boundary with No.69 of the upper deck area and the side boundary with No.65 of the lower deck area and retained as such thereafter.

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

Case Officer

Vic Hester



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21/00524
Bella Vista
Queensdown Road, Kingsdown
CT14 8EF

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/21/00524 – Erection of first-floor rear extension and single storey side extension - Bella Vista, Queensdown Road, Kingsdown**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Grant planning permission

- c) **Planning Policy and Guidance**

Statute

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

Dover District Core Strategy (2010)

DM1, DM15 and DM16

Regulation 18 draft Dover District Local Plan

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

National Planning Policy Framework (NPPF)(2021)

Paragraphs 2, 7, 8, 11, 130, 134, 170, 176

Kent Downs Area of Outstanding Natural Beauty Management Plan (2021-2026)

- d) **Relevant Planning History**

DOV/03/01232 – Erection of single storey rear extension and dormer window in rear roof plane – Permission granted.

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

Ringwould Parish Council - No comments received

KCC Archaeology – No comments received

Third Party Representations – A total of 21 representations have been received, 9 objections, 12 supporting and are summarised as follows:

Objections:

- Adverse effect on the residential amenity of neighbouring properties through a loss of privacy in rear gardens.
- Balcony area would cause overlooking.
- Unacceptable increase in noise to neighbouring properties from living room upstairs.

- Previous application in 2003 was conditioned that; “no balcony, railings or means of enclosure of any kind shall be erected on the flat roof of the single storey extension hereby permitted and the flat roof shall not be used for sitting out or for any other purposes incidental to the primary residential use of the dwelling”.
- The extension would be overbearing to neighbouring properties and is not in keeping with the street scene.
- Loss of light.

Support:

- This is a reasonable addition to a family home and improve the living environment.
- Proposal will not intrude on or overlook neighbours.
- The proposals will improve the building and will not compromise the street or area.
- None of the buildings on this street are uniform.
- “Upside down” living is nothing new in the village.
- The proposals will enhance the property. There is enough land surrounding to support the design and give neighbours the space and privacy, whilst providing the residents with an improved layout.
- Adjacent properties are already overlooked
- In recent years balconies and raised seating areas have become a feature of many properties in Kingsdown.
- The proposed first floor rear extension includes a privacy screen with a view over their own garden only and not neighbours

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

- 1.1 The application relates to a semi-detached one and a half storey (chalet style) dwelling with flat roof dormer windows in the roofspace, sited on the southwest side of Queensdown Road. The property is finished in part-brick, part-render with white uPVC windows and a concrete tiled roof. There is an existing flat roofed single storey rear extension on the host dwelling that extends across the width of the rear elevation but is set back from the boundary with Highdown. The site lies within the settlement boundaries of Kingsdown. The principal elevation faces Queensdown Road. There is a driveway located to the northwest of the property, sufficient for approximately two cars. There is also a garage which is sited to the southwest of the property.
- 1.2 Bella Vista is bounded by Highdown to the west, and Glandoran to the east. The area comprises a mixture of single and two storey dwellings which are either detached or semi-detached. The area to the south of the property is open countryside, which is also defined as an Area of Outstanding Natural Beauty. The application is for the erection of a first floor rear extension over the existing single storey rear extension and a small single storey side extension.
- 1.3 The first floor rear extension would have a pitched roof to form an extension of the main roof and measures 5.4 metres wide and 5.5 metres deep, extending almost the full width of the dwelling, with an inset balcony on the proposed rear elevation, this would have a depth of 1.7 metres (between the bedroom and rear elevation) and is inset under the roof with a glazed balustrade. This first floor element has an eaves height of 3.9 metres and a maximum flat roof height of 6.0 metres. The roof of the first floor extension would be barn hipped with a flat top. The single storey side extension would have a depth of 2.1 metres, width of 7.4 metres, eaves height of 2.5 metres and a maximum flat roof height of 3.0 metres. This would also include a glazed roof lantern with a maximum height of 3.3

metres.

- 1.4 The proposed external materials would be black or dark grey aluminium windows/doors, white render for the single storey side extension, with the first floor extension having a section of dark grey Cedral cladding, and the roof of the first floor extension having artificial slate. The entire roof would also be recovered in artificial slate.

2 Main Issues

- 2.1 The main issues to consider are:
- Principle of development
 - Design, AONB, street scene and visual amenity
 - Residential amenity

Assessment

Principle of Development

- 2.2 The proposed development is within the settlement boundary of Kingsdown and is an extension to an existing dwelling. As such the development accords with Policy DM1 and is therefore acceptable in principle, subject to its details and any material considerations.

Design, AONB, Street Scene and Visual Amenity

- 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 an enhance the natural and local environment by...recognising the intrinsic character and beauty of the countryside.*'
- 2.4 The proposed extensions would be visible from both the street and the open fields which are in the AONB to the south of the property. Special attention therefore needs to be paid to the design of the proposals and the affect these may have on the scenic beauty of the AONB and the character of the street scene. In terms of the AONB, a number of properties have extended within the roof space within the area and this proposal would align with these and will not adversely affect the significance of the AONB in accordance with paragraph 176 of the NPPF. The properties along the street are not uniform, and all are individual in design and form. It is considered that the proposal has been designed to be in keeping with the existing dwelling as the character of the proposals match those of the existing. It can therefore be concluded that the development will not harm the character and appearance of the street scene or visual amenity of the area in accordance with paragraph 130 of the NPPF.

Residential Amenity

- 2.5 The nearest properties to the host dwelling are Highdown and Glandoran, which are located to the east and west. Glandoran is the adjoining semi-detached property and Highdown is a detached single story dwelling. In terms of the principle of the first floor extension it should be noted that there is a large existing flat roofed dormer to the rear roof slope and the existing flat roof single storey

rear extension. The proposed first floor extension projects over the flat roof extension which is set back from the boundary with Glandoran. The roof is designed to extend off the existing roof slopes to a lower eaves point. The roof also slopes away from both adjoining properties with the highest point of the roof off centres to the rear elevation. To reduce the impact further a flat section is proposed to minimise the overall height and a barn hip is proposed. All these elements result in a limited impact in terms of overshadowing or overbearing of the adjacent dwellings. This is further reduced as a result of the siting of the dwelling with a south facing rear elevation, which is advantageous to the line of the sunpath. These aspects result in a first floor roof extension that has a limited impact in terms of overshadowing or overbearing, that accords with paragraph 130 of the NPPF and is acceptable in principle.

- 2.6 Concerns have been raised over the potential for overlooking to be caused by the proposed balcony into the rear gardens of these properties. Special attention has been paid to the design of the balcony to prevent this, such as making this an inset balcony therefore only affording views to the south of the property to the open fields beyond. A first floor extension is also considered to be acceptable due to an existing single storey rear extension at Glandoran which has a flat roof and extends beyond the rear wall of the proposed extension, therefore reducing the impact of overshadowing to Glandoran and any potential overlooking. Further to this, a property located to the southwest of the application site has a similar inset balcony.
- 2.7 A condition was included in the 2003 planning permission for the single storey rear extension to prevent the flat roof being used as a sitting out area. However, an inset balcony would not have a significantly greater impact than a large picture window, with a view to the open fields and is therefore considered to be acceptable and appropriate for the site, in the context of the proposal now being considered.
- 2.8 Four rooflights are proposed to the roof slopes of the dwelling. Three of these are to the existing roof slopes and a further rooflight is proposed on the east facing roof slope directly adjacent to Glandoran. Due to the projection of the first floor extension, the proposed rooflight which is sited at an internal floor to ceiling height of approximately 1.5m, (although has been referred to as a high level rooflight), has the potential to cause overlooking of the adjacent dwelling in terms of both the bedroom windows and the private garden area. An amendment has therefore been requested to increase the internal floor to ceiling height of the bottom of the window to 1.7m or remove this rooflight from the proposal. At 1.7m above internal floor level the potential for overlooking is significantly minimised and the proposal would be acceptable in terms of the impact on residential amenities. Members shall be updated on this amendment accordingly at Planning Committee.
- 2.9 Attention must also be paid to the single storey side extension and the potential to cause loss of light to Highdown. The windows on the eastern flank elevation of Highdown have obscured glazing and this is controlled through a planning condition to protect the privacy of Bella Vista. The rooms which are served by these windows are also served by roof lights. It can therefore be concluded that the impact caused by the side extension to the adjacent dwelling would be negligible as they are receiving light from the existing rooflights and the overall height of the proposed extension to this elevation has been kept to a minimum with the use of a flat roof. Overlooking and loss of privacy are not considered to result from this element of the proposal.

- 2.10 Concerns have also been identified in respect of the potential noise that could be generated by the living room being on the first floor. This is not a material planning consideration as permission is not required to change the internal use of rooms in a property such as this. The proposed extensions therefore comply with paragraph 130 of the NPPF.

3. Conclusion

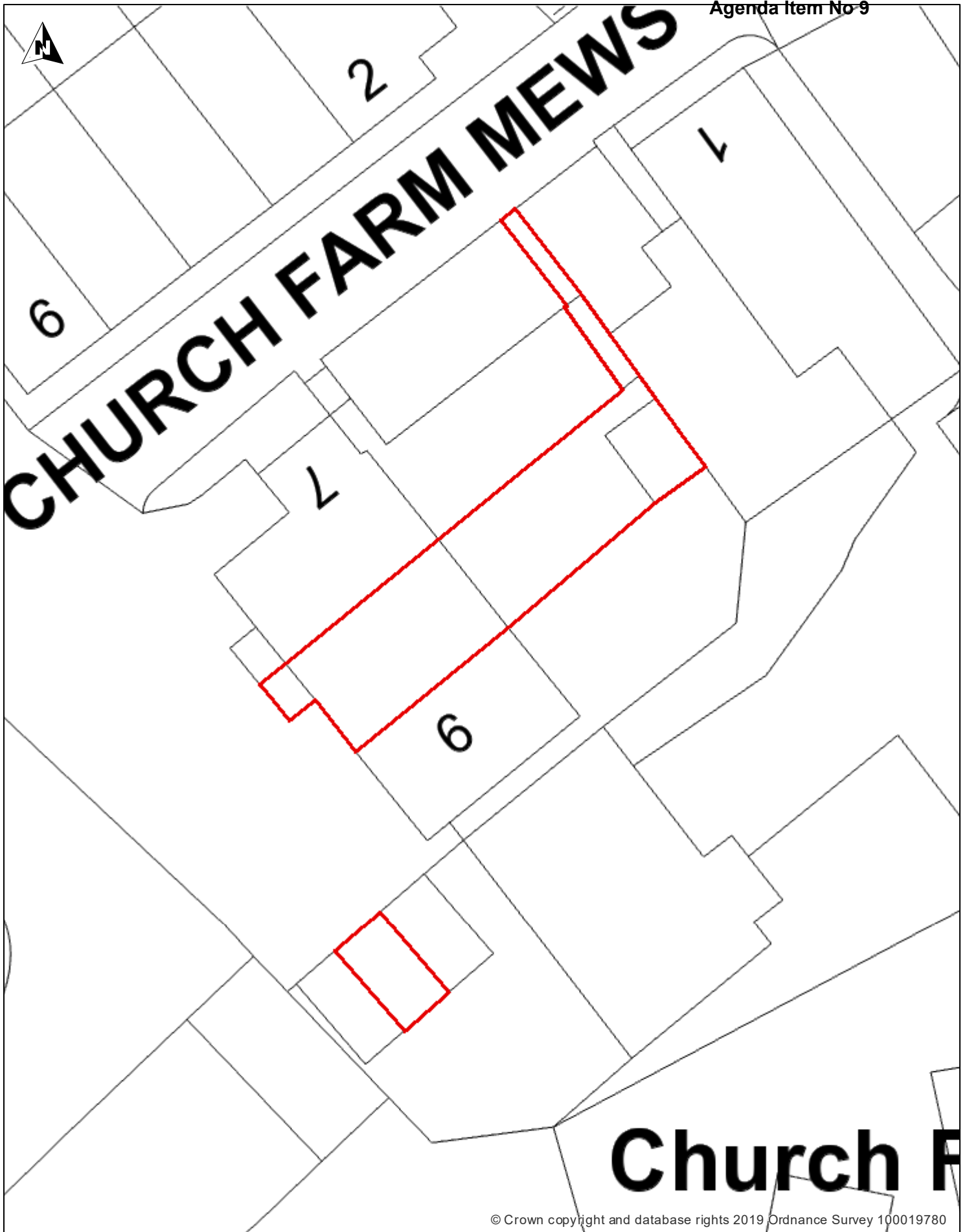
- 3.1 The proposed erection of a first floor rear extension and single storey side extension, due to the design and appearance, would be unlikely to result in significant harm to the character and appearance of the countryside and AONB in accordance with Policies DM15 and DM16. Furthermore, for the reasons outlined above, the development would be unlikely to result in significant harm to the residential amenities of surrounding occupiers in respect of overshadowing, overbearing or loss of privacy. Consequently, the proposals would accord with the aims and objectives of the NPPF. It is therefore recommended planning permission be granted.

g) Recommendation

- I. Planning permission be **GRANTED**, subject to conditions including the following:
- (1) 3 year time
 - (2) compliance with the approved plans
 - (3) materials specified
 - (4) No additional windows in elevations or roof
- II. That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Alice Pitts



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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: 6 contrary views

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this state in the plan making process (early), 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 (2021) (NPPF)

- Paragraphs 2, 7, 8, 11, 130 and 189-198.

