

# Public Document Pack



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3 November 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 11 November 2021 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

## Planning Committee Membership:

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

## AGENDA

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

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

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

4 **MINUTES** (Pages 6-16)

To confirm the attached minutes of the meeting of the Committee held on 14 October 2021.

5 **ITEMS DEFERRED** (Page 17)

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

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

6 **APPLICATION NOS DOV/21/00317 & DOV/21/00318 - COASTGUARD COTTAGES, BAY HILL, ST MARGARET'S BAY** (Pages 18-36)

**DOV/21/00317 – Planning Application: Erection of a three-storey detached building to incorporate 5 self-contained flats; erection of two-storey and single storey rear extensions to existing 12 terraces; insertion of 2 dormer windows and alterations to fenestration (existing single storey rear extensions to be demolished). Erection of single storey rear extension to existing boathouse with alterations to fenestration. Reconfiguration of internal access road, relocation of parking area, 8 additional parking spaces and associated landscaping (Re-advertisement, amended drawings)**

**DOV/21/00318 – Listed Building Consent Application: Works to terrace to include demolition of existing single storey rear extensions and erection of two-storey and single-storey extensions to the rear; insertion of 2 dormer windows; insertion of 2 windows to south-west elevation; alteration of window to ground floor on south-east elevation; internal works to include demolition and erection of new partition walls. Works to former boathouse to facilitate conversion to residential to include erection of single storey rear extension and internal partitions; extension and conversion of existing single storey outbuildings to provide office space/storage**

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

7 **APPLICATION NO DOV/21/00402 - LAND SOUTH-WEST OF SANDWICH ROAD, SHOLDEN** (Pages 37-96)

**Outline application for the erection of up to 110 dwellings with associated parking and means of access (all matters reserved except for access)**

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

8 **APPLICATION NO DOV/21/01113 - LAND REAR OF 20-34 WESTERN ROAD, DEAL** (Pages 97-107)

**Erection of 3 detached dwellings with associated landscaping, bin and cycle storage, car parking and vehicular access (existing buildings and part boundary wall to be demolished)**

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

9 **APPLICATION NO DOV/20/01563 - SUNNYMEADE, NELSON PARK ROAD, ST MARGARET'S-AT-CLIFFE** (Pages 108-112)

**Erection of two storey side extension; single storey rear extension; porch canopy; first-floor roof extension with 2 dormer windows and 5 rooflights; flue to side extension; balconies with glass balustrades to front and side elevations; alterations to doors/windows; external cladding; erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished)**

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

10 **APPLICATION NO DOV/21/00677 - 98 GOLF ROAD, DEAL** (Pages 113-118)

**Erection of 2 dwellings, formation of new vehicle access and associated parking (existing garage to be demolished)**

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

11 **APPLICATION NO DOV/21/00150 - FOUR WINDS AND HILLSIDE, POMMEUS LANE, RIPPLE** (Pages 119-130)

**Erection of 2 replacement dwellings (existing dwelling-houses to be demolished)**

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

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

12 **APPEALS AND INFORMAL HEARINGS**

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

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

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

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

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk), telephone: (01304) 872303 or email: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk) for details.

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

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 14 October 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

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

Officers: Principal Planner  
Planning Officer  
Planning Officer  
Planning Officer  
Planning Consultant  
Planning Solicitor  
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/21/00881	-----	Mrs Lorraine Young
DOV/21/00524	-----	Mr Darren Ash
DOV/21/00805	-----	Mr Giuliano Laffranchi
DOV/20/00038	-----	Mr Martin Lead

60 APOLOGIES

It was noted that there were no apologies for absence.

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61 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

62 DECLARATIONS OF INTEREST

Councillor P D Jull made a Voluntary Announcement of Other Interests in relation to Agenda Item 12 (Application No DOV/21/00795 – 134 High Street, Deal) by reason that he, like the applicant, was a member of Deal and Walmer Chamber of Trade. He also stated that he knew some of the objectors. However, he was of the view that none of these persons was an ‘Associated Person’ for the purposes of the Kent Model Code of Conduct.

63 MINUTES

The minutes of the meeting held on 16 September 2021 were approved as a correct record and signed by the Chairman.

64 ITEMS DEFERRED

The Chairman advised that the applications listed remained deferred.

65 APPLICATION NO DOV/21/00888 - THE WHITE HORSE, CHURCH HILL, EYTHORNE

The Committee was shown a map, plans and photographs of the application site which was within the settlement confines of Eythorne. The Planning Consultant advised that the application sought planning permission for a change of use from a bed and breakfast to a children's residential care home, accommodating up to four children. The building was Edwardian in style and had formerly been a public house. As well as the garage, the outbuildings would be demolished to increase the outside area for exercise and fresh air. The applicant had confirmed that the building would be refurbished, with some windows replaced and the side porch removed. As an update to the report, Members were advised that there would be a maximum number of six staff on site at any one time. A total of twelve staff would be employed altogether, of whom four would be at entry level with no qualifications.

Councillor M Bates welcomed the proposal, noting the high level of supervision and the generous parking provision of seven spaces. In response to Councillor D G Cronk, the Planning Consultant advised that any further development would require planning permission as there were no permitted development rights.

RESOLVED: (a) That Application No DOV/21/00888 be APPROVED subject to the following conditions:

- (i) In accordance with 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.

(b) That 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.

66 APPLICATION NO DOV/21/00881 - LAND AT 67 CANTERBURY ROAD, LYDDEN

Members viewed drawings, a plan and photographs of the application site which fell partly within and partly outside the settlement confines of Lydden and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Planning Consultant advised that the application sought partly retrospective planning permission for the

erection of a single storey outbuilding with decking, steps and railings. As an update to the report, he advised that comments had been received regarding the construction of the building. His understanding was that the existing ground levels had not been changed, but the outbuilding had been erected and raised off the ground where necessary to accommodate the change in topography. The outbuilding would have the greatest impact on No 69 whose garden was about a metre lower than the application site. He referred to an email that had been circulated by the owner of No 69 to members of the Committee.

The Committee was advised that the parts of the garden of the application property that went up the hillside fell outside the village confines. Concerns had been raised about overlooking and loss of privacy. Whilst it was accepted that the outbuilding was in a prominent position, the separation distance from the outbuilding to the nearest building was some 21 metres, with vegetation and screening lessening the building's impact. The contours and topography of the application garden and neighbouring gardens were such that there would have been a degree of overlooking across and down into each other's gardens before the erection of the outbuilding. In addition, there were existing outbuildings along the back of the gardens, albeit less prominent in appearance. That said, the outbuilding's decking area would afford unimpeded views into two seating areas in the garden of No 69. To address this, a condition that required the erection of a fence was recommended. It was a balanced judgement and Members would need to weigh up the difference in what was there before the erection of the outbuilding and now. However, taking all the factors into account, Officers were of the view that there would be no unduly harmful impact on the residential amenity of neighbouring properties. Whilst the outbuilding itself was situated outside the settlement confines and within the AONB, Officers were satisfied that the proposed use would be ancillary to the existing use of the land, as permitted by Core Strategy Policy DM1 for development in the countryside. Furthermore, they were satisfied that the development would not have a material impact on the AONB.

Councillor P D Jull referred to the fact that there was already some degree of overlooking between the gardens surrounding the application site. Whilst he recognised that the distance in this case was shorter than some other views that could already be gained, he thought the difference was not sufficient to justify refusal. He proposed that the application should be approved. In response to Councillor R S Walkden, it was clarified that the Kent Design Guide recommended a back-to-back separation distance of at least 21 metres between two-storey dwellings. The outbuilding was not a two-storey building and would not be used as a dwelling.

In response to points raised by Councillors Cronk and E A Biggs, the Planning Consultant suggested that details of the proposed fencing between Nos 67 and 69 could be requested. There was unlikely to be any material difference in the amount of sunlight reaching the seating area of No 69. Whilst the outbuilding could be seen from No 69, views were not readily available from deeper inside the rooms of that property. He accepted that there would be a variation in the level of screening during different seasons but, overall, the proposal was considered acceptable given the distances involved and with the appropriate conditions. He clarified that the outbuilding could be used as a bedroom, but the condition imposed would prevent it from being used as a dwelling in its own right.

**RESOLVED:** (a) That Application No DOV/21/00881 be APPROVED subject to the following conditions:

- (i) In accordance with the approved plans;
- (ii) The building to be used for purposes ancillary to the main dwelling-house;
- (iii) Within 3 months, fencing shall be erected at a height of 1.8 metres 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.

(b) That 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.

67 APPLICATION NO DOV/21/00524 - BELLA VISTA, QUEENSDOWN ROAD, KINGSDOWN

The Committee was shown an aerial view, plans and photographs of the application site which was within the settlement confines of Kingsdown. The Planning Officer advised that planning permission was sought for the erection of a first-floor rear extension and a single storey side extension. An area of open countryside, designated as AONB, was located to the south of the property. As an update to paragraph 2.8 of the report, Members were advised that a request to increase the internal floor to cill height of the east-facing rooflight to 1.7 metres had been accepted and was shown on amended plans. Glendoran, the adjoining semi-detached property, had an existing flat-roof extension, and the properties were not uniform in appearance. It was clarified that an inset balcony was one that was recessed into the building and therefore offered only forward views. As there would be no side views, the issue of overlooking did not arise.

RESOLVED: (a) That Application No DOV/21/00524 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Compliance with the approved plans;
- (iii) Materials specified;
- (iv) No additional windows in elevations or roof.

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

68 APPLICATION NO DOV/20/01008 - 8 CHURCH FARM MEWS, THE STREET, EAST LANGDON

Members viewed an aerial view, plans and photographs of the application site. The Planning Officer advised that retrospective planning permission was sought for the erection of an outbuilding, to be used as an office and for storage. The outbuilding had replaced a shed and there was not a significant difference between the footprints of the two buildings. In relation to a proposal from Councillor Jull that the

outbuilding should be painted black to match the host dwelling, the Principal Planner cautioned against this, advising that the cedar cladding would weather over time, such that its impact would be limited in the context of a garden setting.

RESOLVED: (a) That Application No DOV/20/01008 be APPROVED subject to the following conditions:

- (i) Compliance with the approved plans;
- (ii) No openings on north-east elevation;
- (iii) Use of the outbuilding to remain ancillary to the residential use of 8 Church Farm Mews.

(b) That 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.

69 APPLICATION NO DOV/21/00225 - VINE COTTAGE, THE STREET, WOODNESBOROUGH

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was a backland location within the settlement boundaries of Woodnesborough. The site currently served as garden land for Vine Cottage. The Principal Planner advised that the application sought planning permission for the erection of three dwellings with associated car parking and landscaping.

Members were advised that the former public house, which was to the south of the application site, had been converted into four flats, with planning permission also granted for the erection of a detached building containing a further two flats. These dwellings were currently under construction on the eastern boundary of the site. The key issues for Members' consideration were parking and access. The dwellings would be accessed via an existing access which was adjacent to the former public house. A total of six parking spaces would be provided at the front of the development, offering two spaces per three-bedroomed dwelling and one space plus a visitor space outside the two-bedroomed dwelling.

Councillor Jull noted that there were a number of buildings in this location set back from The Street. Whilst the parish council had objected on the grounds of over development, the National Planning Policy Framework (NPPF) encouraged the intensification of development in existing settlements. He was aware of concerns about parking but, overall, considered the proposal acceptable. Councillor Cronk commented that a lot of concerns had been raised about the impact on traffic and highways, yet KCC Highways had advised that there would be no detrimental impact. He expressed concerns about cumulative impact and the fact that there was no information to indicate how KCC Highways had come to its conclusion. The Chairman commented that, speaking from experience, the former pub and restaurant had generated lots of traffic movements. If local roads had coped with that number of traffic movements, it was unlikely that the new developments would cause problems. The Principal Planner agreed, citing paragraph 111 of the NPPF which stated that the key test was whether a development would have a severe highways impact. Given the site's previous use, when cars would have been coming and going on a regular basis, this was unlikely.

In response to Councillor Cronk, the Principal Planner advised that a phase 1 ecological survey had not identified any issues in terms of biodiversity. Condition 9 would require measures to be taken in relation to biodiversity enhancement such as bat boxes, etc. Details of the trees to be planted would be submitted as part of condition 4. She advised that the installation of double yellow lines in Melville Lea was not considered necessary as there was sufficient parking for occupiers and visitors within the application site. She added that double yellow lines and highway improvements were generally only required where it was thought there would potentially be a direct impact, and the works were therefore needed to make a development acceptable.

Councillor Biggs argued that the traffic movements would be different to those generated by the pub and restaurant, and were likely to occur at similar hours of the day, for example at school drop-off and collection times. The Principal Planner recognised that the pattern of traffic movements arising from the new development would be different. She recapped that the development would use an existing access which was not a public access nor new as part of the application. It was wide enough to accommodate fire engines and refuse vehicles and two-way vehicle movements. The visibility splays were limited but, as they were existing, there was no requirement to enhance them.

RESOLVED: (a) That Application No DOV/21/00225 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Materials;
- (iv) Hard and soft landscaping, schedule of planting, means of enclosure;
- (v) Level sections, thresholds;
- (vi) Drainage scheme;
- (vii) Refuse storage/collection;
- (viii) Electric vehicle charging points;
- (ix) Biodiversity enhancement plan;
- (x) Parking to be retained;
- (xi) Permitted development restrictions – Classes B and C.

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

Members viewed an aerial view, plans and photographs of the application site. The Planning Officer advised that the application sought planning permission to convert an existing building to four self-contained apartments for supported housing, together with the erection of a replacement side extension and other external alterations.

Members were advised that the building had previously been used as a children's home for up to eight residents. The proposal would provide supported housing for up to eight adults with learning disabilities. Discussions had taken place with the applicants about a management plan to ensure there were protocols and contacts in place in the event of any problems. A condition would help to reassure neighbours who had reported problems in the past. Drainage issues referred to by an objector would be examined at the Building Regulations stage rather than through the planning system. In any event, the conversion of a building that would accommodate the same number of people as previously would not normally raise concerns. He clarified that prospective residents were unlikely to be drivers. However, Officers would be looking for at least one parking space, possibly one and a half spaces, per unit of accommodation. He agreed that it would be sensible for the parking space nearest the wheelchair accessible flat to be allocated to that flat, and suggested that an informative could be added.

RESOLVED: (a) That Application No DOV/21/00805 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) Approved plans;
- (iii) Materials to match existing;
- (iv) Car parking shown on approved plans to be provided prior to first use;
- (v) Details of refuse and bicycle storage facilities;
- (vi) Removal of permitted development rights - no further alterations, extensions, new windows, outbuildings;
- (vii) Remove permitted development rights – no permitted change of use even within Use Class;
- (viii) Submission of a noise/occupation management plan to outline points of contact and protocols for dealing with complaints, along with staffing numbers and hours.

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

Informative: Parking space 1 shown on the approved plans shall be a disabled space linked to the wheelchair accessible flat.

71 APPLICATION NO DOV/21/00795 - 134 HIGH STREET, DEAL

The Committee was shown an aerial view, plans and photographs of the application site which was within a conservation area. The Planning Officer advised that the application sought planning permission for the installation of a freestanding, high-level terrace over an existing courtyard. The platform would link the rear of the host building to the back of a two-storey building at the rear of the courtyard. Following recent permissions, a neighbouring property had installed a large external spiral staircase which meant that the courtyard of the application property was now overlooked. The proposed platform would prevent overlooking from the other property.

Councillor C F Woodgate acknowledged that the applicants were operating a business from the property which should be supported. The Planning Officer clarified that the condition relating to the glazed screen would be worded so as to prevent its removal in the future.

RESOLVED: (a) That Application No DOV/21/00795 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with approved plans;
- (iii) Provision of 1.8-metre high glazed screen prior to first use.

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

72 APPLICATION NO DOV/20/00038 - THE RAILWAY BELL PUBLIC HOUSE, 120 LONDON ROAD, RIVER

Members were shown an aerial view, drawings, plans and photographs of the application site. The Principal Planner advised that planning permission was sought for the erection of six dwellings and the conversion of a public house, which had closed down 18 months previously, into six self-contained flats. As an update to the report, she referred to a letter that Members would have received about the loss of a neighbouring yew tree. It was not proposed to remove the tree and a number of conditions would be imposed to protect the tree during construction works. There was an expectation that the tree would be retained and the applicant was aware of this.

The Committee was advised that the site was surrounded by residential properties that varied in design and size. The Officer had worked with the applicants to achieve a better scheme than that originally submitted, one more fitting for the site and relating better to other properties. The dwellings would be of traditional design and limited changes would be made to the pub building's exterior. Some highway works were considered necessary to make the scheme acceptable, consisting of an uncontrolled pedestrian crossing on London Road to aid trips to the local primary school and railway station. Coincidentally, KCC Highways works were due to commence imminently to install a zebra crossing to the east side of the junction with Kearsney Avenue.

In response to Councillor D G Beaney, the Principal Planner acknowledged that significant concerns had been raised about the loss of the pub. Paragraphs 2.6 to 2.18 dealt with this aspect of the application, describing the efforts made to market the pub. An important factor in considerations was the existence of seven public houses within a 1.5-kilometre radius of the application site. This meant that limited weight could be attached to the loss of the building as a public house. With reference to paragraph 2.60 of the report, she advised that, whilst the market values appeared to be on the low side, the findings of a recent study conducted by the Local Planning Authority (LPA) supported them. The 5% contribution was required by the LPA's Supplementary Planning Document and, in this case, was based on evidence gathered by the LPA itself.

Councillor Cronk raised concerns about the absence of double yellow lines at the three-way junction opposite the site. With the junction, bus-stop, garage and pedestrian crossing all in close proximity to each other, he questioned the wisdom of not installing them. The Principal Planner advised that there was no requirement for the applicant to provide double yellow lines as part of the application. In response to Councillor Bates, she agreed that the wording of condition 15 would refer to the highway works (including the pedestrian crossing) being completed prior to occupation.

Councillor Jull commented that double yellow lines would inconvenience the garage even further. In any case, there had been no personal injury accidents at the junction in the last five years, probably because people who used the junction knew its risks and acted appropriately. He was keen to see the wall around the site constructed of flint as indicated in the plans, and suggested that a condition be added. Councillor Woodgate agreed with the concerns raised about the conservative pricing of the properties. Whilst the parish council had objected to the closure of the pub, the reality was that it was a loss-making business which had proved unsustainable in recent years.

RESOLVED: (a) That Application No DOV/20/00038 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Drawings;
- (iii) Materials;
- (iv) Hard and soft landscaping, including tree planting, means of enclosure and gates;
- (v) Wall on London Road and Kearsney Avenue to be constructed of flint;
- (vi) Tree protection;
- (vii) Foundation design – yew tree;
- (viii) No dig – car parking/tree roots;
- (ix) Land levels and sections;

- (x) Parking and garaging;
- (xi) Bicycle parking;
- (xii) Refuse and recycling storage and collection;
- (xiii) Visibility splays;
- (xiv) No discharge of surface water to highway;
- (xv) Bound surface for first 5 metres of each access to the highway;
- (xvi) Completion of highway works (including pedestrian crossing) prior to occupation of any dwellings;
- (xvii) Closure of existing access and reinstatement of footpath;
- (xviii) Electric vehicle charging;
- (xix) Surface water drainage scheme;
- (xx) Surface water – verification;
- (xxi) Surface water – infiltration;
- (xxii) Sound insulation;
- (xxiii) Archaeology;
- (xxiv) Biodiversity mitigation measures;
- (xxv) Biodiversity enhancement scheme;
- (xxvi) External lighting scheme;
- (xxvii) Permitted development 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);
- (xxviii) Construction management plan.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle the detail of the Section 106 agreement.