Kent Design Guide (2005)

National Design Guide (2021)

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

d) **Relevant Planning History**

Original Planning permission – DOV/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 Representations**

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 from outbuilding
- Re-route rainwater guttering

KCC Archaeology - 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:

- Owners need additional space
- 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 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. The rear boundary is a 2-metre-high timber fence with pots of bamboo planted between the fence and the outbuilding. The site is within the village confines of East Langdon and within the East Langdon Conservation Area. The principal elevation of the property faces towards a parking area within Church Farm Mews. 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 a detached dwelling to the northeast. The area comprises a, well established residential area.

1.2 The application is for a single storey outbuilding to the northeast of the main dwellinghouse, sited at the end of the rear garden. 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 flat roof finished in rubber single ply membrane with aluminium clad black overhang. The door and window are aluminium. The outbuilding replaces an original garden shed.

2 Main Issues

2.1 The main issues for consideration are considered to be:

- The principle of the development
- Impact on Conservation Area and visual amenity of the area
- Residential amenity

Assessment

The 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 Policy DM1. As such, the development is acceptable in principle, subject to impact on visual and residential amenity and other material considerations.

Impact on Conservation Area and Visual Amenity

- 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, Paragraphs 201 and 202 require 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. Regard must also be had for Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990 which states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 2.4 The outbuilding as constructed is not visible from the public highway or from the surrounding area due to its location within the rear garden. Therefore, as set out in Paragraph 202 of the NPPF, the addition of the outbuilding is considered to result in less than substantial harm to the Conservation Area.
- 2.5 The outbuilding replaced a shed which was sited on a similar footprint to the new outbuilding. The outbuilding has been finished in vertical western red cedar cladding, that will weather naturally over time. While different from surrounding finishes, the manner in which this natural material is used, creates a soft/clean finish which is not visually unattractive. 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 is unduly out of keeping 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. It has a limited impact on the visual amenity of the area and is in accordance with paragraph 130 of the NPPF.

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 approximately 0.4 metres lower than the application site. The rear elevation of 1 Church Mews is sited 6 metres from the boundary fence. There are no windows located within the rear elevation of the outbuilding, thereby preventing the potential for any overlooking of this property. There is a window to the side elevation which would face towards the boundary fence of 7 Church Farm Mews. The shed which was previously sited on this footprint spanned most of the width of the garden and was sited on the boundary of 1 Church Mews. The new outbuilding now constructed is sited slightly away from the boundary by approximately 0.2 metres. The height of the outbuilding is 2.5 metres, 0.5 metres taller than the existing 2m high timber fence which is sited along the boundary line at the higher ground level of the application site. The total height is therefore approximately 2.9 metres. The additional height of the outbuilding is noticeable and the changes in ground levels do make the outbuilding more visible when viewed from 1 Church Farm Mews. That said, taking into account the building is set slightly off of this boundary and the 'soft' wood appearance of the structure, the on-balance view is that the outbuilding does not result in an unacceptable visual intrusion or has an overbearing impact on the living environment within and the

residential amenities of 1 Church Mews that would be sufficient to warrant a refusal of the planning application.

- 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 sited at least 10 metres away from the outbuilding, which is located at the end of the rear garden. The rear elevations 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. It is not considered that there would be any harm to the residential amenities of these properties as a result of this outbuilding. The proposal would therefore be in accordance with paragraph 130(f) of the NPPF.
- 2.9 Third parties have raised a couple of queries which require consideration. Firstly, given the limited scale of the building and the limited openings, 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, beyond that expected from any other type of ancillary residential outbuilding. Secondly, the roof would fall from south west to north east, with the north eastern elevation set away from the boundary at the lowest point. Consequently, any guttering would overhang the garden of the host property, rather than a neighbouring property. Finally, neighbours have commented that the outbuilding may breach covenants. Covenants are not a material consideration to the assessment of a planning application and cannot, therefore, be taken into account. Instead, any breach of covenant would be a matter between the relevant parties.
- 2.10 A number of objections have also requested that the outbuilding should be repositioned elsewhere, the appearance altered and/or the fence height increased. However, Members are aware that a decision needs to be made on the application before them and as set out in the report, there are no visual or residential amenity concerns or any planning grounds that justify a need for these suggested amendments.

3. Conclusion

- 3.1 The outbuilding for use as a home office, due to its design, size and appearance, would not be out of keeping with the immediate character of the Conservation Area or 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 limited visual impact on adjoining properties, the conclusion is that this impact 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 and it is recommended that planning permission should be approved.

g) Recommendation

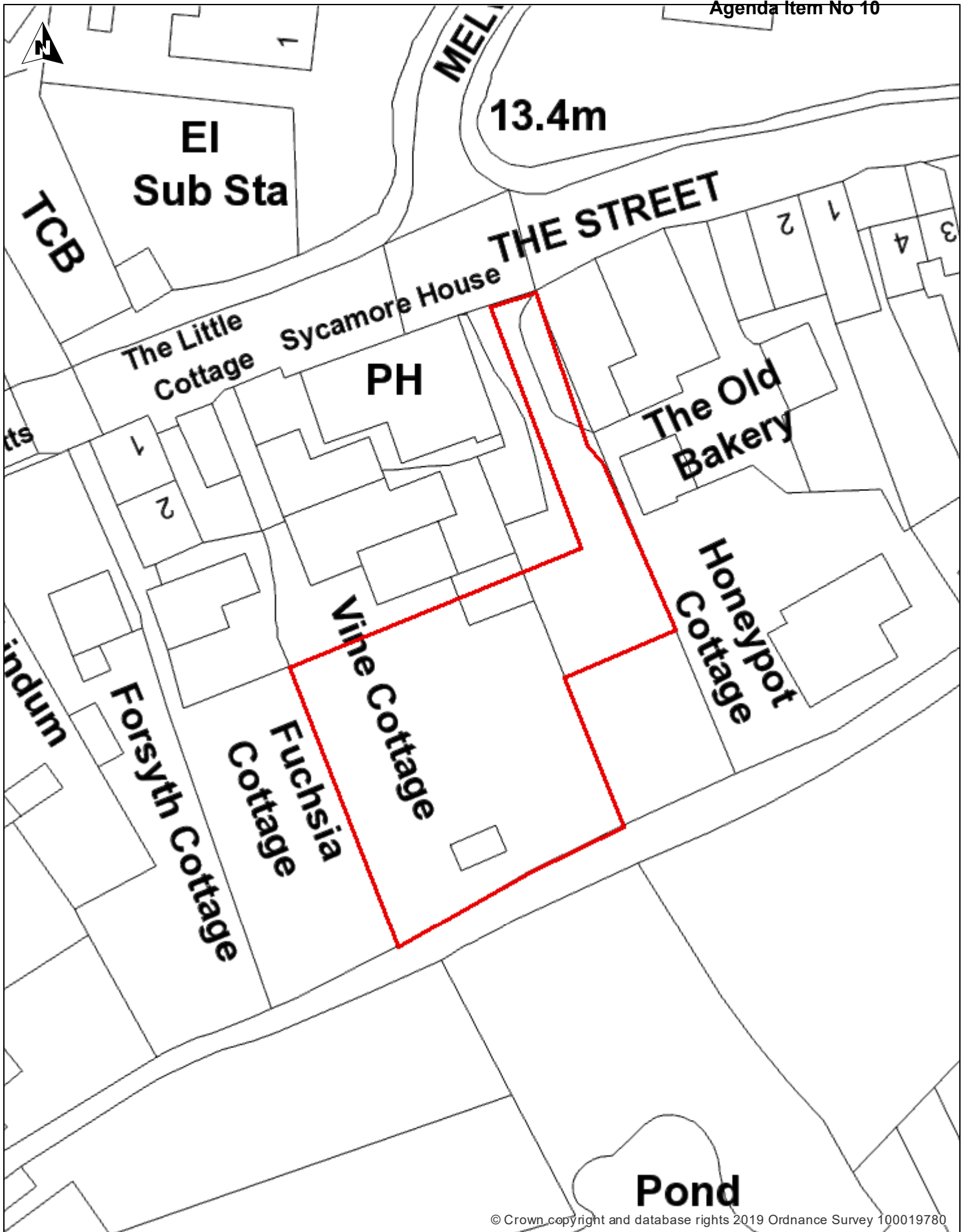
I Planning permission be GRANTED, subject to the imposition of the following conditions:

- (1) compliance with the approved plans
- (2) No openings on north-east elevation
- (3) Use of the outbuilding to remain ancillary 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 the Planning Committee.

Case Officer

Amber Tonkin



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21/00225
Vine Cottage
The Street, Woodnesborough
CT13 0ND

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/21/00225 – Erection of 3 dwellings with associated parking and landscaping - Vine Cottage, The Street, Woodnesborough**

Reason for report – Number of contrary views (7)

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policy and Guidance**

Statute

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

Draft Dover District Local Plan

The regulation 18 consultation draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan-making process, the policies of the draft plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out (see NPPF paragraph 48). However, in the report below reference will be made to those draft policies that would be relevant to this application.

Dover District Core Strategy (2010)

DM1, DM11, DM13

National Planning Policy Framework (NPPF)(2021)

The most relevant paragraphs of the NPPF are: 2, 7, 8, 11, 38, 48, 111, 112, 119, 120, 124, 126, 130

d) **Relevant Planning History**

DOV/18/01334 - Charity Public House, The Street -

Erection of a two storey side extension to facilitate change of use and conversion to four self-contained flats, erection of a detached building containing two self-contained flats with vehicular access and parking APPROVED

DOV20/00915 - Charity Public House, The Street

Variation of Condition 2 (approved plans - changes to layout and design) of planning permission DOV/18/01334 for the erection of a two storey side extension to facilitate change of use and conversion to four self-contained flats, erection of a detached building containing two self-contained flats (application under S73) APPROVED

DOV/20/00915/A - Charity Public House

Non-Material Minor Amendment (18/01334) - site plan, parking and landscaping WITHDRAWN

DOV/21/01190 - Charity Public House, The Street

Variation of Condition 8 (parking and access) to remove mention of relocation of bus stop of planning permission DOV/20/00915 (application under Section 73) Approved

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

KCC Highways – outside of consultation protocol

KCC PRow – no comments

Southern Water – no objection

Woodnesborough Parish Council – object to this application on the grounds of over development, the lack of parking and the risk of increased parking on the roads through the village and the increase in dangerous traffic movements from traffic entering and exiting the development.