(c) 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.

The Committee noted that there was no information to receive regarding appeals and informal hearings.

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

The Committee noted that no action had been taken.

The meeting ended at 8.27 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 11 NOVEMBER 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)**

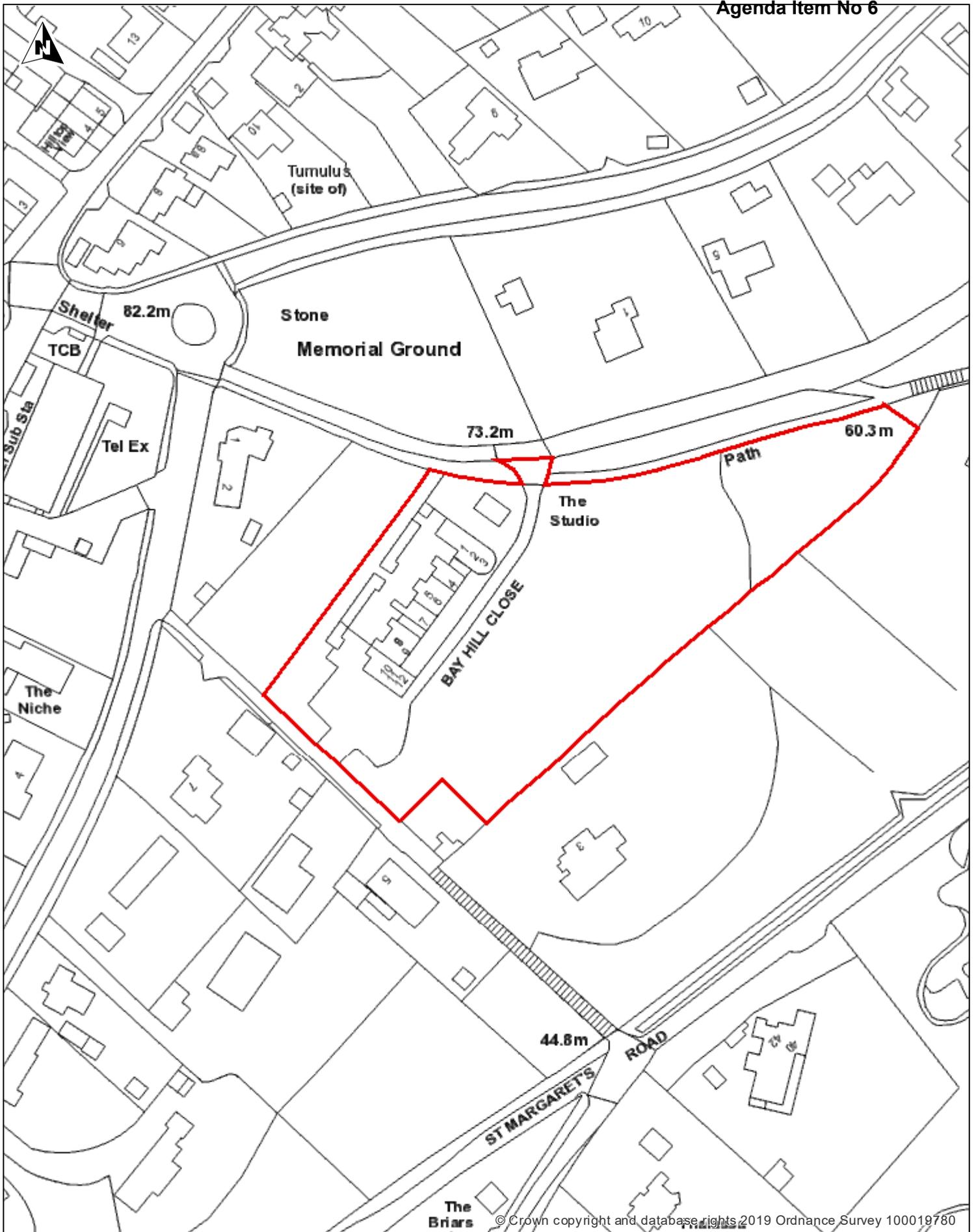
**Background Papers:**

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).



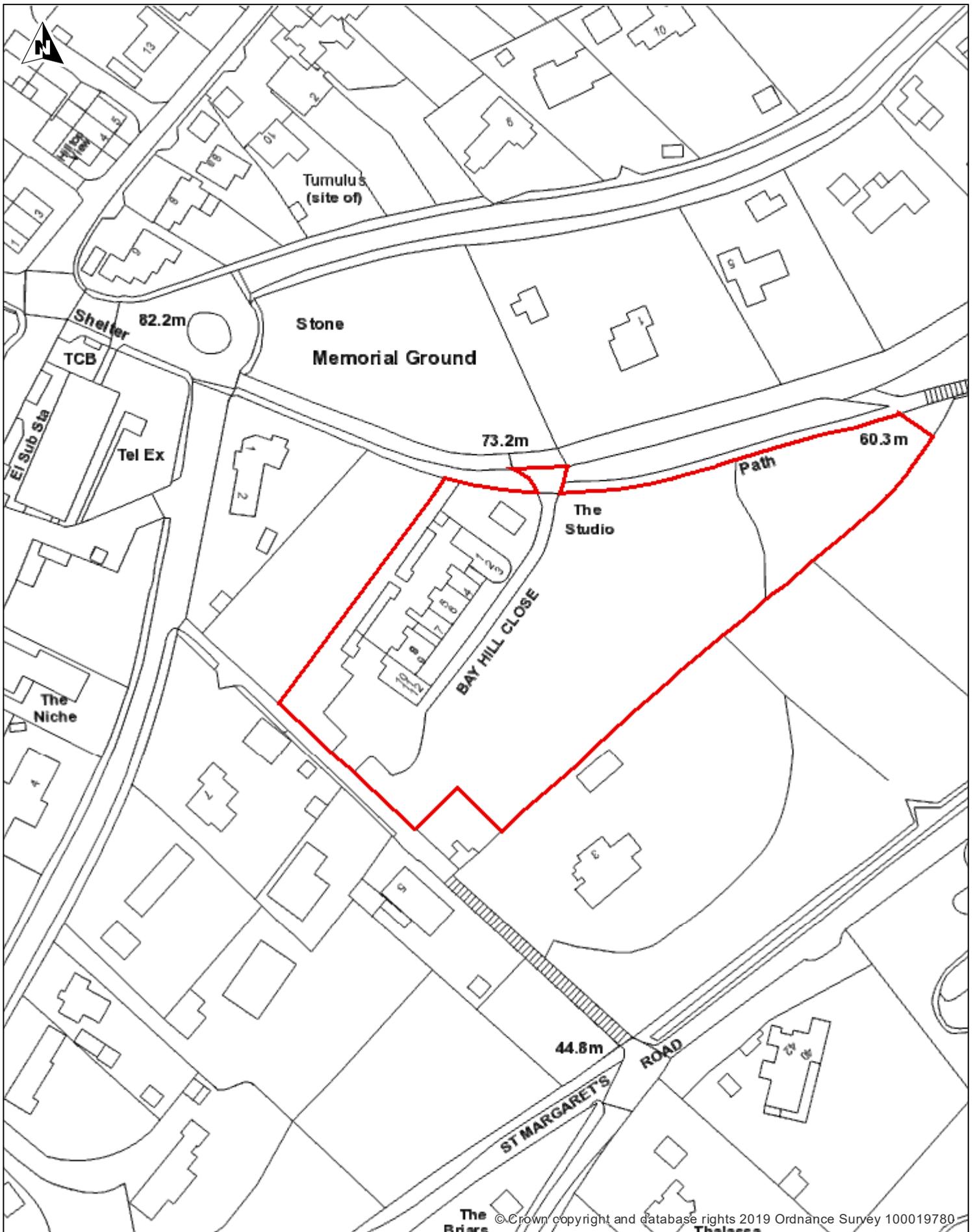
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21/00317  
Coastguard Cottages  
Bay Hill, St Margarets Bay  
CT15 6DU

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



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



21/00318  
Coastguard Cottages  
Bay Hill, St Margarets Bay  
CT15 6DU

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/21/00317 – Planning Application: Erection of a three-storey detached building to incorporate 5 self-contained flats; erection of two-storey and single storey rear extensions to existing 12 terraces, insertion of 2 dormer windows and alterations to fenestration (existing single storey rear extensions to be demolished). Erection of single storey rear extension to existing boathouse with alterations to fenestration. Reconfiguration of internal access road, relocation of parking area, 8 additional parking spaces and associated landscaping (Re-advertisement, amended drawings)**

**DOV/21/00318 – Listed Building Consent Application: Works to terrace to include demolition of existing single storey rear extensions and erection of two-storey and single-storey extensions to the rear; insertion of 2 dormer windows; insertion of 2 windows to southwest elevation; alteration of window to ground floor on south-east elevation; Internal works to include demolition and erection of new partition walls. Works to former boathouse to facilitate conversion to residential to include erection of single storey rear extension and internal partitions; Extension and conversion of existing single storey outbuildings to provide office space/storage**

### **Coastguard Cottages, Bay Hill, St Margaret’s Bay**

Reason for report – Called in due to the number of objections.

- b) **Summary of Recommendation**

21/00317 - Planning permission be approved subject to conditions and S106 agreement.

21/00318 - Listed Building Consent be granted subject to conditions.

- c) **Planning Policy and Guidance**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.*”

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the Act 1990 requires that the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### Core Strategy Policies (2010) (CS)

DM1, DM11, DM13, DM15, DM16

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

7, 8, 11, 60, 69, 78, 79, 110, 111, 119, 130, 174, 176, 180, 194, 195, 197, 199, 200, 202, 206

#### 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.

#### Land Allocations Local Plan

Annex 1 to the Plan draws on the District Heritage Strategy in order to provide guidance on preparing heritage statements to support planning applications.