Third party representations - (6 objections in time) on the following grounds:

- Insufficient parking within the development – especially with the other new residential units being created
- Melville Lea is already used as a car park and will get worse
- Lack of visibility at the access making it a danger for loss of life or injury
- There is a 300m stretch at the front of the site where due to on street parking it is effectively a single track road where vehicles speed up to pass through
- The development will make the existing situation worse for driving safely through the village
- Lack of access for A&E vehicles
- Impossible to walk along the footpath (The Street) safely
- Overlooking of other properties
- Felling of two large trees

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

- 1.1 The application site is in a backland location to the southern side of The Street in Woodnesborough. It is located within the settlement boundary at the eastern end of the village. The site currently comprises garden land belonging to the dwelling Vine Cottage. On the eastern boundary of the site, also in a backland location are two dwellings under construction (mentioned below) and beyond these Honey Pot Cottage - a Grade II listed building. To the south is a PRow and north is Vine Cottage and the former Charity Inn PH that is currently being converted to dwellings – these buildings front The Street. Further west are the rear of properties in Woodland Way.
- 1.2 Planning permission has recently been approved for the former Charity Inn PH to be converted into 4 flats and this work is currently ongoing. At the rear of the Charity Inn PH, planning permission was approved under the same application for a detached building providing two further residential 2 bedroom units. The proposed development will be accessed through the site of the former Charity Inn PH. A planning application DOV/21/01190 has amended the originally approved site layout to enable access through to the proposed development site at the rear.

Proposal

- 1.3 Planning permission is sought for a development of 3 dwellings to be situated to the rear of Vine Cottage, The Street. Access from The Street would be via the existing access which is adjacent to the former Charity Inn PH. The site is currently incorporated within the garden land of Vine Cottage and the proposed vehicular access into the site would be through the adjacent site (DOV/21/01190 refers). The original submission was for 4 dwellings, however this was reduced to 3 dwellings following concerns regarding the impact on the locality.
- 1.4 The dwellings comprise one pair of semi-detached properties – 1 x 2 bed and 1 x 3 bed, and one detached 3 bed dwelling. Roofs are fully hipped, with the pair of semi's giving the

appearance of a single dwelling through the design. Materials comprise facing brick and tile hanging. The dimensions of plots 1 and 2 are: height to eaves 5.28m; height to ridge 7.7m; height to ridge of plot 2 only, 7m. Plot 3 is slightly smaller in scale at 7.4m to ridge height and 5.27 to eaves.

- 1.5 The proposed 3 dwellings are to the west of the two dwellings already approved under DOV/18/01334 and would be sited on a similar building line. Construction of the two previously approved dwellings is not yet completed. There is a distance of 5.3m between these approved dwellings and plot 1 of the proposed 3 dwellings in this application. There is a slight ground level difference between the two sites of approximately 0.45m.
- 1.6 A total of six car parking spaces are to be provided at the front of the dwellings, 2 spaces per 3 bed dwelling and 1 space + 1 visitor space outside the 2 bed dwelling. Each plot identifies an area for a cycle shed and for bin storage. The proposed visitor space was initially proposed to compensate for the loss of one visitor space on the Charity Inn development, which would be lost by the creation of the access into the new site; however the section 73 planning application to facilitate the access between the sites has been approved which revised the parking layout on the Charity Inn development to ensure that there is no reduction in parking provision.

Main issues

2. The main issues to consider are:
 - Principle of development
 - Design, rural amenity and heritage impact
 - Highways and traffic impact
 - Residential amenity
 - Trees and ecology (including Appropriate Assessment)

Assessment

Principle of Development

- 2.1 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.
- 2.2 Dover District Council, as the local planning authority (LPA), can demonstrate a housing land supply in excess of five years. However, by virtue of the age of the Core Strategy (2010), information relating to the objectively assessed housing need having been updated and a local plan review already progressing there are parts of the existing development plan which are considered to be out of date. It is important when an application is being considered and where policies are out of date, that the relevant policies for determination are assessed against the NPPF (2021) as to the degree to which they might be in accordance, or otherwise.
- 2.3 The relevant policies in this circumstance are DM1, DM11 and DM13. Of these policies DM1, for the reasons considered above, and its relevance in paragraph 11 of the NPPF and the presumption in favour of sustainable development, is considered to be the most out of date and as such less weight is applied to this policy. This being said, the application site is located within the settlement boundary and is therefore acceptable in principle, subject to other material considerations.

- 2.4 Policy DM11 seeks to resist development outside the settlement confines if it would generate a need to travel. The application site is located within the settlement boundary and it is considered this proposal therefore complies with this policy.

Design, Street Scene and Visual Amenity

- 2.5 The design of the proposed dwellings has been amended since the original submission. It is considered that the scale and form of the proposed dwellings responds to the rural context of the locality. Proposed materials are sympathetic to the area and whilst there is a diverse mix of materials in the locality, it is considered that the proposed use of clay roof tiles, facing brick, soldier course detail and tile hanging are appropriate in this setting. From the wider street scene there will be limited views of the application site, due to this being a backland development, set behind a fairly built up frontage. In terms of the overall visual impact of the proposal it is considered that the site can accommodate the proposal without detriment to the locality.
- 2.6 The site is located in the village of Woodnesborough which does not have a designated conservation area, however there are a number of listed buildings within the rural settlement. The closest listed building is Honeypot Cottage which is located to the east of the application site. This property is a Grade II Listed, two storey timber framed house with a plain tiled hipped roof. However, between Honeypot Cottage and the proposed dwellings is the previously approved scheme for 2 dwellings that is under construction. This will act as a buffer between the Listed Building and the proposal; accordingly the proposed development is not considered to impact on the setting of the listed building. Even were the adjacent development not built out, there would be a substantial distance between the proposed development and the listed building such that the setting would not be compromised. Chapter 12 of the NPPF seeks to achieve well designed places, in particular paragraph 130. For the reasons set out above, it is considered that this proposal is an efficient use of land which has sought to respect it's setting and complies with the NPPF.

Highways and Traffic Impact

- 2.7 Concerns have been raised with regard to the impact of the proposal on the local highway network. The proposed access is an existing access that previously served the PH; the increased use of the existing access was acceptable under application DOV20/00915 for 4 flats and the two dwellings. The only alteration is that it will also now serve an additional 3 dwellings which will therefore increase the number of vehicular movements to and from the site. The additional 3 units are not considered to give rise to significant highway concerns. However, due to the concerns raised in objections relating to highway issues, the informal views of KCC Highways were sought. It was confirmed that due to the previous use of the access to serve the public house, the large former pub car park and the number of vehicle movements in relation to that use, there are no highway grounds on which to now object to the current proposal for three additional dwellings (with the limited number of movements this would generate). This is because it is not considered there would be a significant increase in vehicle movements above those associated with historic use, i.e. the number of vehicle movements would not be increased.
- 2.8 There are 6 car parking spaces being proposed for the 3 dwellings. As stated earlier this is in accordance with the current KCC guidelines for the size of the dwellings proposed and complies with the requirements of DM13 of the CS. The concerns are noted of residents in Melville Lea regarding the potential likelihood of parking occurring in the cul-de-sac; however provided the development provides sufficient car parking spaces for the scale of the proposal, the development is acceptable in terms of car parking spaces and highway considerations. Suggestions of double yellow lines would need to be taken up separately with KCC Highways and are not part of the consideration of this planning application.

- 2.9 With regard to the width of the existing public footpath and on street car parking, the scale of this proposal would not warrant further intervention, along with concerns raised regarding access for emergency vehicles, as there are no relevant highway safety considerations and this proposal will not impede these concerns. It should be noted that the assessment of this planning application cannot include consideration of existing arrangements on The Street or existing car parking issues. In conclusion, the application has addressed all highway considerations, has been found to be acceptable and would comply with policy DM13 of the CS and the NPPF (para 111), as there is not a severe impact on the public highway or highway safety.
- 2.10 Paragraph 112 of the NPPF 2021 promotes sustainable transport, this includes development proposals to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Due to the proposed siting of car parking spaces outside the front of the proposed dwellings, the provision of electric charging points can be accommodated at the front of each of the properties. Draft Local Plan (DM4) also seeks to secure sustainable travel and requires one EVC point per new dwelling. Whilst the policy is in draft form, it still a material consideration with some weight and when viewed in light of paragraph 112 of the NPPF it is considered a condition is justifiable to secure the provision of EVC points.

Residential Amenity

- 2.11 The proposed dwellings will be situated in the former garden to Vine Cottage. This dwelling is 3 storeys and detached with an elongated form. The proposed dwellings lie to the south of Vine Cottage at a distance in excess of 21m. Vine Cottage will retain a garden of 6.7m depth to the boundary with the development site. A proposed new hedgerow is shown between the respective plots. It is considered that in terms of back to back separation distance, 21m is acceptable under the circumstances – i.e the applicant owns Vine Cottage and any future occupier will be aware of the development to the rear of the site. Substantial landscaping is also indicated on the western boundary of the site which will contribute to softening the impact of the proposal within the locality. This can be controlled through conditions and further details provided. It is not considered that this proposal would cause harm to other dwellings in the locality by virtue of its siting and distance. On balance the proposed development is therefore considered to be acceptable in terms of residential amenity.

Trees and Ecology (including appropriate assessment)

- 2.12 There are two trees within the rear garden that will require removal to facilitate the development (a Conifer and Silver Birch). Whilst this is never ideal, the trees are not protected, the site is not within a conservation area and the trees have limited amenity value, due to being sited in the rear garden. It would not be sustainable to object to the development on the grounds of the loss of these trees. In terms of the provision of new trees there is ample space within the development to accommodate replacement tree planting in line with the NPPF (and proposed local plan). This can be addressed in the landscaping condition.
- 2.13 It is considered that the site itself provides limited potential as habitats for protected species, due to currently comprising maintained grass/garden land. Having regard for Natural England's Standing Advice, it is unlikely that the development would adversely affect protected or notable species. For these reasons, it is not considered that ecology is a constraint to this development. However, in accordance with the aim of the NPPF to incorporate biodiversity improvements in and around developments, it would be

proportionate to request by condition that details of ecological enhancements should be submitted for approval and implemented prior to the first occupation of the development.

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

- 2.14 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.15 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.16 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.
- 2.17 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the council will draw on existing resources to fully implement the agreed Strategy.
- 2.18 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

3 Conclusion and Sustainability

- 3.1 The application site falls within the rural settlement confines of Woodnesborough. As such, new dwellings, extensions and alterations are acceptable in principle under Policy DM1, subject to design and impact criteria.
- 3.2 Planning is required to deliver sustainable development, according with three individual roles – economic, social and environmental. Given that the proposal is located within the settlement boundary, and there is a presumption in favour of sustainable development, it is considered the proposal accords with this advice. There are limited economic benefits that the development would deliver in terms of construction. But the proposal would represent a benefit in terms of creating or maintaining a critical mass of the population to support local services and facilities. The creation of new housing is considered to be a social benefit. In environmental terms, while some of the development proposal is considered to represent acceptable design that has taken cues from the immediate context, some effects of the proposal have the potential to be adverse. It is considered through the proper use of planning conditions that adverse effects, as discussed in this report, can be satisfactorily mitigated.
- 3.3 Considering the presumption in favour of sustainable development within the NPPF at paragraph 11, adverse effects, are not considered to be of such magnitude that they outweigh the benefits of the proposal. The proposed development is therefore considered

to be acceptable and the recommendation is to grant planning permission. Accordingly, where mitigation might be required to help embed the proposal into its environment, this is considered achievable through the use of planning conditions.