#### Dover District Heritage Strategy

An objective of the Strategy is to ensure that the “*District’s heritage assets are sustained and enhanced so as to best meet the needs of the present without compromising the ability of future generations to appreciate their significance*”.

#### The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context as part of the evolution of the design.

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

##### Adjoining site to the northwest:

- 19/01489 - Erection of 3 dwellings (existing dwellings to be demolished) – Refused and dismissed at appeal on 21 January 2021 for the following summarised reasons:
  - The development would fail to preserve or enhance the character of the conservation area and the setting of the grade II listed buildings

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

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

KCC PROW: No comments to make. The proposals would have little impact on the PROW.

KCC Ecology: No objections. Advise that sufficient ecology information has been provided. Recommend ecological management and enhancement conditions.

KCC Archaeology: No comments received.

KCC Economic Development: Site is more than 0.5 ha and request contributions to mitigate the additional impact on the delivery of services.

- Primary education - **£6,800** – towards the development of the new 2FE Primary School Whitfield Aspen
- Secondary education – **£4,540** – for the expansion of Dover Christ Church Academy.
- Community learning – **£82.10** – towards Dover Adult Education.
- Youth service – **£327.50** – towards Dover Youth Service.
- Libraries – **£277.25** – towards the service and stock at St Margaret’s-at-Cliffe library and the mobile library attending River.
- Social care – **£734.40** – towards specialist care accommodation in Dover.
- Waste – **£272.35** – towards improvements at Dover Household Waste Recycling Centre.
- Broadband informative.

Historic England: Do not wish to offer any comments. Suggest the views of the Council's specialist conservation adviser are sought.

Southern Water: There is a foul sewer and rising main crossing the site. Clearance between soakaway and public sewer is required.

Environmental Health: No objections. Recommend precautionary contamination condition and a construction management plan condition.

St Margaret's Parish Council – Objects to the original and revised scheme as summarised:

- The design of the new building is discordant with the heritage asset.
- Scale of the new building does not respond positively to local context.
- New building does not contribute to the significance of the listed building or conservation area and has no mitigating public benefit.
- Main issue is the relocation of the parking area in the garden area.
- Loss of open space in the CA.
- Refurbishment of the cottages is viable without the new building.
- Increase noise and pollution.
- The car park would not contribute to the setting of the listed building or CA.
- Highway safety impact from car park and use of gardens.
- The location of the car park location is not practical for residents.
- Insufficient parking.
- Application 19/01489 on land bordering Coastguard Cottages was refused.
- Measures to minimise climate change do not form an integral part of the design.

Victorian Society: Objects. Amendments have not overcome previous concerns. Comments as summarised below:

- Negative impact on the listed building and Conservation Area.
- Not opposed to extending the listed building or a new building in the car park.
- Design and massing are inappropriate.
- Simplicity of the form of the Cottages is a key characteristic.
- Extensions would dominate the rear elevation of the LB.
- New build would overpower the cottages.
- Design and materials incongruous to the setting of the LB.
- Proposals would lead to less than substantial harm and does not meet the para. 196 of the NPPF.
- Agree that the proposed works involve demolition of less than half the area of the rear elevation and do not involve major internal demolitions and therefore do not comprise relevant works. Confirm that the application should not be referred to the Secretary of State.

St Margaret's Bay Conservation Association: Objects for the following summarised reasons:

- Increased traffic movements at the top of Bay Hill.
- Increased bulk and massing.
- Visual impact of elevated car park.
- View of the rear extensions from the road and impact on the listed building.
- The impact of the parking on the existing landscaping.

- Demolition of part of the listed building.
- Outside the settlement boundary.
- Increase in density.
- Internal spaces are cramped and awkward.
- Ill-considered scheme and the revisions do not address previous concerns.

Third Party Representations:

47 objections to the planning application and 14 objections to the listed building application have been received. 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.

- Amendments do not overcome original objections.
- Vehicle and pedestrian safety.
- Will change the nature of the community.
- Biodiversity impact of the new car park.
- New building and extensions not in keeping with listed building.
- Cottages need refurbishment but should be sympathetic to existing building.
- Harmful impact on the character of the area.
- Overdevelopment of the site.
- Harmful impact on the setting of the listed building and conservation area.
- Loss of affordable housing for local community.
- Removal of trees.
- Highly visible from several public vantage points.
- New building is disproportionately large.
- Loss of affordable housing to second homes.
- Overlarge, overwhelming, and out of character.
- Loss of privacy.
- Design of the new building is out of keeping.
- New building would be highly visible.
- Impact on existing services.
- Impact on existing drainage systems.
- Contrary to the NPPF.
- Loss of open rural space.
- Harmful to the AONB.
- Insufficient parking.
- No affordable housing is proposed.
- Partial demolition of the listed building.
- Loss of views.

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

The Site

- 1.1 The application site comprises a grade II listed building known as Coastguard Cottages which contains 12 residential units. The site also contains a detached pitched roof boat house / studio apartment located to the north of Coastguard Cottages. To the rear of the Cottages are a row of single-storey outbuildings.
- 1.2 The site is in the rural area within the setting of the AONB and is located to the south of the settlement boundary of St Margaret's Bay and is within the St Margaret's Bay conservation area. The Cottages and boathouse sit within a steeply sloping site towards the top of Bay Hill before it drops down to the shoreline of St Margaret's Bay.

- 1.3 Vehicle access onto Bay Hill is in the northeast boundary of the site and an access drive passes the front of the grade II listed building leading to a parking court adjacent the southern end of the building. To the front of the building is an extensive area of sloped/stepped communal gardens with trees and planting on the southeast and northeast boundary. To the northwest of the site is a vacant area of raised grassland with residential properties beyond. There are residential properties to the southwest of the site on the opposite side of a private access drive and PROW. There is a large, detached property with extensive grounds located to the southeast of the site beyond the communal gardens. To the east of the site is woodland/dense vegetation.
- 1.4 PROW ER281 follows the northern boundary of the site along Bay Hill and provides access down towards the coast through the dense vegetation to the east of the site. PROW ER24 follows the south-western boundary of the site and links into St Margaret's Road. PROW ER38 links with the stepped path at Beach Road to the southeast of the site. There are further PROW located to the south and east of the site along the coastline.
- 1.5 Coastguard Cottages was listed in May 1974 at grade II. The listing description reads:
- 1.6 *Coastguard Cottages, now private row of houses. Dated 1884. Roughcast with slate roofs. South end elevation finished in corrugated sheet cladding. Two storey main range with pilaster quoins and brick corbelled eaves and 2 gables breaking eaves line. Three large square stacks ranged left to right. Seven 2-light mullioned windows, centre 2 raised in gables, with anchor motifs over. Six mullioned windows on ground floor, and panelled doors in gabled porches to left and to right. Moulded semi-circular arch to centre leads through to rear courtyard with datestone 1884 over. Linked to D-shaped block to right by slate and wood porch/bridge. Three storey block, the semi-circular end projecting forward, with 3, 4 and 2 light mullioned windows to fore, and irregular fenestration to rear range.*

### The Proposal

- 1.7 The proposals comprise the erection of a three-storey detached residential building to the southwest of the grade II listed building on the area of the existing parking court. Amended plans have been submitted during the application following a review of the original scheme by the Design Panel. The proposal comprises a contemporary building on an irregular shaped footprint with curved section on the front and side elevation at ground and first floor, including curved first floor balconies, with a recessed flat roof third storey, which also incorporates curved glazed sections at the front and large terrace area. The ground and first floors would be finished in white render and the top floor would be finished in vertical timber boarding with a green/living roof. The lower terrace areas and upper floor balconies would have privacy screens formed of kiln dried oak vertical cladding. The accommodation proposes two two-bed units on the ground and first floor and a three-bed unit on the upper floor.
- 1.8 The alterations to the grade II listed building include the demolition of the single-storey lean-to rear sections and replacement with part single, part two-storey extensions, partly incorporating a curved rear elevation. The single-storey sections would have a glass roof above the kitchen/dining areas and the two-storey curved element would be finished in white render with a mono-pitch metal roof. Two new dormer windows are proposed on the southwest roof slopes of the three-storey sections of the building. Two windows are proposed in the southwest elevation and alterations/enlargement is proposed to a ground floor window on the southeast elevation. The proposals also

include the demolition and new internal partition walls to the listed building to improve the existing accommodation.

- 1.9 Works to the curtilage listed boathouse include new internal partitions and a single-storey curved rear extension with a flat green roof to facilitate conversion to a two-bed residential unit.
- 1.10 To the rear of the listed building the curtilage listed single-storey row of outbuildings would be converted to home offices and storage space for the existing and proposed units with a new stepped access between the buildings providing access to the raised communal gardens above.
- 1.11 The proposals include the relocation and expansion of the existing parking court. The new flatted building would be located on the site of the existing parking court and as a result a new parking court is proposed to the east of the vehicle access. The parking court provides 20 parking spaces. The relocation of the existing car park allows the existing vehicle driveway to be removed from the front of the grade II listed building and this area would become a dedicated pedestrian route with a low-level wall and steps providing access to the communal gardens at the front of the site. Low walls surround the parking court, new front gardens and pedestrian access for the grade II listed building and link up with the new building to create a new landscape feature.
- 1.12 The scheme proposes new planting around the parking court area, within the newly defined front gardens of the grade II listed building and detached boathouse and at the front and side of the lower terrace area of the new building. Supplementary tree planting and native planting is also proposed to the side of the new building adjacent the boundary and within the southern section of the communal gardens.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - Principle of the development.
  - Design and visual amenity.
  - Heritage impact. Grade II listed building and Conservation Area.
  - Impact on rural locality and AONB setting.
  - Impact on Residential Amenity.
  - Highway Considerations.
  - Ecology.
  - Planning obligations.

### **Assessment**

#### **Listed Building Consent**

- 2.2 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.3 Coastguards Cottages is a row of 12 cottages constructed in 1884 as dwellings for coastguards and their families. Sitting in an elevated position, the building would

originally have benefited from a clear view of the sea. Adjacent to the cottages is a single storey dwelling known as the Studio which was formally the boat house. To the rear, sitting against the raised land levels, is a row of single storey brick-built outbuildings which had an ancillary function for the dwellings. The Studio and the outbuildings are curtilage listed buildings.

- 2.4 The principal listed building is constructed with roughcast render, stone dressings to window surrounds and slate roof and retains features such as original rainwater goods with embossed nautical detail and a date stone. The row of cottages are very modestly sized with front access via a modern but sensitively detailed shared porch, and an open archway providing access through the row to the rear. The single storey rear additions, which are proposed to be replaced, are of an inconsistent size and form, however photographic evidence suggests that these are the original access into each of the cottages.
- 2.5 To either end of the row there is a three-storey structure; one original and one a later replacement (the original structure having been damaged during the war and replaced in the early 1990s), both of which are independently accessed. The original three storey structure is separated from the row by a simple timber and rendered archway, sits slightly in front of the built line of the row of cottages and has a semi-circular planform to the seaward side: this creates the appearance of a 'look-out' tower. The form and scale of the structure imparts a somewhat imposing character when glimpsed from Bay Hill, however the quality of design and consistency of materials prevents the structure from becoming an overtly dominant feature. The mid-20<sup>th</sup> Century addition replicates the detail of the original structure which was destroyed.
- 2.6 The original layout of the row of cottages consists of two rooms to each floor, except for the largest of the cottages (unit 7) which extends over the archway at first floor and benefits from a third bedroom. Later adaption in the mid/late 20<sup>th</sup> Century saw one room to first floor to all units within the row being partitioned to form a bathroom. The three-storey tower retains its layout largely intact, although the principal room to the front (unit 1) has been bisected by partition walls to all floors which has affected the original proportions of the spaces. Remaining features include staircases and in some instances timber doors. Further minor internal alterations include part removal of the chimneystack to ground floor to some units.
- 2.7 The boat house was converted to residential use prior to listing and although it does not retain any features demonstrating this former use (although evidence by way of a change in the render indicates the dimensions of the original large opening to the front elevation) it is constructed of the same materials and in the same simple style as the principle listed building. The outbuildings to the rear are simple, functional structures with plank doors. One of the outbuildings is slightly larger and has a chimney and was potentially a boiler room.
- 2.8 The proposal seeks to erect a single and part two storey addition to the rear and to create a more open plan space to the ground floor of the row of cottages through part removal of the original rear wall of the listed building and internal walls. The proposed extension by virtue of siting would have no impact on the principal south elevation or from the principle public view from Bay Hill. The single-storey element would be largely glazed with a glass roof above the kitchen/dining areas and the two-storey curved element would be finished in white render with a mono-pitch metal roof. 'Nibs'

of the original rear wall and internal partition to the ground floor are proposed to be retained which will help to demonstrate the original dimensions of the rooms and allow the original plan form to be understood and appreciated. The entrance into each unit would remain largely as existing except in one, where the existing entrance will be blocked and a new one created. At first floor, the works would include the removal of the modern partition and erection of new to form a corridor to the bathroom which would be provided in the extension. This would include the creation of a new opening in the rear wall of the listed building.

- 2.9 In respect of the tower, the proposal seeks to remove modern internal partition walls, and erect new to create one unit to each floor. An existing window is enlarged and an existing door is replaced with a window. Internally a new staircase is proposed from second to attic floor and a new dormer window erected to facilitate conversion of the attic into a bedroom.
- 2.10 One new dormer and an extension is proposed to the 20<sup>th</sup> Century three-storey addition with the later forming the access into the unit, creating larger units to ground and first floor. Internal works will reconfigure the spaces, however the value 20<sup>th</sup> Century structure is only in the contribution it makes to the overall composition of the listed building. The dormer would sit adjacent to two existing dormers, to the west elevation, and therefore have limited to no visual impact. The initial scheme presented the rear extension as larger, but this has been reduced and is now of the same height as those proposed to the row of cottages. This will form a consistent architectural language to the rear.
- 2.11 The former Boat House is proposed to be extended to the rear with a single storey, green roof addition. To the front elevation, the original opening would be reopened and glazed. The extension would be rendered and have a single opening. It would be set within the raised land levels to the rear and would only be visible when within private space. Internally, the building contains no features of interest and the creation of an opening between it and the proposed new extension would result in the loss of a very minor amount of fabric. Due to the detailed design, scale and use of materials it is considered that the proposed works to the Boat House cause no harm to the significance of the building.
- 2.12 The reconfiguration of the tower to create three flats running front to back (rather than the current layout of three flats sitting top to bottom) will result in minor interventions into the historic fabric for access. The proposed dormer is located to the west elevation and will not be visible from Bay Hill and will have no impact on the character of this part of the listed building.

#### Assessment of Harm

- 2.13 The proposed extensions to the row of cottages will result in the loss of the existing rear single storey structures which are noted to be original to the listed building. The extensions and the removal of the internal wall to the ground floor will have an impact on the historic planform of the listed building, however this has been mitigated as noted above. Other interventions will be fairly minimal but will result in the loss of fabric and/or the minor reorganisation of the internal spaces. The accumulative impact of these works is considered to cause less than substantial harm to the significance of the listed building.

- 2.14 In respect of the works proposed to the two curtilage listed buildings: the previous conversion works to the former boathouse have resulted in the loss of character, which the proposed changes to the front elevation will help to reintroduce. The proposed single storey green roofed extension is considered to be an appropriate approach, having minimal impact on the building. The extent of work to the outbuildings is minimal and will have no impact on their significance. As a consequence, it is considered that the works to the curtilage listed buildings would cause no harm.
- 2.15 Coastguard Cottages has largely been unmodernised and although maintenance has been carried out, the building is tired and in need of updating. However, the works will cause less than substantial harm as noted above. Paragraph 200 of the NPPF states that where *'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'* The cottages within the row in particular are very discrete in respect of the accommodation that they provide, and the proposal seeks to retain their character as much as possible whilst also ensuring their viable future use as dwellings. The proposed extensions are fairly modest in size and their simple design and choice of materials is considered to be sympathetic to the character of the listed building, while internally, care has been taken to ensure that the works help to protect the legibility of the historic floor plan.
- 2.16 The Victorian Society has commented on and objected to the proposed works. The Victorian Society are not a statutory consultee for the Listed Building Consent application as the works do not constitute relevant works as defined by the Arrangement for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021.
- 2.17 The Society are of the opinion that while the principle of an extension is not opposed, the design approach and materials is inappropriate to the character of the listed building and would have a consequential negative impact. The Society also notes that the simple form of the cottages is a key characteristic. In response, it is considered that a more traditional design would likely include a pitched roof which would create greater massing to the proposed extensions. The simple and uncluttered design of the proposed extensions and use of render is considered to be consistent with the established character of the listed building.
- 2.18 Paragraph 202 of the NPPF requires that where less than substantial harm is caused to the significance of a designated heritage asset, that the harm is weighed against the public benefits. It is considered that the proposed works ensure the continued preservation of the listed building and therefore meet the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consequently, the proposal would provide a wider public benefit through the maintenance and management of the designated heritage assets.

### **Planning Application**

#### **Principle of Development**

- 2.19 The site is located outside but close to the settlement confines of St Margaret's. The proposed extensions and alterations to the existing grade II listed building are

acceptable in principle subject to the impact on the significance of the grade II listed building and character and appearance of the conservation area and rural landscape.

- 2.20 The proposed new building is ancillary to the existing residential use / development on the site and as such would comply with Policy DM1 of the Core Strategy which states that development will not be permitted outside the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses.
- 2.21 The proposals are therefore considered to be acceptable in principle subject to other material considerations and relevant policies, most notably the heritage impact and visual impact on the rural landscape and setting of the AONB.

#### Impact of the proposed development on the setting of the Listed Building

- 2.22 The application site falls within the St Margaret's Bay conservation area. The character of the conservation area is defined by buildings within a verdant landscape. The proposed new development is positioned such that it would not interfere with a view of the listed terrace from the public vantage point of Bay Hill.
- 2.23 The original scheme has been amended following a Design Panel Review. The scheme now proposed retains a visual link to the listed building through the choice of materials and through having a strong vertical emphasis. The breaking up of the front elevation of the new development adds a quirky aspect which, in addition to the unsymmetricality of the elevation, is reflective of the character of the listed building. A modern approach to the design of the development is considered to be appropriate over a traditionally detailed unit as it is considered that the latter could have the unacceptable consequence of eroding the intrinsic character of the listed building and compete with it for dominance of the site.
- 2.24 As the site is currently unhindered by any other development there is an element of harm to the significance of the listed building as a result of the proposed new development. However, due to the detailed design and siting of the development it is considered that the harm is less than substantial and at the lower end of the scale. In addition, the 'communal' character of the site is a key contributor to the significance of the listed building and the proposal seeks to retain these as largely undefined, i.e., with no boundary treatments to the rear, and where proposed to the front will be limited.