g) **Recommendation**

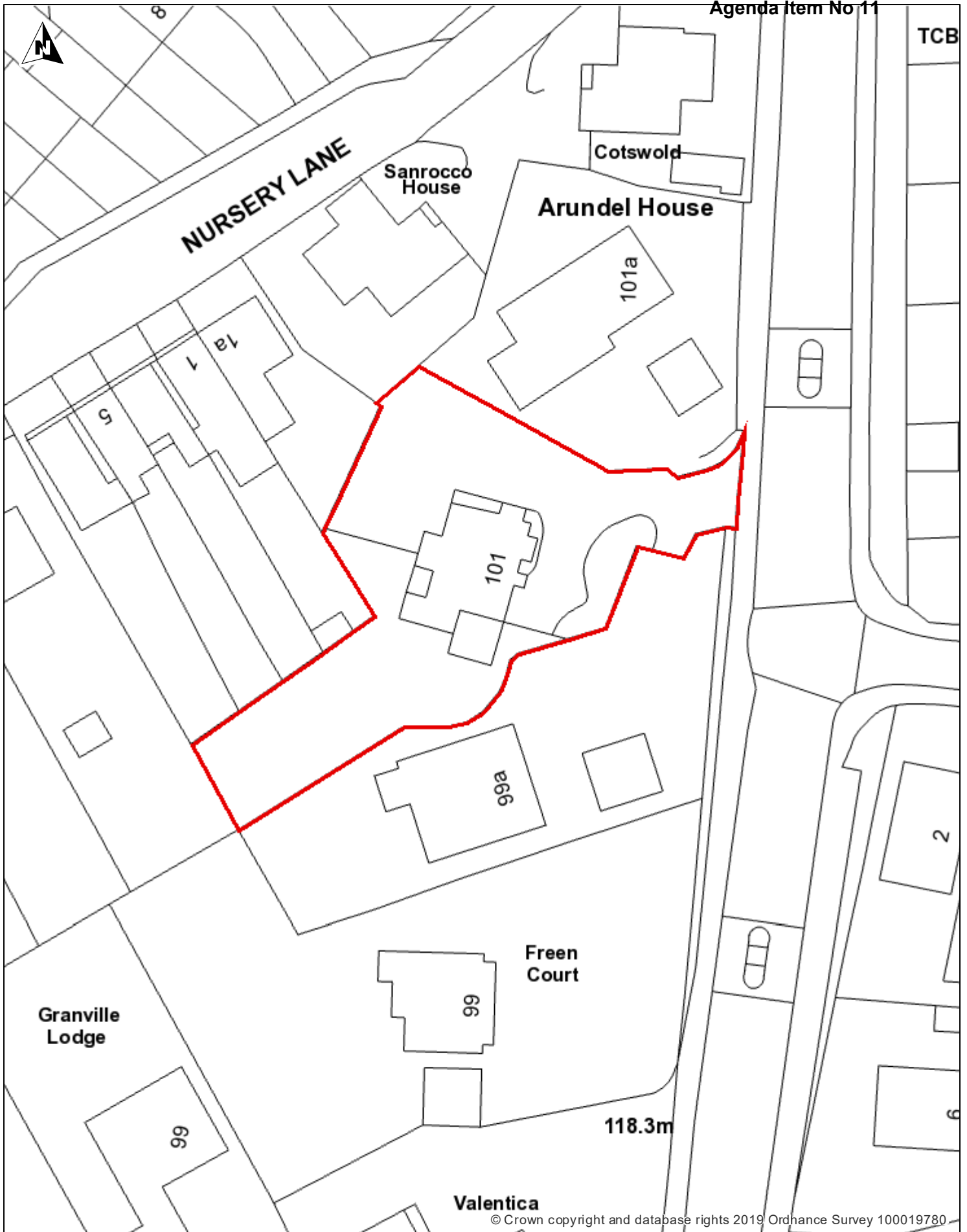
I. Planning permission be GRANTED, subject to conditions including the following:

- 1 Standard time limit
- 2 Approved plans
- 3 Materials
- 4 Hard and soft landscaping, schedule of planting, means of enclosure
- 5 Level sections, thresholds
- 6 Drainage scheme
- 8 Refuse storage/collection
- 9 EVC points
- 10 Biodiversity enhancement plan
- 11 Parking to be retained
- 12 PD restrictions, Classes B, C

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

Case Officer

Amanda Marks



21/00805

Victoria House, 101 Sandwich Road
Whitfield
CT16 3JG

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/21/00805 – Conversion of existing building to four self-contained apartments for supported housing, erection of a replacement side extension and other external alterations - Victoria House, 101 Sandwich Road, Whitfield**

Reason for report – Called in by Cllr N Collor and number of Objections (11)

- b) **Summary of Recommendation**

Planning permission be approved.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

DM1, DM13

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 62, 130

Draft Dover District Local Plan

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

- d) **Relevant Planning History**

96/00611	Creation of window at first floor level in eastern elevation	Granted
92/01175	Change of use to children's home	Granted
90/01179	change of use from garage to dwelling	Granted
90/00781	change of use to childrens' home	Granted
90/00533	change of use from garage to dwelling	Refused
89/01361	change of use to residential home for the elderly	Granted
88/01211	the change of use of 3 ground floor rooms to offices	Granted
87/01272	erection of a bungalow with detached garage	Granted
87/00608	erection of a double garage	Granted
86/0121	bungalow and detached garage	Granted

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

KCC Highways: The proposal is outside of the remit for comment.

Whitfield Parish Council – No objection to this application. However, adequate parking should be provided on site for residents, staff and visitors including additional vehicles such as deliveries and emergency vehicles. Sandwich Road is a very busy road, so off street parking is essential. They have also noted concerns for local drainage capacity which should be addressed.

Third Party Representations:

11 objections to the proposal have been received and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- How many occupants will there be?
- Adequate parking must be provided.
- What can be done to prevent anti-social behaviour and noise experienced during the previous use?
- Neighbour amenity impacted by the proposed single storey extension.
- Will add extra pressure to local surgery.
- Concerns about highway safety impacts.
- Could increase noise levels.
- Unit 3 does not meet Flat Conversion Guidance.

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

1.1 The application site is a former children's home which provided 8 bedrooms of accommodation and a number of shared communal spaces. It is a detached, 3-storey property which sits on the western side of Sandwich Road south of the junction with Nursery Lane. There are dwellings to the north and south of the application site as well as to the rear (west) in Nursery Lane. It shares a vehicle access with the immediate neighbours; 101a and 99a Sandwich Road but has its own parking area with at least 5 existing spaces and garden space to the north and west of the main building.

1.2 The proposal seeks to change the use of this former children's home to supported adult accommodation (18-65 years of age) to be housed in 4no. flats (with a total of 8no. bedrooms across the entire building) adapted to meet the needs of the potential tenants. All but one flat would be shared occupancy. The adults in question have learning disabilities and require support to live independently which would be provided by 24hr care support on the site. There would be one tenant per bedroom with a total potential of 8no. individuals residing at the site. Support staff would be provided with their own staff room and shower facilities but would not live at the site.

1.3 The exterior of the existing building will remain largely unchanged apart from a single storey side extension which would be rebuilt on a slightly enlarged footprint and finished in materials to match the host building (render and white uPVC windows and doors). Windows and doors would be replaced on a like-for-like basis, but no new openings or windows would be formed at first or second floor levels. An area of hardstanding would allow parking for 7 vehicles and would be formed from the current parking areas. It is expected the majority of the residents would not have their own vehicles. Car parking would be provided for staff and visitors, with parking for residents if needed. The vehicle access to Sandwich Road would not be changed. This is looked at in more detail in section 2.6 below.

- 1.4 The description of the proposal had to be changed during the course of consideration as the originally proposed Use Class was not correct for the submitted works. As such, a revised consultation process was undertaken. No new material considerations were raised.

2. Main Issues

- 2.1 The main issues for consideration are:
- Principle of the development
 - Impact on the Street Scene
 - Impact on Residential Amenity
 - Highway Considerations

Assessment

Principle of Development

- 2.2 The site is within the settlement confines of Whitfield and as such, the proposal would comply with Policy DM1 of the Core Strategy (CS), subject to other material considerations. It should be noted that the previous use was for a children's home and as such, this form of supported housing would not be being introduced to the site or the area.

Impact on the Street Scene

- 2.3 The application site is visible from Sandwich Road, albeit set well back from the highway. Distance views are limited by the existing built form and vegetation around the application site. The replacement of windows and doors on a largely like-for-like basis would be unlikely to result in any visual impact on the street scene. The proposed side extension would not be visible in public views and as such, would have no impact on the street scene. Regardless, the use of matching materials and the modest increase in footprint of the side extension would be unlikely to result in an incongruous or insubordinate addition to the property. Overall, it is considered that the proposal would not result in harm to the visual amenity of the street scene and would comply with Paragraph 130 of the NPPF in this regard. It is noted that there are no details of bin or bicycle storage provision on the site or details of bin collection arrangements. The site has generous grounds, much of which is laid to hardstanding. Details of this provision can be secured by condition.

Impact on Residential Amenity

- 2.4 There are two parts to assessing residential amenity; the impact on existing residential amenities, and the amenity of future occupiers of the development. The 4no. flats have been designed to provide adequate space for the future occupiers, including a wheelchair user, and the proposed room sizes comply with national space standards. As far as amenity for future occupiers, given the varied flat layouts and room sizes, there would likely be appropriate accommodation for the target users who may have some physical challenges, but the majority will be fully ambulatory. As the building was a dwelling and then a children's home, with no new windows/doors being proposed, (apart from the proposed single storey ground floor side extension) the change of use of the building would not result in any amenity impacts in terms of overlooking/interlooking or loss of

privacy. Overall, it is considered that the proposal would result in a good standard of accommodation for future occupiers.

- 2.5 As previously noted, the external alterations are limited largely to window and door replacements. Therefore, any impact would be neutral. The proposed replacement single storey side extension would introduce new openings but all of these, apart from a ground floor window serving the kitchen/living room of Unit2, would not directly impact an existing neighbouring property. The southern facing window would look towards the side/rear elevation No.99a which is sited a distance of 3.0m beyond the shared boundary (approximately 6m between the proposed window new ground floor window and the side-facing window of No.99a). In addition, it is considered that the retention of the existing boundary treatment of a 1.8m high brick boundary wall and mature shrubs would ensure that this window would not result in an unacceptable level of overlooking, interlooming or loss of privacy to No.99a. Being sited north of this neighbouring property, the extension would also be unlikely to result in any loss of light or be overbearing in terms of residential amenity. Overall, it is considered that the proposal would comply with paragraph 130(f) of the NPPF and would result in no unacceptable impacts on existing residential amenities.

Highway Considerations

- 2.6 Car parking for up to 7no. vehicles will be provided on-site. Based on the guidance in Policy DM13 of the Core Strategy, a 2-bedroom flat in this area would require 1no. parking space. As such, a total of 4 car parking spaces out of the 7 proposed, would be available to the residents which would comply with Policy DM13. The additional parking spaces would provide parking for both staff and visitors. The site is close to a bus stop with a regular service through Whitfield, to the White Cliffs Business Park and into the Dover and Deal. It is therefore considered that adequate and sufficient car parking spaces have been provided for the proposed use and intended end users which would be unlikely to result in increased parking pressure locally. Due to the above, and with no change to the existing vehicular access arrangements the proposal is considered to raise no additional highway safety concerns and would accord with the NPPF in this regard.

Other Matters

- 2.7 Concerns have been raised by third parties in relation to previous anti-social behaviour from former residents of the site, when it was in use as a children's home. The children's home was under both different owners and management. Further confirmation has been sought from the applicants about how this would be avoided and how this could be managed. Good behaviour is part of the tenancy agreements with any prospective occupier of the flats and will be further controlled by the 24hr support teams. This is considered to be an acceptable arrangement to safeguard against undue noise or other anti-social behaviour of the residents. Further, a condition requiring further details of arrangements and the submission of a management plan could satisfactorily address these concerns. This would enable adjacent residents to be provided with a contact person/number should any issues arise and a protocol for how these complaints would be dealt with. With the inclusion of such a condition, it is considered that this concern can be addressed adequately from a planning perspective.

- 2.8 Further, concerns have been raised with regard to the capacity of the existing foul water drainage system as it was installed for a single dwelling and not only has the use changed within the building, but also two additional dwellings have been built on former garden land previously associated with the host building. This however is considered to have a limited impact on capacity as the two additional dwellings would have their own independent systems and connections to the network. Whereas, the application building has an existing foul drainage connection to the mains sewerage network, and it is unlikely the proposal would result in increased drainage pressure over the former children's home use. For these reasons, capacity could not be considered a significant material planning consideration on this occasion.

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

- 2.9 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.10 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.
- 2.11 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.12 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.
- 2.13 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.14 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3. Conclusion

- 3.1 The proposed change of use of the site to allow for 4 flats (up to 8 residents) as supported housing for adults and the single storey ground floor extension and external alterations would not result in any harm to the visual amenity of the street scene or to existing or future residential amenities. Overall, it is considered that the proposed development would comply with the aims and objectives of the NPPF and the CS and the application is recommended for approval.

g) Recommendation

- I Planning Permission be GRANTED subject to the following conditions:
- 1) 3-year commencement
 - 2) Approved plans
 - 3) Materials to match existing
 - 4) Car parking shown on approved plans to be provided prior to first use
 - 5) Details of refuse and bicycle storage facilities
 - 6) No further alterations, extensions, new windows, outbuildings – Remove PD;
 - 7) No permitted change of use even within Use Class – Remove PD
 - 8) Submission of a noise/occupation management plan to outline points of contact and protocols for dealing with complaints along with staffing numbers and hours.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace



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21/00795
134 High Street
Deal
CT14 6BE

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/21/00795 – Installation of a freestanding high level link terrace with walk-on skylights over existing courtyard - 134 High Street, Deal**

Reason for report – Number of objections (8)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)(CS)

DM1

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 130, 201, 202

Draft Dover District Local Plan

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

d) **Relevant Planning History**

19/00424	Variation of Condition 2 to allow changes to approved drawings pursuant to planning permission DOV/15/00489	Granted
17/00993	Erection of an infill roof extension and rooflight to rear roof slope and first floor extension to outbuilding	Granted
16/00586	Variation of condition 2 of planning permission DOV/15/00489 to vary the approved plans to allow the use of UPVC windows in the rear elevation (section 73 application) to the approved dormers to the main building.	Granted
15/00489	Erection of a dormer roof extension to rear roof slope and erection of first floor extension over existing detached studio	Granted
07/01449	Erection of rear dormer roof extension and replacement rear upvc windows	Granted
07/01086	Erection of rear dormer roof extension, alterations to shop front and insertion of rear external staircase and UPVC windows (to facilitate access to self-contained maisonette over existing shop)	Refused
87/00345	Extension	Granted

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

Deal Town Council – Object citing overlooking and over-development.

Public Representations:

7 objections to the proposals received and the material considerations are summarised below. Matters such as property value, etc. are non-material considerations and are not included below.

- Out of character with the area/conservation area.
- Over-development
- Will not be 'freestanding'.
- Will fully cover over garden area.
- Impact the economy due to harm to historic character.
- 100% of the curtilage will be built over.

15 letters of support the proposal as summarised below.

- Will not be visible from High Street or Middle Street.
- Will improve privacy to both Nos. 134 and 132 High Street.
- There are similar terraces in Middle Street, Beach Street and in surrounding properties in High Street.
- Great space with minimal impact on amenity.
- Application garden highly overlooked by No.132 High Street.
- Sympathetic and attractive in design.

f) 1. The Site and the Proposal

1.1 The application site is a 3-storey (plus basement) terraced building on the eastern side of the High Street within the Deal Middle Street Conservation Area. It is mixed use with retail at ground floor level and a residential flat on the upper floors. There is an existing separate 2.5-storey studio to the rear of the courtyard for use as part of the ground floor retail unit. The courtyard is largely filled with a split-level deck that is at ground floor level adjacent to the host building and the studio and lowered within the courtyard. The other building on site is related to the commercial use being a studio space for the sale and framing of artwork.

1.2 The application site (above the courtyard) cannot be seen in views from any public vantage point. There are no views from High Street or from Middle Street. Whilst there may be some private views from neighbouring gardens and a shared vehicular access, this is not public land. The courtyard to the north is enclosed by a 2-storey high brick wall forming the rear extension to No.136, to the east by the two-and-a-half-storey studio building within the application site and by the host building to the west. The boundary to the south is somewhat open to the garden of No.132 and there are some existing overlooking and privacy issues between both properties.

1.3 The proposal is for a higher level terrace at first floor level which would connect the host building with the first floor of the studio. It would be enclosed on 3no. sides by existing development and with a 1.8m high obscure glazed (sandblasted) screen to the south. There would be walk-on roof lights within the floor of this terrace to provide light to the courtyard below. A door is also to be formed in the studio building at first floor level to replace an existing window.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the street scene and Conservation Area

- Impact on Residential Amenity

Assessment

Principle of Development

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

Impact on Street Scene and Conservation Area

- 2.3 As previously noted, the application site cannot be seen in views from either High Street or Middle Street; views from these streets are screened by the host building and the two-storey studio building respectively. Whilst there are some private views, these do not form part of an assessment into any impact on visual amenity or the conservation area. DDC Heritage have raised no concerns with this proposal in terms of the impact on the conservation area. Given this, it is considered that the proposal would have no impact on the visual amenity of the street scene nor on the character and appearance of the conservation area and would comply with Paragraphs 130, 201 and 202 of the NPPF in this regard.

Impact on Residential Amenity

- 2.4 There are a number of existing residential amenity issues between the application site and No.132 High Street, with a distinct lack of privacy between the private garden spaces and in views from within the application site between the commercial and residential uses. No.132, like the application site, is in a mixed retail use (ground floor) with a flat above and the garden has both retail and residential use. There is a 2-storey spiral staircase serving the flat at No.132 which has unobstructed views into the courtyard of the application site. The two rear decked areas of the application site afford a full view of the garden at No.132 as well as views back towards the rear elevation, including from the commercial studio, allowing a high degree of overlooking.
- 2.5 A 1.8m high obscure glazed screen is proposed enclosing the southern side of the proposed terrace resulting in a very limited potential for overlooking, interlocking or loss of privacy. This terrace would largely block views from the rear windows of No.132 into the courtyard and from the windows of the host building to the garden of No.132. The terrace would not result in any loss of light or outlook to No.132 due to the residential use being sited at first floor and above and the design of the proposed raised terrace. The 1.8m high obscure glazed screen would prevent views into the rear first floor window of the adjoining property which is in residential use as a flat associated with the ground floor retail unit. The main concern is that the terrace, with a 1.8m high screen, could result in an overbearing impact on No.132. This said, the application site is enclosed to the north by a 2-storey brick wall and the proposed terrace would be more lightweight than a brick wall to achieve an improved level of privacy between these two rear garden spaces. It is considered, on balance, that the benefits of the terrace in terms of improved residential amenity to both the applicants and their neighbours would outweigh any minor overbearing impact. Given this, it is considered that the proposal would not result in an unacceptable level of harm to existing residential amenities and would actually result in a significant improvement. The proposal would comply with paragraph 130(f) of the NPPF. It is important that the obscure glazed screen is installed prior to the first use of the

terrace and this can be secured by a condition. No concerns were raised with regard to the impact on the Barbican.

3. Conclusion

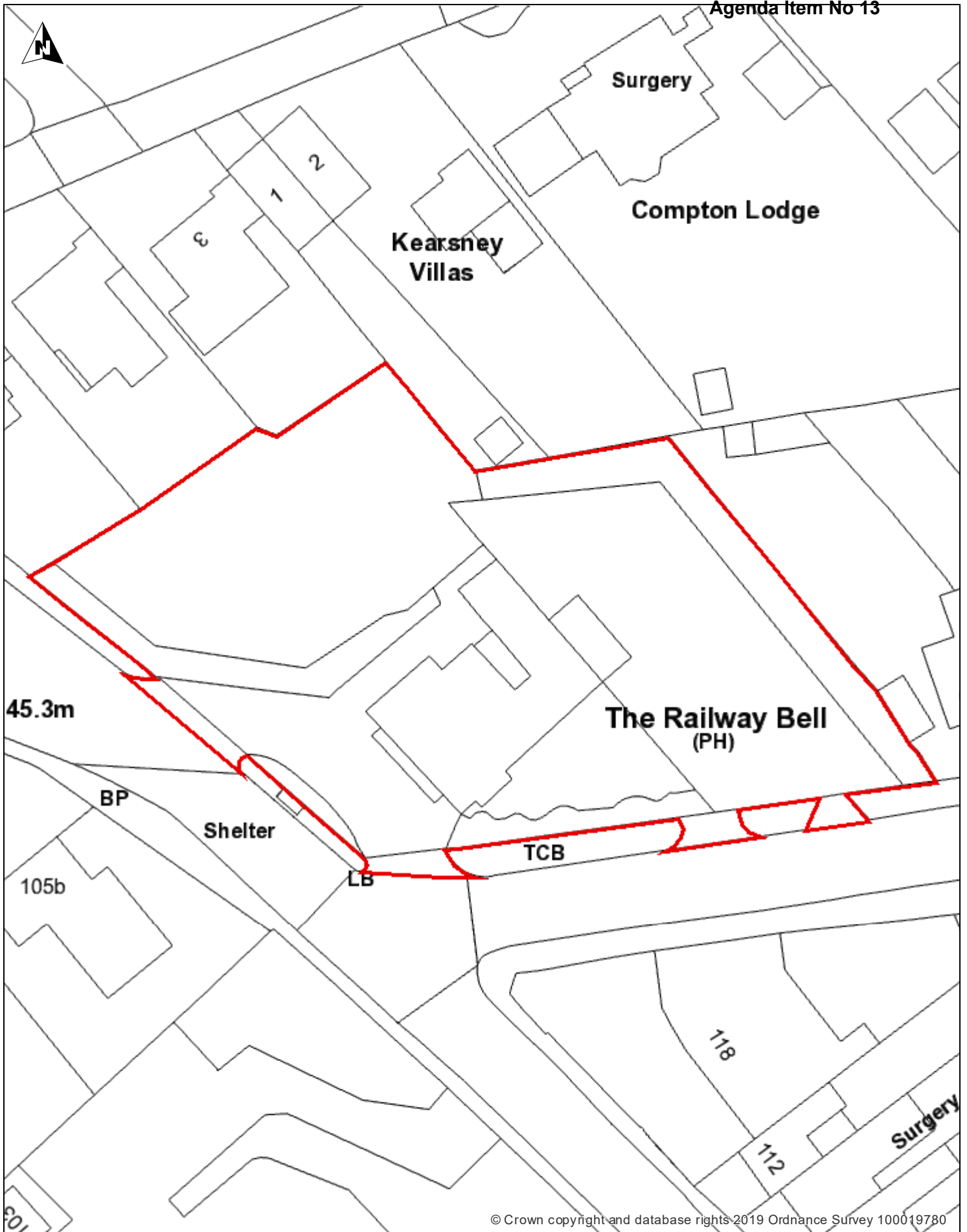
- 3.1 The proposal would have no impact on the visual amenity of the street scene nor on the character and appearance of the conservation area. There would be an overall improvement in residential amenity terms. As such, it is considered that the proposed development would comply with the aims and objectives of the NPPF and the CS.

g) Recommendation

- I Planning permission be GRANTED subject to the following conditions:
- 1) 3-year commencement
 - 2) In accordance with approved plans
 - 3) Provision of 1.8m high glazed screen prior to first use.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Wallace



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20/00038
Railway Bell PH
120 London Road, River
CT16 3AD

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/20/00038 – Erection of 6 dwellings; change of use and conversion of existing public house into 6 self-contained flats; amendment to existing Kearsney Avenue vehicular access; formation of parking; creation of pedestrian accesses to London Road; closure of two existing vehicular accesses to London Road and Kearsney Avenue (proposed pedestrian crossing on London Road west of the junction with Alkham Road) – The Railway Bell Public House, 120 London Road, River**

Reason for report – number of objections (32)

- b) **Summary of Recommendation**

Grant planning permission, subject to legal agreement and conditions.

- c) **Planning Policy and Guidance**

Statute

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

Draft Dover District Local Plan

The regulation 18 consultation draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan-making process, the policies of the draft plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out (see NPPF paragraph 48). However, some of the background evidence collected as part of the plan-making process is relevant to consideration of this application, as discussed below.

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy

DM1 – Settlement boundaries

DM5 – Provision of affordable housing

DM11 – Location of development and managing travel demand

DM13 – Parking provision

Dover District Land Allocations Local Plan (LALP)(2015)

DM27 – Providing open space

National Planning Policy Framework (NPPF)(2021)

2, 7, 8, 11, 38, 48, 60, 65, 93, 104, 110, 112, 119, 120, 123, 124, 126, 130,

- d) **Relevant Planning History**

No relevant planning history.

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

DDC Senior Natural Environment Officer – subject to works not impacting the roof of the main building, the Officer comments that the development may be able to proceed without the need for a bat specific survey by using timing i.e. not doing the work within the bat summer roosting season (May to September).

DDC Environmental Health – no objection subject to conditions.