#### Visual Impact and Impact on the Character of the Conservation Area

- 2.25 Policy DM15 is concerned with the protection of the countryside and only development which would not result in the loss of, or adversely affect the character or appearance of the countryside will be permitted if it meets certain criteria and provided that measures are incorporated to reduce, as far as practicable, any harmful effects or countryside character.
- 2.26 Policy DM16 is concerned with the protection of Landscape Character and only development that would not harm the character of the landscape, as identified through the process of landscape character assessment, will be permitted if it is in accordance with the allocations made in the Development Plan or the development can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.27 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning

authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.28 The introduction of the new building and relocated/enlarged parking court into the rural landscape and conservation area would clearly have some visual impact. The developer has engaged in pre-application discussions with the Council prior to submission and the design of the new building, parking court and landscape scheme has been amended following a review by the Design Panel during the course of the application. The application is also supported by a Landscape Visual Impact Assessment (LVIA).
- 2.29 The LVIA states that the character of the site and its setting is more parkland in character with wooded boundaries and there is an intermingling of a wooded character to the area in general. The LVIA provides several different viewpoints into the site from public vantage points which show the site located towards to the top of the hill with other residential properties located in proximity.
- 2.30 Whilst it is clear there would be close range views and some mid/long range views of the site, it is considered that the proposed new building would constitute a high standard of design that would add to the overall character of the area. Further, the neighbouring properties are individually designed and set within spacious grounds and the design of the proposed building would be responsive to the character of the area and the use of white render would reflect the predominantly white finish of the surrounding residential properties. In addition, the proposed building would appear subordinate to the adjacent Coastguard Cottages and there are neighbouring properties to the southeast of the site and there are residential properties located in the foreground and behind the site further up the hill. Therefore, whilst some mid/long-range views would be afforded of the new building, the design of the proposed building would be responsive to the character of the area, and it is considered that the development would not appear as a prominent or alien feature in the semi-rural landscape. In addition, the existing and proposed landscaping within the site would help to screen and soften the visual impact of the proposal from wider public views and the development, by virtue of the overall design standard and palette of materials, would assimilate into the surrounding residential and verdant landscape.
- 2.31 The relocated parking court would introduce an element of harm to the conservation area and rural landscape by virtue of the changes to the land levels and the visual impact of the parked cars. However, the proposals have been amended to include low walls around the parking court which integrate with new boundary walls along the front of the grade II listed building and new building, to create a continuous landscape feature within the site. In addition, the landscape proposals include substantial native tree and shrub planting around the parking court which would help to screen the parked cars and embed the new parking court into the wider landscaped setting. Given the low-level nature of the parking court and landscaped border and the introduction of a new low-level boundary wall feature within the site, it is considered that the level harm would be less than substantial and would be outweighed by the public benefits of the additional housing and overall high standard of design of the new building.
- 2.32 The extensions to the grade II listed terrace are located at the rear of the building. As noted above it is considered that the extensions would be subservient to the host property, by virtue of the scale, height, and design, and would not have any significant adverse impact on the setting of the AONB and would preserve the character of the conservation area. Some views of the rear extensions would be afforded from Bay

Hill, however the subordinate extensions would be viewed within the context and foreground of the existing building and would not appear prominent or visually harmful by virtue of the scale, design and materials proposed. The proposed dormer windows would be subservient and in keeping with the scale and form of the existing dormer windows and would not appear unduly prominent in the wider area.

- 2.33 Similarly, the single-storey rear extension to the boathouse would form a subordinate addition, by virtue of the scale and design, and whilst some close-range views would be afforded from Bay Hill, the extension would not appear overly prominent or harmful to the rural locality or setting of the AONB and would preserve the character of the conservation area.
- 2.34 Overall, the proposed new building would constitute a high standard of design and it is considered that the building would add to the overall quality of the area in accordance with paragraph 130 of the NPPF. Further, the existing and proposed landscape features would help screen the development and the proposal would sit comfortably within the wider residential and verdant landscape. As such the setting of the AONB would be conserved and the character of the conservation area would be preserved. The proposed parking court would lead to some harm to the rural landscape and character of the conservation area. However, the proposed native landscaping would help to screen the parking area and reduce the visual impact and the new low boundary wall would tie this part of the developed into the site as a whole. On balance, the visual harm from the parking court is considered to be less than substantial and would be outweighed by the public benefits of the additional housing.

#### Impact on Residential Amenity

- 2.35 The rear extensions to the grade II listed building and detached boathouse would be located a sufficient distance from neighbouring residential properties and the proposed new building and would not result in any significant adverse loss of amenity in terms of loss of light, privacy, or outlook. In addition, the proposed rear extensions to the listed building would not result in any loss of amenity to the existing/future occupiers of these properties.
- 2.36 The proposed building would be located adjacent to a private access drive with the vehicle driveways and detached garages/outbuildings adjacent. As a result the proposed building would not appear unacceptable overbearing or dominant when viewed from the neighbouring properties. Further, given the separation distances involved and the orientation of the proposed openings and privacy screens along the terrace and balconies, there would be no significant adverse amenity impact to the properties located to the southwest of the site from overlooking or a loss of privacy. Similarly given the separation distances involved there would be no significant adverse loss of amenity, including a loss of privacy, to the detached properties located to the south and southeast of the site.
- 2.37 The new building would be located adjacent to habitable room windows in the grade II listed building, including bedroom windows and secondary living space/kitchen windows. Given the separation distances involved and nature of the openings within the listed building (bedroom and kitchen windows) the proposed new building would not appear significantly overbearing and would not result in a significant adverse loss of outlook to the residential units in the grade II listed building.
- 2.38 The dormer windows and windows in the flank elevation of the grade II listed building would afford views towards the proposed new building. However, the proposed privacy screens and orientation of the flank windows on the new building would

ensure there would be no loss of privacy either to the new building or towards the residential units in the grade II listed building.

#### Highway Considerations

- 2.39 Car parking for 20 vehicles would be provided on-site in the new parking court. Across the site there would be seven two-bed houses, 10 two-bed flats and one three-bed flat. Based on the guidance in Policy DM13 of the Core Strategy, a 2-bedroom flat in this area would require 1no. parking space and a two-bed house would require 1.5 spaces per unit, while a three-bed house (CM13 doesn't indicate the number of spaces for a three-bed flat) would require 2 spaces. This would equate to 22.5 spaces over the site and the proposals would therefore result in an under provision of 2.5 spaces.
- 2.40 However, the existing site only has 12 spaces for the existing 13 residential units (terrace houses and flats) which is currently an under provision in relation to policy DM13. An additional eight spaces are proposed which would accommodate the proposed new building and would also provide additional parking for the existing/enlarged residential units. Therefore, on balance, the level of parking is considered to be acceptable when balanced against the landscape impact of creating more parking in this sensitive location. It is therefore considered that adequate parking provision would be provided for the existing properties and proposed flats.
- 2.41 There would be no alteration to the existing vehicle entrance into the site from Bay Hill and turning areas within the site would enable vehicles to enter and leave the site in forward gear as they do presently.
- 2.42 The proposed development would result in an increase of five units with a parking demand of 5/6 cars which would not result in a significant increase in vehicle movements within the surrounding road network.
- 2.43 Overall it is considered that sufficient parking provision would be provided and there would be no highways safety objections regarding the continued use of the existing access and the proposals would comply with paragraph 111 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Ecology

- 2.44 The application is supported by an Ecology Assessment and surveys which indicate that calcareous grassland has been recorded which is a habitat of principal importance under the NERC Act. The National Planning Policy Framework (NPPF) (2021) paragraph 179 (d) states "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 2.45 An area of calcareous grassland would be lost as a result of the new/relocated parking area. However, mitigation measures are proposed to offset the loss of the grassland which includes turf translocation and sowing with appropriate seed mixes and the landscape plan also proposes chalk grassland within the site. The principle of the mitigation measures has been agreed by KCC Ecology and the management of this habitat can be secured by condition.
- 2.46 No bats have been recorded emerging from the buildings therefore roosting bats are considered likely absent. An ecology lighting plan can be secured by condition to

ensure the proposed on-site lighting is not detrimental to foraging or commuting bats.

- 2.47 The submitted reptile survey indicates that common lizards and slow worms are present. The ecology report proposes appropriate mitigation to safeguard the protected reptiles including habitat manipulation and retention and enhancement of existing habitats. KCC Ecology have confirmed these measures are appropriate and have requested final measures / management to ensure on-site habitats are protected and secured in perpetuity, which can be secured by condition.
- 2.48 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.

#### Affordable Housing, Planning Obligations, Section 106

- 2.49 *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. However, the NPPF post-dates the policy DM5 and states affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. The development proposes five new residential units only and is therefore not a major development and the site is not located in a designated rural area, therefore affordable housing (on-site or an off-site contribution) is not required for these proposals.
- 2.50 *Other contributions* - These were requested from Kent County Council for the following:
- Primary education - **£6,800** – towards the development of the new 2FE Primary School Whitfield Aspen
  - Secondary education – **£4,540** – for the expansion of Dover Christ Church Academy.
  - Community learning – **£82.10** – towards Dover Adult Education.
  - Youth service – **£327.50** – towards Dover Youth Service.
  - Libraries – **£277.25** – towards the service and stock at St Margaret's-at-Cliffe library and the mobile library attending River.
  - Social care – **£734.40** – towards specialist care accommodation in Dover.
  - Waste – **£272.35** – towards improvements at Dover Household Waste Recycling Centre.

- 2.51 In total, planning obligation requests of **£13,0033.60** have been made to, and agreed by, the applicant. In respect of planning obligations, the application is considered to be acceptable.

#### Habitat Regulations

- 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 a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.54 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.
- 2.55 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 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.
- 2.57 Having had regard to the proposed mitigation measures, were the application to be considered acceptable, 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.

#### Other Matters

- 2.58 The application is supported by a Surface Water Management Strategy which indicates that the proposed development would increase the total impermeable area across the site which would result in an increase in surface water run-off discharged from the site. The impact from the additional surface water run-off would be managed via infiltration into the underlying geology through the introduction of two new SuDS systems. Surface water from the access road would be collected and stored in a granular sub-base until it is able to infiltrate into the underlying geology. Surface water from the buildings and car park area would be drained to a cellular storage crate soakaway, where it will be stored until it is able to infiltrate into the underlying geology. The principles of the SuDS system are acceptable and further details including a detailed design could be secured by condition to ensure there would be no increase in surface water run-off from the site.
- 2.59 There is a public foul sewer crossing the development site and a formal application would need to be made to Southern Water to connect to the existing foul sewer which would be addressed under building regulations.