DDC Housing – commented originally supporting wheelchair accessible bungalow (not now proposed, acknowledges commuted sum toward affordable housing.

DDC Trees – informal liaison – see consideration under ‘Trees’.

KCC Highways – no objection subject to conditions and informatives.

Stagecoach – comments –

There is currently a bus stop, with shelter, outside the existing premises. We note that it is proposed to extend the bus stop markings, but the resultant layout of the stop is unclear. It is imperative that the raised kerb is retained, along with the shelter, although the opportunity should be taken to reposition the shelter to the rear of the footway so that the open side faces the carriageway, in order to meet current disabled access standards. We would need to see more detail on the proposed bus stop arrangements in the context of the proposed footway build outs to accommodate an uncontrolled crossing point.

KCC SUDS – no objection subject to conditions and informatives.

KCC Archaeology – no objection subject to condition.

KCC Infrastructure – no objection subject to the following requests –

- Secondary education – **£27,777** – for the expansion of Dover Christ Church Academy.
- Community learning – **£197.04** – towards Dover Adult Education.
- Youth service – **£786.00** – towards Dover Youth Service.
- Libraries – **£665.40** – towards the service and stock at Dover library and the mobile library attending River.
- Social care – **£1,762.56** – towards specialist care accommodation in Dover.
- Waste – **£1112.64** – towards improvements at Dover Household Waste Recycling Centre.
- Broadband informative.

Environment Agency – observations as follows – *For this scale and type of development we would make no detailed comments for land previously used for low use retail/residential use. Any soakaway for clean roof drainage should be through sealed trap gullies and only sited in areas of clean naturally occurring materials in accordance with building regulations Approved Doc H. Any unexpected contamination encountered should be reported to the Environmental Health in accordance with Building regulations approved Doc C.*

Kent Fire and Rescue – comments –

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

Kent Police – recommends conditions based on Secured by Design (SBD) and Crime Prevention through Environmental Design (CPTED) standards.

NHS – no response received.

Southern Water – no objection subject to informatives.

Temple Ewell Parish Council – objects –

1 October 2020 –

The Parish Council is against the proposals contained in the above application and wishes the following points to be taken into consideration when the application is considered by Dover District Council:

The proposed re-development of this Public House will mean the loss of a community asset which has served the village of Temple Ewell for over 150 years, and until recently had been a community hub, hosting the local Sunday League football team, and various live bands and other entertainment for parishioners.

Whilst the Public House has been closed for over a year, it is not entirely clear from the documents within the application to what extent the business was no longer viable as a going concern due to the absence of financial accounts from recent trading. Local feeling is that poor management of the business in recent years contributed to its demise.

The Office of National Statistics report from March 2019 indicated that the 10 year trend of Public House closures had shown a dramatic reversal, and indeed we are aware of at least 2 village pubs within the district that have recently successfully reopened following an extended period of closure.

The proposals for the site represent gross over-development, with the houses being wholly out of character with neighbouring properties which are predominantly sizeable detached houses and bungalows.

The height and prominence of the proposed properties will visually detract from what is the gateway to the village of Temple Ewell and will also adversely impact on the outlook of the adjoining properties in Egerton Road, including a significant loss of natural light during winter months.

While the allocated parking spaces comply with the local current development requirements, there is no allowance for parking of visitors to this proposed development; on street parking nearby is at a premium, with Kearsney Avenue in particular being heavily subscribed. It should also be borne in mind that in recent years, the Railway Bell Car Park has been used by patrons of nearby Leads Garage and Kearsney Bowling Club which with the loss of these spaces will place further demand for on street parking in this locality.

We are aware from recent discussions with representatives from Kent Highways surrounding our Highways Improvement Plan, that they are reviewing an earlier plan that involves establishing a one way flow of traffic through Lower Road, Temple Ewell which would have a significant effect on traffic flows around the Alkham Valley Road/London Road junction directly opposite the Railway Bell site. It is possible that these plans might include the need to acquire additional land (at the front of the proposed properties) in order to improve the currently difficult and dangerous exit/entrance to Alkham Valley Road from the Temple Ewell side of London Road.

We would concur with the many comments (including those on behalf of the developer and from Kent Highways) in relation for the need for some form of pedestrian crossing between the Alkham Valley Road and Egerton Road junctions with London Road, however in terms of pedestrian footflow across London Road, we believe that there are greater numbers and therefore a greater need for a crossing further along London Road in Temple Ewell, between Temple side and High Street, where many families attempt to cross this busy road on journeys to the village school, playing field, Post Office and Stores and The Fox Public House.

Kent Highways are currently holding traffic censuses at both these locations and on Lower Road. We would ask that in addition to the traffic censuses, pedestrian footflows are also monitored to establish priorities for traffic calming measures within Temple Ewell.

The allocation of any Section 106 funding should be for the overall benefit of the residents of Temple Ewell, and not solely linked to the provision of a pedestrian crossing in the vicinity of the proposed development. They should be allocated to the area of greatest need as determined in conjunction with our Highways Improvement Plan. There should also be some provision for financial assistance for Temple Ewell Primary School, as these new households would place additional pressure on already stretched resources and place numbers at the school.

Finally, we would also like to comment on the lack communication from the developers in relation to these plans; Temple Ewell Parish Council has received no contact from the developers prior to the submission of their original or amended application, and it would appear that promised consultation with nearby residents has not materialised.

We also share residents' concerns regarding the removal of two established trees from the area of the site where the houses fronting London Road are proposed immediately prior to submission of their planning application; a further indication of the developers' "dismissive and presumptuous" attitude towards local residents.

27 January 2021

The current plans still fail to address the following issues:

- 1. Over-development of the site; the high density of the properties is out of keeping with the neighbouring area which are predominantly sizeable detached houses.*
- 2. The allocated parking appears to make no provision for visitors. Nearby on-street parking spaces are at a premium, with Kearsney Avenue particularly heavily subscribed. The Car Park at the Railway Bell is utilised by patrons of both Leads Garage (opposite) and nearby Kearsney Bowling Club. The loss of these spaces will have a further adverse impact on parking in the vicinity.*
- 3. The addition of further homes on this site will put further strain on traffic flows at peak times, particularly given the difficult and dangerous exit from Alkham Road onto London Road opposite the Railway Bell. Traffic flows are often significantly increased at times when the A2 & A20 are subject to disruption due to delays at the Port of Dover.*
- 4. The loss of the proposed bungalow fronting Kearsney Avenue from the plans is disappointing given that it would have provided suitable accommodation for those with disabilities.*
- 5. The proposed semi-detached properties fronting Kearsney Abbey are squeezed in against the boundary with 5 Kearsney Avenue, and we fail to see how these properties can be constructed without causing damage to both the canopy and root structure of the mature Yew Tree that sits on the boundary between existing and proposed properties.*

28 July 2021.

- 1. The location of the proposed crossing point being just 4 metres from the junction with Alkham Road poses a danger to pedestrians from vehicles exiting left from the semi-hidden Alkham Road leaving drivers little time to react to a pedestrian crossing London Road here*
- 2. The extension of the Bus Stop Cage on London Road will create a potential blockage in the vicinity of this busy junction.*
- 3. The proposed extension of the pavement on London Road will narrow the road to 7.3m in the vicinity of the junction with Alkham Road. This will make an already difficult*

manoeuvre for larger vehicles undertaking a 90 degree plus turn more dangerous by forcing vehicles onto the opposing carriageway.

4. There has been no consultation with either the developers or Kent Highways in relation to the Parish Highways Improvement Plan which has outstanding proposals in respect of crossing points and traffic calming on London Road.

5. Similarly, we are aware that there are ongoing discussions between DDC & KCC in relation to re-engineering the London Road/Alkham Road junction to better facilitate exit of vehicles from Alkham Road and improve pedestrian safety at this location. There appears to be no mention of these discussions being considered in relation to this application in order to arrive at a much improved long term solution for this junction. What is required is some joined-up thinking and not an inadequate short term fix because the developer is offering some funding for minor alterations in exchange for permission to re-develop the Railway Bell site.

Lastly, we would re-iterate that the re-development of the Railway Bell site represents the loss of a community asset that was until relatively recently a thriving meeting/eating place for the local community to meet. It is very disappointing that the developers' proposals focus on cramming as many dwellings as possible on the site without considering replacing some of the lost retail/community amenity space within the development.

29 September 2021.

The Parish Council has been made aware by KCC that a Zebra Crossing will be installed adjacent to the end of Kearsney Abbey by the end of October 2021. We therefore little benefit in having an uncontrolled crossing point (as proposed by the applicants) between Egerton Road and Alkham Road, this being under 80m from the new Zebra Crossing. Furthermore, we have serious concerns regarding the safety of the proposed uncontrolled crossing for pedestrians, given its extreme proximity to traffic undertaking a left turn from Alkham Road into London Road. We are also aware that as part of the DDC Draft Local Plan, a traffic modelling review is to be undertaken in relation to the traffic flows at the Alkham Road/London Road junction. We therefore request that any decision on this application is deferred until such time as the traffic modelling review is completed, as this may potentially impact on the frontage of the Railway Bell should a change in the road infrastructure or priorities be recommended.

River Parish Council – no comments.

Public Representations – 34x objections, 8x observations, 1x support

Objections

- Traffic, crossing required.
- Loss of pub/restaurant/community building.
- Design/layout too dense.
- Failure of pub due to mismanagement.
- Needs more parking on site, will impact on street parking/operation of local businesses.
- Loss of Yew tree, should be TPO.
- Loss of light to Egerton Road residents.
- Loss of privacy to gardens – Egerton Road and Kearsney Avenue.
- Damage to property through construction.
- Loss of value to property.
- Originally proposed terrace of five out of character.
- Pressure on local infrastructure.

- Enough housing in area allowed already – Dublin Man o’ War, Manor View Nursery.
- Pedestrian crossing in wrong location/needs to be controlled.

Observations

- Controlled junction required.
- Traffic calming or crossing facilities required.
- Need to protect remaining trees.
- Needs consideration for those that already use on street parking.

Support

- Pub struggled for some time already.
- Site is now run down and neglected.

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

1.1. The Site

The site is located 2.5 miles to the West of Dover in East Kent, overlooking the Alkham valley. The village location comprises a residential settlement connecting to Dover and other surrounding villages, primarily by London Road, which also provides access to the port of Dover. Road and rail links in the area include the A2 and the South Eastern Railway service to Ashford International and St Pancras.

- 1.2. The site application boundary contains the former Railway Bell public house, which was historically a Victorian Hotel. As well as the former public house, the site contains a large tarmac car park to the east and a large garden to the north.
- 1.3. The application site is located approximately two miles from the town centre. There are a number of facilities nearby, including; schools, restaurants and shops as well as good transport connections.

Distances from site:

- Town Centre – 39 min (walking)
- Town Centre – 6 min (driving)
- London – 1hr 53 min (train)

1.4. Approximate site dimensions are:

- Depth – 50 metres (seen from London Road).
- Width – 60 metres (at maximum, seen from London Road).

1.5. Proposed Development

The layout of the scheme is designed to integrate into the surrounding context. The site sits at a prominent location at the junction between Kearsney Avenue and London Road.

- 1.6. The proposal incorporates the conversion of the former public house into a two storey residential apartment building containing six apartments.
- 1.7. A pair of semi-detached groups (four houses) is proposed to front onto London Road, following the existing building line along the street.

- 1.8. Another semi-detached group (two houses) is proposed to the eastern site boundary. Private gardens to the apartment building are located at the corner of the site where Kearsney Avenue meets London Road.
- 1.9. The existing vehicular access off Kearsney Avenue is to be moved slightly, allowing access to the resident's parking spaces. The main pedestrian access route is proposed to be taken from London Road.
- 1.10. The proposal includes the retention and conversion of the existing pub building into residential apartments. The proposal for the converted building includes three 2 bed apartments located at ground floor level, and three 1 bed apartments located at first floor level. A raised floor is proposed to unit 8 to include the living area.
- 1.11. Associated landscaping, amenities and parking are also proposed for each of the dwellings, including the reinstatement/continuation of the flint wall around the site boundary at the junction of London Road and Kearsney Avenue.
- 1.12. The overarching style of the existing surrounding buildings is traditional, and the predominant materials utilised within close proximity to the site are render, pebbledash, yellow brick, red brick, plain roof tiles and slate roof tiles.
- 1.13. The proposed material palette includes; white render, red brickwork, light grey powder-coated aluminium window and door frames and slate roof tiles. The proposed materials and forms are to be traditional and will include careful detailing.
- 1.14. The materials proposed to the existing building conversion are to match the existing materials where possible.
- 1.15. An uncontrolled pedestrian crossing is proposed to the west/north west side of the junction of London Road and Alkham Road.

2. Main Issues

2.1 The main issues to consider are:

- Principle of development
- Development of a public house
- Design, street scene and visual amenity
- Residential amenity
- Trees
- Highways and traffic impact
- Ecology
- Affordable housing, planning obligations, s106.
- Sustainability and conclusion.

Assessment

2.2 Principle of Development

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

- 2.3 Dover District Council, as the local planning authority (LPA), can demonstrate a housing land supply in excess of five years. However, by virtue of the age of the Core Strategy (2010), information relating to the objectively assessed housing need having been updated and a local plan review already progressing there are parts of the existing development plan which are considered to be out of date. It is important when an application is being considered and where policies are out of date, that the relevant policies for determination are assessed against the NPPF (2021) as to the degree to which they might be in accordance, or otherwise.
- 2.4 The relevant policies in this circumstance are DM1, DM11 and DM13. Of these policies DM1, for the reasons considered above, and its relevance in paragraph 11 of the NPPF and the presumption in favour of sustainable development, is considered to be the most out of date and as such less weight is applied to this policy. This being said, the application site is located within the settlement boundary and is therefore acceptable in principle, subject to other material considerations.
- 2.5 Policy DM11 seeks to resist development outside the settlement confines if it would generate a need to travel. The application site is located within the settlement boundary and it is considered this proposal therefore complies with this policy.

2.6 Development of a Public House

The Railway Bell has not been listed as an asset of community value. For the purposes of policy DM24, this is not a rural pub. Therefore, in terms of policy weight or material consideration, the most relevant guidance can be found in the NPPF at paragraph 93, which directs as follows:

- 2.7 *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...
- 2.8 The submitted commercial viability report notes that there are seven public houses within a 1.5km radius of the application site, so in terms of its loss, it is not considered that the community, or indeed sense of community, would be unduly harmed. Indeed, the Railway Bell last operated as public house in December 2018. As noted in the commercial viability report the public house was subject to a number of fleeting tenancies and leases in its latter years, with six between 2002 and 2018 – four over the period from March 2013 until its closure. Marketing undertaken on the public house was as follows:
- 2.9 Licenced trade specialists Fleurets were instructed on 15 March 2019 to market the freehold interest of the property at an asking price of ‘Offers Invited’ excluding VAT, with verbal guidance of between £750,000 and £800,000 provided to interested parties. At the time of instruction the property was not trading, however the opportunity was marketed for continued public house use.
- 2.10 From the date of instruction, Fleurets undertook a full marketing campaign, in order to fully expose the opportunity to the local and national market, which included:

- Entrance onto Fleurets website (666 web hits)
 - E-marketing campaigns sent out to Fleurets' database of registered buyers on six separate occasions, reaching approximately 10,360 each time
 - Sales details sent by post and email following direct enquiries
 - Entrance onto Daltons website from date of instruction
 - Entrance onto Zoopla website from date of instruction
 - For Sales board erected on 20 March 2019
 - Social media advertising via Twitter and Facebook
- 2.11 Advertising in the local press was not undertaken, as since the vast expansion of the internet since 2003, this is no longer deemed a cost effective or productive form of advertising in our industry.
- 2.12 By presenting this opportunity to the local and national market by the aforementioned methods, Fleurets conducted 2 open viewing sessions with 2 applicants attending both sessions. It should be noted that none of the applicants who viewed the property wished to purchase for the intention of continued pub use. From this, one offer was received and accepted with the intention to be to use the property for alternative uses.
- 2.13 Considering the relative lack of interest, certainly for ongoing use as a public house, the commentary regarding the cost to renovate and the likely operating conditions is revealing:
- 2.14 On a free-of-tie lease at Market Rent the business is likely to make a net loss of £119,233 over three years following an initial investment of £90,000, the Return on Investment (ROI) produced is negative (-232%).
- 2.15 A freehold business is likely to make a net loss of £2,233 over three years following an initial investment of £90,000 (prior to the inclusion of a purchase price, VAT and SDLT), the Return on Investment (ROI) produced is negative (-102%).
- 2.16 It is clear to see that were the Railway Bell reinstated for public house use in the current local market and with the numerous strong and well-established competitors in close proximity, the ongoing business would most likely be unviable and unsustainable.
- 2.17 The owner/operator of a public house such as the Railway Bell must be able to expect a reasonable return on the effort, labour and risk that they invest in operating the business. To an extent, such expectations are subjective but by way of a guide we refer to the case of *Brooker v Unique Pub Properties Limited* (2001) (Chancery Division Bristol District Registry Case No. BS002253) which gave consideration to the level of remuneration that the operator of a public house would reasonably expect to receive. In the case stated it was that that, at that time, the minimum remuneration an operator would expect was £20,000 per annum. If this figure is adjusted to reflect the subsequent increase in average *earnings it would now equate to a figure in the region of £35,000 per annum.*
- 2.18 Taking into account the policy context, the pub's history and the marketing history, it is not considered that refusal on the ground of retaining the pub as a community use could be substantiated.
- 2.19 Design, Street Scene and Visual Amenity

The originally submitted proposal envisaged a terrace of five dwellings adjacent to the southern boundary of the site, fronting London Road, but served from within the site. On the Kearsney Avenue side of the site (east), one single storey dwelling was proposed.

- 2.20 The LPA sought amendments on this proposal, due to the design of the dwellings facing London Road, and the spatial arrangement arising from these dwellings. While not commenting in any detail about the previous design, the spatial arrangement where the dwellings were located adjacent to the road boundary meant that the pub building, which is the prominent feature of the site, would be hidden from views of the site taken from the west. The pub is not a heritage asset as such and is not designated, but in seeking to retain it as part of the development proposal, it was considered that the building needed to be retained with some sense of the space of its original design and layout i.e. that which currently exists with its forecourt.
- 2.21 Notably then, the negotiation on this site has encountered some factors which have influenced its evolution. Primarily this relates to development viability, where the applicant is seeking that the new build element retains six dwellings, rather than for instance reducing this figure to five. The result is the proposal as now submitted, with four dwellings relating to the London Road boundary and an additional dwelling being located on the Kearsney Avenue side of the site (making two), and these two dwellings, in semi-detached formation each being two storeys tall.
- 2.22 For the London Road side of the site there is currently a land level issue, where the pub garden is raised above the road level by around 1.5 metres, where this is retained by an attractive flint wall. The objective normally would be to have the houses served directly from the road, but the options that this would entail would either require that significant earth removals were required, or that the access arrangements might result in a contrived solution. The added consideration was where to site the dwellings such that the pub building maintained its sense of space and primacy on the wider site.
- 2.23 The ultimate solution was to retain the flint wall, and site the dwellings in line with the pub building. There would be two pedestrian accesses from London Road, but for vehicles the dwellings would still be served from inside the site. Due to the dwellings being sited further to the north it would not appear so strongly as if there was an inactive frontage, rather that the rear gardens would lead toward the boundary and the land in effect would be maintained for its current use i.e. a garden. The rear elevations of the dwellings (those seen from the public realm) have been designed such that they mimic front elevations to a degree and retain some visual interest.
- 2.24 The applicant has also indicated where sheds would be located in the rear gardens, with the intention that barring the inclusion of these, permitted development rights would be removed for outbuildings, as well as for rear extensions and roof extensions. That is not to say that such developments are prohibited, but because of the consideration that has gone into this issue, any proposal to develop further would need to be considered by the local planning authority.
- 2.25 Where the dwellings are proposed on Kearsney Avenue there has been some consideration of their orientation. This has led to the dwellings being orientated at an angle to the highway, as opposed to being sited perpendicular. The neighbouring dwellings to the east – numbers 5 and 7, are each sited more

towards a perpendicular layout even though their gardens are oblique to the road. Beyond 5 and 7, 9 and 11 are oblique to the road and therefore in line with their garden arrangements. This leads to a somewhat unorthodox street frontage, but this is considered to be acceptable, as there is no sense of conformity present on the northern side of Kearsney Avenue comparable to its southern side. The dwellings are well designed and feature well proportioned and located windows with brick headers and arched porches to the front doors – it is considered they could be accommodated successfully within the street scene.

- 2.26 Adjacent to the Kearsney Avenue dwellings, to their west/south west, highways requirements have necessitated the inclusion of a wider access – to accommodate a refuse vehicle servicing the site. The character of the access is largely as was originally proposed, although its increased width means that there is less enclosure to the street and parking spaces are moved closer to the converted pub building. This element of the proposal would ideally have seen a better resolution, but in the balance of the overall scheme, is still considered to be acceptable.
- 2.27 The design of the converted pub would retain the existing form, with some tidying up of its immediate surroundings. A new wall would be built extending from the existing flint wall on London Road and around the junction to the existing flint wall on Kearsney Avenue. This is considered to be a good element of the scheme which ties the new development into the older existing features, while also creating private space for the new residents.
- 2.28 Inside the site, much of the space which is already hard standing, forming the car parking for the pub, would be retained as hard standing for parking for the new dwellings. There is some rationalisation proposed where garden space is created and some existing elements of the pub garden would be hard surfaced, but in general terms, this element of the character i.e. a parking court, is not considered to be significantly different from the current situation.
- 2.29 Taken together, the proposals are considered to represent a successful design solution, particularly where the applicant has been willing to amend the proposal and work with the local planning authority.

2.30 Residential Amenity

The key interactions of the site are with existing residents at the rear of 1, 2 and 3 Egerton Road, 1 Kearsney Villas (also Egerton Road) and along the western boundary of 5 Kearsney Avenue.

- 2.31 **1, 2 and 3 Egerton Road.** The rear gardens of these dwellings meet the application site side on when viewed from the perspective of unit 1, which would provide an interface along the length of its side boundary. There is a window at first floor level facing toward the side, but this is small bathroom window which could reasonably be conditioned to be obscure glazed and fixed shut up to 1.7 metres above internal finished floor level. Accordingly, it is not considered that any undue harm would arise to the amenity of these neighbours from the erection of the proposed dwellings. The rear of 3 Egerton Road would meet the parking area, so there would be no accommodation with views looking directly into the garden at this point but there might be the potential for some disturbance caused by car movements. It is considered that this could mostly be addressed by the correct boundary treatment at this location such as an acoustic fence erected within the site. A landscaping condition is proposed with the

recommendation.

- 2.32 **1 Kearsney Villas.** Units 1 and 2 face toward the rear garden of 1 Kearsney Villas, however, due to a number of factors, it is considered that this would not result in undue harm. There is an 18.5 metre separation distance between the front elevation of the proposed dwellings and the garden fence of 1 Kearsney Villas, the relevant part of the garden at Kearsney Villas is to the rear, rather than immediately in their private amenity area i.e. outside the rear elevation, and the garden at 1 Kearsney Villas is slightly raised due to land level differences. A land levels and sections condition is proposed with the recommendation to be able to control this relationship.
- 2.33 **5 Kearsney Avenue.** The resident at 5 Kearsney Avenue has raised concerns regarding privacy, particularly where the original proposal comprised a single storey dwelling adjacent to their property. The proposal now includes a semi-detached block with two storeys. The privacy of number 5 is helped to be retained by the raised land level of their garden relative to the site and by the orientation of the proposed dwellings oblique to Kearsney Avenue i.e. in line with the garden orientation so that views are directly backwards rather than to the side.
- 2.34 Concerns are also raised regarding the impact of the proposal on their Yew tree, this is discussed further below. Putting aside the issue of the tree in this part of the consideration, any impacts on residential amenity are otherwise considered not to result in undue harm.

2.35 Trees

Adjacent to the site immediately outside of its eastern boundary, is a Yew tree sited within the garden of number 5 Kearsney Avenue. The neighbours at number 5 have requested that the tree is protected by a Tree Preservation Order. The tree is relatively prominent although is sited back from the edge of the highway. The DDC tree officer did suggest that the tree might be protected under an order but has not confirmed or initiated any order. Having followed this up, the tree has not subsequently been protected.