### **3. Conclusion**

- 3.1 The proposed new building is ancillary to the existing residential use / development on the site and as such would comply with Policy DM1 of the Core Strategy.
- 3.2 Following negotiations with the Council at pre-application stage and a Design Panel review during the course of the application the proposed new building would constitute a high standard of design and it is considered that the building would add to the overall quality of the area in accordance with paragraph 130 of the NPPF. Further, the existing and proposed landscape features would assimilate the building within the verdant landscape setting. As such it is considered that the proposed building would be responsive to the context of the site and surrounding area and the proposal would sit comfortably within the wider residential and rural/wooded landscape and would conserve the setting of the AONB and preserve the character of the conservation area.
- 3.3 The proposed parking court would lead to some landscape / conservation area harm by virtue of the land level changes and parked vehicles. However, the proposed native landscaping would help to screen the parking area and reduce the visual impact and the new low-level boundary wall would tie this part of the developed into the site as a whole. The visual harm from the parking court is considered to be less than substantial and on balance would be outweighed by the public benefits of the additional housing.
- 3.4 The proposed extensions to the listed building are fairly modest and their simple design and choice of materials is considered to be sympathetic to the character of the listed building, while internally, care has been taken to ensure that the works help to protect the legibility of the historic floor plan. However, the proposals would result in the removal of original structures and would impact the historic plan form of the listed building. As noted above the accumulative impact of these works is considered to cause less than substantial harm to the significance of the listed building, which is weighed against the public benefits, and it is considered that the proposed works would ensure the continued preservation of the listed building and would provide a wider public benefit through the maintenance and management of the designated heritage assets.
- 3.5 In terms of the proposed new building there is considered to be an element of harm to the significance of the listed building as the site is currently unhindered by any other development in this location. However, due to the detailed design and siting of the development it is considered that the harm is less than substantial and at the lower end of the scale and on balance would be outweighed by the public benefits of the additional housing proposed within the borough.
- 3.6 No highways safety objections are raised regarding the continued use of the established vehicle access and the additional units would not generate a significant increase in vehicle trips within the area. In addition, the proposed parking provision is considered to be acceptable for this located and has been carefully balanced to reduce the visual impact on the rural locality.
- 3.7 No neighbour amenity, drainage or ecology objections area raised subject to conditions set below.

**g) Recommendations**

**DOV/21/00317**

- I. Planning permission be GRANTED, subject to a legal agreement and to conditions including the following:

- 1) Time Limit
- 2) Approved plans
- 3) Materials to be submitted
- 4) Landscaping hard and soft, including tree planting and means of enclosure
- 5) Tree protection
- 6) Ecological mitigation, enhancement, and management.
- 7) Bat/ecology lighting
- 8) Land levels and sections
- 9) Car parking shown on approved plans to be provided prior to first use
- 10) Electric car charging points
- 11) Cycle parking
- 12) Refuse storage
- 13) Contamination
- 14) Construction management plan (noise and vibration control)
- 15) Surface water drainage details
- 16) Privacy screens to be retained in perpetuity

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

**DOV/21/00318**

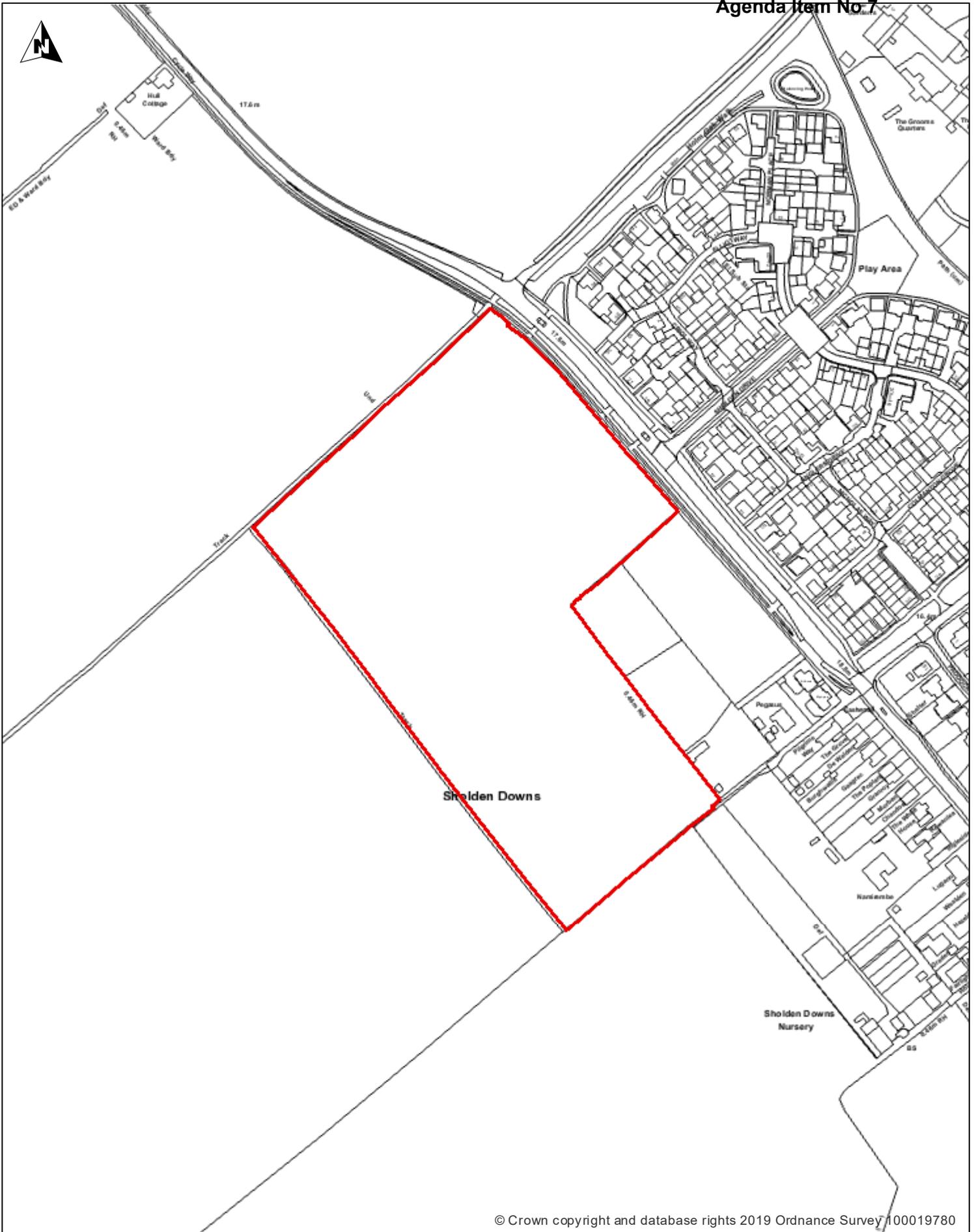
- III. Listed Building Consent be GRANTED, subject to conditions including the following:

- 1) Time Limit
- 2) Approved plans
- 3) Materials to be submitted
- 4) Details: Joinery, mechanical ventilation, section of eaves, section to show new openings proposed through historic fabric, sections to show upgrading of walls/roof for weatherproofing or any other purpose.

- IV. 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 Officers**

Andrew Jolly and Alison Cummings



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21/00402  
Land South West Of Sandwich Road  
Sholden

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



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

- a) **DOV/21/00402 - Outline application for the erection of up to 110 dwellings with associated parking and means of access (all matters reserved except for access) - Land south-west of Sandwich Road, Sholden.**

Reason for referral – number of contrary views

b) **Summary of Recommendation**

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

**Background**

This application is referred back to Planning Committee following the submission of an amended parameter plan and additional information by the applicant to seek to address the concerns of the Planning Committee at its meeting on 16 September 2021.

At this meeting, the Planning Committee considered that the landscape and visual impacts of a development of up to 117 dwellings, as seen from nearby footpaths to the west of the site, would be harmful to the character and visual amenities of the wider area and would not be outweighed by the benefits of the development.

In response, the applicant has submitted a revised scheme that:

- reduces the number of dwellings from 117 to 110;
- increases the area of open space and landscaping between the built area and the site's north western boundary – from 12m to 14m at its widest, from 4m to 10m wide at its narrowest point, and with an average width up from 8m (for the original scheme) to 12m (for the revised scheme);
- increases the area of open space and landscaping between the built area and the site's south western boundary – from 51m to 60m at its widest, from 11m to 17m at its narrowest point, and with an average width up from 31m (for the original scheme) to 39m (for the revised scheme);
- reduces the size of the surface water attenuation basins closest to Sandwich Road, to position the built area slightly closer to the main road;
- limits the height of dwellings across the whole site to a maximum of two storeys, where the original scheme included houses of up to two and half storeys across the central part of the site; and
- includes a commitment to provide five bungalows in the southern corner of the site.

Along with the revised parameter plan, other illustrative and technical information has been received, comprising:

- Illustrative Masterplan;
- Landscape Strategy Plan;
- Green Space Provision;
- Design & Access Statement Addendum;
- Visualisations of the development;
- Landscape and Visual Impact Assessment (LVIA) Addendum;

- Sustainable Drainage Statement; and
- Flood Risk Assessment.

**c) Planning Policy and Guidance**

Relevant planning policy and guidance is set out in the first Committee Report as enclosed at **Appendix A**.

**d) Relevant Planning History**

There is no other relevant planning application history for the site.

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

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

The consultee responses and third party representations received for the original scheme are set out in the first Committee Report at **Appendix A**.

For this revised proposal, additional consultation requests have been made from:

- Sholden Parish Council;
- Deal Town Council;
- KCC Highways;
- KCC Flood and Water Management; and
- KCC Infrastructure.