- 2.36 The reason for this consideration is that by amending the design from the originally proposed single storey dwelling, the now proposed semi-detached block has the potential to cause harm to the tree by way of damage to the roots and conflict in terms of cutting branches where there is an overhang into the site. Notably, without a TPO the overhanging parts of the tree could be cut back regardless.
- 2.37 Accordingly, the situation as it stands is that the Yew tree has not been protected by a TPO. The tree may be damaged as a result of the development being granted permission and subsequently being constructed. Where damage is caused to the tree, this would be a civil matter to be resolved between the developer and the adjacent residents.
- 2.38 In terms of planning considerations, even if the tree were protected by a TPO, the grant of planning permission would allow works to proceed, with the potential for any subsequent damage arising. Taking into account the situation as it is, the proper consideration is one of planning balance i.e. the benefits of delivering 12 new dwellings in a sustainable location versus the harm caused by the loss of a Yew tree. In any case, a planning condition is proposed which would seek details of the foundation design for the proposed dwelling adjacent to the Yew tree.

2.39 In this instance it is considered, on balance, that the benefits of the development proposal outweigh the harm arising.

2.40 Highways and Traffic Impact

A key concern with the proposal has been its impact on highways issues. Among the concerns raised by KCC Highways and in the public comments are parking provision, the impact on the junction of Kearsney Avenue and London Road, the impact on the functioning of the car garage, DP Lead, opposite the site to the south, and the need for a pedestrian crossing to facilitate access to the western side of London Road.

2.41 In terms of parking provision, the proposed development would provide policy compliant parking provision. The submitted drawings show four visitor spaces, with only one space allocated to units 1 and 4. In reality the requirement of 0.2 visitor spaces per unit would translate to 2.4 visitor spaces in total. Therefore, units 1 and 4 could each have two spaces, with two visitor spaces left over. This is considered to be acceptable.

2.42 KCC Highways has not objected to the functioning of the junction at London Road and Kearsney Avenue, although have noted that by closing the accesses onto London Road, this may encourage on street parking. Accordingly, the bus stop 'cage' markings have been shown to be extended in order to protect the functioning of the bus stop. This is considered sufficient to address the concerns of the service provider also.

2.43 One concern raised by a third party is how the parking would impact the functioning of the existing car sales/garage business DP Lead, which relies on street parking. While the concerns of the business are acknowledged, having discussed this with the KCC Highways, the use of the street for parking in connection with the business would not substantiate a redesign of this scheme. Nevertheless, a construction management plan will be the subject of a condition in order to manage the impact of construction on residents and businesses within the area.

2.44 In respect of the pedestrian crossing, the comments of KCC Highways cover this topic succinctly: *The proposals are likely to result in increased pedestrian trips to/from the local school and railway station, and therefore improved facilities are required to allow and encourage this sustainable travel. These improvements take the form of an uncontrolled pedestrian crossing point in London Road on the pedestrian desire line to/from the station and school, and include a build-out, dropped kerbs, tactile paving, and parking restrictions to maintain visibility. These proposals have been subject to an independent safety audit and will be carried out by the developer through a s.278 agreement with the highway authority.*

2.45 Further to the location of the uncontrolled pedestrian crossing, which objectors are concerned is on the wrong side of the junction of Alkham Road and London Road, KCC Highways is imminently (works commencing 18 October 2021) about to install a zebra crossing on London Road to the east side of the junction with Kearsney Avenue. Accordingly, pedestrians will have an option to cross to either side of the Alkham Road junction.

2.46 Accordingly, in respect of highways matters, all issues are considered to have

been resolved to a satisfactory standard for development to be able to proceed.

2.47 Ecology

The submitted preliminary ecological assessment advises the following: Without the implementation of suitable avoidance and mitigation measures, development proposals have the potential to impact upon roosting bats, foraging and commuting bats, badger, hedgehog and nesting birds.

2.48 Mitigation without the need for further survey work is required for foraging and commuting bats, badger, hedgehog and nesting birds (detailed in Section 11). Ecological enhancement measures are recommended as part of development proposals to improve the biodiversity value of the site (detailed in Section 12).

2.49 The initially submitted survey identified that a species specific bat survey would be required. However, an amended survey was submitted which acknowledges that no evidence of bats was found in the pub building and only advises a bat survey if future works were to impact hanging slates, the roof or the loft. On this basis the senior natural environment officer accepted that no further bat survey work would be required i.e. accepting the developer's assurance that these parts of the building would not be affected. Accordingly, a condition will be imposed that requires the relevant survey work to be undertaken if works to convert the pub ultimately result in the hanging slates, roof or loft being affected.

2.50 All other matters can be addressed by suitable conditions for mitigation measures and biodiversity enhancement works, in accordance with the recommendations of the submitted ecological report. Furthermore, an external lighting scheme will be required to minimise the impact on any foraging or commuting bats.

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

2.52 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

2.53 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

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

2.55 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.

2.56 Given the limited scale of the development proposed by this application, a

contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the council will draw on existing resources to fully implement the agreed Strategy.

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

2.58 Affordable housing, planning obligations, s106

Affordable housing. Policy DM5 of the Core Strategy allows for commuted sum payments toward affordable housing where the number of dwellings to be provided is between 5 and 14. In reality, accounting for government guidance, in a village/suburban location such as River, this applies to developments between 10 and 14 dwellings. The commuted sum is calculated by taking 5% of the gross development value.

2.59 DDC does not have a valuer for these purposes, so there is some negotiation involved with the applicant, taking into account local asking prices and sold prices, for equivalent or similar developments. The prices taken as a guide in this instance, are from Right Move and Zoopla.

2.60 The suggested calculation, agreed by the applicant, is as follows:

Unit	Beds	Price (£k)
1	3	325
2	3	325
3	3	325
4	3	325
5	2	190
6	2	190
7	2	190
8	1	150
9	1	150
10	1	150
11	3	325
12	3	325
Gross development value		2,970

5% of GDV	£148,500
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2.61 **Other contributions.** These were requested from Kent County Council for the following:

2.62 Secondary education – **£27,777** – for the expansion of Dover Christ Church Academy.

- 2.63 Community learning – **£197.04** – towards Dover Adult Education.
- 2.64 Youth service – **£786.00** – towards Dover Youth Service.
- 2.65 Libraries – **£665.40** – towards the service and stock at Dover library and the mobile library attending River.
- 2.66 Social care – **£1,762.56** – towards specialist care accommodation in Dover.
- 2.67 Waste – **£1112.64** – towards improvements at Dover Household Waste Recycling Centre (HWRC). Dover District Council to date has not accepted contribution requests towards the HWRC, which it considers has not yet been adequately justified. Accordingly, this contribution will not be sought.
- 2.68 **Open space. Accessible green space.** Kearsney Abbey and Russell Gardens together are a strategic scale green space, approximately 14 hectares in size. Access to the park is approximately 420 metres from the application site. In terms of required standards, although there is no 0.4 hectare space within 300 metres (to the access, not to the park), Kearsney Abbey and Russell Gardens easily meet the standard of a 2 hectare space within 1000 metres, and are not far short of the 20 hectare standard. Accordingly, in terms of the green space standard, this is considered to be met.
- 2.69 **Allotments/community gardens.** Requests for contributions toward allotments/community gardens are the responsibility of parish council. In this case no request has been made.
- 2.70 **Children’s equipped play space.** Access to the equipped play space at Kearsney Abbey is noted as being around 530 metres from the application site. This play space is of a strategic scale. The accessibility standards for play space are for a local play space within 600 metres, or a strategic play space within 1000 metres. Accordingly, in terms of the equipped play space standard, this is considered to be met.
- 2.71 **Outdoor sports facilities.** The assessment for outdoor sports facilities, and any contribution requested will be reported verbally to members of the planning committee meeting.
- 2.72 **Thanet Coast and Sandwich Bay mitigation.** No mitigation payment is required as part of the proposal, due to the net increase of units being below 15.
- 2.73 In total, planning obligation requests of **£179,688** (subject to any further request in relation to outdoor sports facilities) have been made to, and agreed by, the applicant. In respect of planning obligations (subject to any request for outdoor sports facilities), the application is considered to be acceptable.

3. **Conclusion and Sustainability**

- 3.1 Sustainable development in the planning context is understood through the three roles that planning plays – the economic role, the social role and the environmental role. Although the application under consideration is acceptable in principle, and there is no fundamental policy objection, it is nevertheless a useful exercise to consider the proposal in light of the presumption in favour of sustainable development i.e. paragraph 11 of the NPPF.
- 3.2 Economic role. The loss of the public house no doubt has an economic impact

on the area, but it has not been operating since December 2018, and since that time there has been no interest in restarting the pub use. Therefore, the impact felt through the loss of the pub has already been a part of daily life for almost three years. The potential impact on the operation of DP Lead while noted, is unlikely to be significant, and is likely to vary depending on the time of day. In terms of the proposal, there is the potential for twelve separate families to occupy the site and bring an economic benefit to the area. The construction contract for the development would also bring a time limited benefit. It is considered overall that there is a potential for a longer term benefit by granting permission for this development.

- 3.3 Social role. The public house undoubtedly plays a social role first foremost, but as noted the loss of this social role in the sense of day to day life happened almost three years ago. The commercial viability report notes that there are seven public houses within a 1.5km radius of the site, so other opportunities do exist for socialising. Additionally, the pub has not been listed as an asset of community value. In terms of the application, up to twelve new families could occupy the site and each would have the opportunity to play a part in the local community on an ongoing basis. It is therefore considered that there is a small social benefit from the redevelopment of the site.
- 3.4 Environmental role. The submitted ecological report shows that the subject to the recommendations of the report being followed in respect of mitigation measures and biodiversity enhancements, the development should be acceptable. The proposed development is located in a village/suburban area within settlement boundaries, it has access to a range of facilities in relatively short distance, including a railway station at Kearsney for longer range travel. The site is well located in terms of its environmental sustainability credentials and represents the best use of previously developed land to provide accommodation. Furthermore, electric car charging points will be required by condition and a pedestrian crossing to facilitate walking will be provided as part of the development. The proposal is considered in the wider context of the environment to provide a strong benefit.
- 3.5 Accordingly, taking into account the three roles of sustainability, the proposed development is considered to represent a sustainable scheme. The applicant has worked with the planning department over the course of a year and a half to resolve issues on the site, most prominently concerning design and the impact on the local street scene. All requests for development contributions have been agreed, including the provision of a pedestrian crossing, and while it is acknowledged that these represent what is required to make the proposal acceptable, rather than being a benefit over and above the existing situation, it nevertheless shows that the proposal could be accommodated.
- 3.6 The recommendation therefore is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to a legal agreement and to conditions including the following:
 - (1) Time limit
 - (2) Drawings
 - (3) Materials
 - (4) Landscaping hard and soft, including tree planting, means of enclosure and gates

- (5) Tree protection
- (6) Foundation design – Yew tree
- (7) No dig – car parking/tree roots
- (8) Land levels and sections
- (9) Parking and garaging
- (10) Bicycle parking
- (11) Refuse and recycling storage and collection
- (12) Visibility splays
- (13) No discharge of surface water to highway
- (14) Bound surface first 5 metres of each access to the highway
- (15) Completion of highways works
- (16) Closure of existing access and reinstatement of footpath
- (17) Electric vehicle charging
- (18) Surface water drainage scheme
- (19) Surface water – verification
- (20) Surface water – infiltration
- (21) Sound insulation
- (22) Archaeology
- (23) Biodiversity mitigation measures
- (24) Biodiversity enhancement scheme
- (25) External lighting scheme
- (26) PD restrictions – A – enlargement, improvement or other alteration of a dwellinghouse, B – additions etc to the roof of a dwellinghouse, D – porches (Kearsney Avenue dwellings), E – buildings etc incidental to the enjoyment of a dwellinghouse (London Road dwellings).
- (27) Construction management plan

- II. That powers be delegated to the Head of Planning, Regeneration and Development to settle the detail of the section 106 agreement.
- III. That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Darren Bridgett