At the time of drafting this report additional responses from these consultees have not been received, but will be reported in an update at the time of the Committee meeting.

NHS – Kent and Medway Clinical Commissioning Group (CCG): A response from the CCG has been received (noting that comments were not received for the original submission).

This proposal will generate approximately 264 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls within the current practice boundaries of St Richards Road Surgery, Balmoral Surgery, The Cedars Surgery and Sandwich Medical Practice

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, should therefore be met through the creation of additional capacity in general practice premises.

The CCG uses a formula for calculating s106 contributions, based the number of proposed units multiplied by the assumed occupancy multiplied by £360. As an outline application, an assumed average occupancy of 2.4 persons per dwelling is used. Thus a contribution of £95,040 is sought:  $110 \times 2.4 \times £360 = £95,040$ .

**Public Representations**

A total of 13 letters of objection to the re-consultation of the revised scheme have been

received which raise the following comments:

- excessive building in Deal
- not enough local amenities and lack of infrastructure
- harm to wildlife and 'greenery'
- loss of beautiful countryside
- more traffic and lack of car parking
- already extremely congested
- lack of school places
- existing properties should be redeveloped instead – brownfield first
- fields should be left for growing crops
- flooding in the local area
- local people cannot afford these homes
- schools and doctors at capacity

**f) The Site and the Proposal**

The Site

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

Proposed Development

- 1.8 Outline planning permission is sought for erection of up to 110 dwellings (as revised from the original submission) with principal access onto Sandwich Road. Matters of the layout, scale, appearance and landscaping of the proposed development are reserved for subsequent approval.
- 1.9 A parameter plan has been submitted for approval, which shows areas of residential development across a larger central part of the site (and adjacent to the 'Pegasus' housing site to the east) and areas of open green space around the edges. (As detailed

above, the width of the areas of open space and landscaping along the south west and north western boundaries of the site have increased from the original submission.)

- 1.10 As before, 30% affordable housing is proposed, split 70/30 affordable rent / intermediate tenure (such as shared ownership).
- 1.11 An illustrative masterplan has been submitted that shows how the proposed development could be achieved. This includes:
- a central spine road connecting to the principal access;
  - pedestrian connections to both flanking public rights of way;
  - a separate footway / cycleway access onto Sandwich Road at the south eastern part of the site;
  - SuDS attenuation basins along the Sandwich Road frontage and within the eastern corner of the site;
  - a play area (a Local Equipped Area of Play (LEAP)) in the western corner of the site, connecting to a linear park along the south western and south eastern boundaries;
  - houses fronting onto Sandwich Road, the SuDS and linear park (along the rear boundary);
  - residential units backing onto the adjacent housing site to the south east; and
  - perimeter blocks of houses with defensible rear gardens.
- 1.12 The revised scheme provides a more detailed landscape strategy plan that includes:
- native hedgerow and structured tree planting along the north west and south western boundaries. This will include a variety of trees of different heights and maturity when planted, which will be established on a grid system with 1m between whips, 2.5m between feathered trees (a single vertical trunk with lateral branches that has been allowed to develop naturally) and 5m between heavy standard trees; and
  - a mixed deciduous and evergreen copse at the western corner of the site.
- 1.13 The revised submission from the applicant also includes a number of computer generated images (CGI) of the proposed development and proposed landscaping from three viewpoints:
- viewpoint 3 to the north west of the site from Sandwich Road;
  - viewpoint 8 to the south west of the site from public footpath ED51/ED49; and
  - viewpoint 15 to the west of the site from public footpath ED37.
- 1.14 There are four images from each viewpoint that show the existing baseline, then the completed development at year one, year five and year ten as the planted landscaping matures.
- 1.15 These 12 CGIs are provided at **Appendix B**.

## **2. Main Issues**

2.1 The main issues in the consideration of this revised scheme are:

- landscape and visual impact
- transport and highways
- drainage and flood risk
- s.106 contributions
- planning balance / conclusion

2.2 Other relevant issues remain as set out in the original Committee Report at Appendix A:

- principle of development
- loss of agricultural land
- design
- open recreation space
- affordable housing and dwelling mix
- impact on residential amenity
- archaeology and built heritage
- noise and air quality
- ground conditions

### **Assessment**

#### **Landscape and Visual Impact**

2.3 As a greenfield location on the edge of Sholden, development on the site inevitably will have a landscape and some visual impact upon its surroundings. Core Strategy Policy DM16 states that such development should only be approved where it can be sited to avoid or reduce the harm and/or design measures incorporated to mitigate the impacts to an acceptable level. This is consistent with the National Planning Policy Framework – that it is necessary for development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

2.4 The applicant has submitted an addendum to the LVIA to consider the impacts of the revised scheme, taking into account the larger areas available for landscaping, the enhanced planting along the outer north west and south western boundaries, and reduced number and height of the houses.

2.5 The LVIA addendum identifies that the landscape strategy of the revised scheme would:

- provide a more extensive tree belt and hedgerow planting to screen views from the adjoining public footpath to the north west – this includes trees of varying height and maturity, with younger whips providing more vigorous lower growth, whilst feathered standard and larger heavy standard trees will create canopy cover and enclosure;
- to the south west provide a more substantial width of planting and recreation space, with planting of various size and maturity of trees being the same as to the north west; and

- include a new treed copse of heavy standard trees and concentration of evergreen species in the western corner of the site, which will provide a greater sense of enclosure and bookend the planting along the north west and south western boundaries.

### *Landscape Impact*

- 2.6 The original Landscape and Visual Impact Assessment (LVIA) identifies the site to be within the 'Open Arable Chalk Farmland with Woodland' landscape character type and more specifically within the 'Northbourne' landscape character area (with reference to the Dover District Landscape Character Assessment (October 2020)).
- 2.7 Key characteristics of the 'Northbourne' landscape character area include its gently rolling topography; numerous small blocks / belts of woodland that break up large arable fields; some wider views across the arable and mixed crop fields; a strong public right of way network enabling access into the countryside; and views generally enclosed by woodland and the rolling topography.
- 2.8 The LVIA considers the more immediate landscape context of the site – that it does not represent the more characteristic distribution of woodland blocks and many of the historic field boundaries have been eroded over time. It notes that the established settlement edge and proximity to Sholden is clearly an influencing factor, and whilst open in nature the site is not a remote or intact landscape of recognised quality.
- 2.9 In this context, the LVIA considers the landscape to be of ordinary / common value and has a medium sensitivity and susceptibility to change.
- 2.10 With the proposed development, the introduction of new dwellings would have a localised and minor adverse landscape impact once the boundary planting has matured at year 15.
- 2.11 For the parameters and landscape approach of the revised scheme, the LVIA addendum considers that they are a beneficial revision that would improve the integration of the residential development into the landscape.

### *Visual Impacts*

- 2.12 The LVIA of the original scheme identifies that views to the north are largely limited by existing development opposite on Sandwich Road and the gently rising landform and layers of vegetation associated with Betteshanger Park. To the east, again the built edge of the existing settlement along Sandwich Road / London Road provides significant screening. To the south, some middle distance views could be available towards and from the upper reaches of St Martin's Church in Great Mongeham. To the west, views of the site (without mitigation) do extend across the undulating landscape.
- 2.13 The original LVIA undertakes a more detailed assessment of specific viewpoints from identified potential receptors. These are categorised as:
- views for road users (motorists and pedestrians) from Sholden Road / Sandwich Road to the north and Northbourne Road (Great Mongeham) to the south (a total of three viewpoints);
  - views for users of public footpaths and bridleways to the south and west of the site (a total of 10 viewpoints);

- views from private residential properties surrounding the site (a total of six viewpoints); and
- views from other public buildings and business premises, as well as for agricultural workers, including St Martin’s Church and Cottingham Lakes (a total of six viewpoints).

2.14 The location of these viewpoints is shown at **Appendix C**.

2.15 As set out in the original Committee Report:

- the greatest impact of the completed development is considered by the LVIA to be ‘minor adverse’ from the surrounding highway, public rights of way network and from the outlook of some neighbouring residential properties. From these viewpoints, the LVIA considers there will be some localised visual change, but notes that the development (of houses and associated landscape) would be characteristic of existing built form in the wider area; and
- with regard to St Martin’s Church, the LVIA’s more detailed assessment considers there to be no notable change in outlook as a result of the proposed development. Likewise, visitors to Cottingham Lakes would experience no notable change in experienced views.

2.16 To address the specific concerns of the Planning Committee in relation to the recreational receptors of public footpaths and bridleways, the LVIA addendum has provided a further assessment of the revised scheme, as set out at Table 1.

**Table 1: Viewpoints from recreational routes (public footpaths and bridleways)**

	<b>Visual Receptor</b>		<b>Residual Operational Effect – Revised Scheme</b>
VP15	White Cliffs Country Trail: to the north-west of the site boundary - Ref: ED37/EE386		Minor adverse
VP14 & 16	Public Footpath: to the south-west of the site boundary – Ref: ED48/EE389		Minor adverse
VP12	Public Footpath: traversing land to the south-west of the site – Ref: ED39/EE390		Minor adverse
VP13	Public Footpath: at the bottom of the valley to the south of the site – Ref: ED38/EE370		Minor adverse
VP4 & 5	Public Footpath: connecting Northbourne to Betteshanger – Ref: EE369		Negligible
VP6	Public Footpath: at Little Betteshanger – Ref: EE373		Negligible
VP7	Public Footpath: connecting Northbourne to Sholden – Ref: EE371/EE369A		Minor adverse

VP8	Public Footpath: connecting Great Mongeham to Sholden – Ref: ED49/ED51		Minor adverse
VP10	Public Footpath: connecting Ripple to Mill Hill – Ref: EE433/EE434/ED44		Negligible
VP9	Public Footpath: connecting Church Farm to Coldblow Farm – Ref: EE436		Negligible

- 2.17 Table 1 shows the revised scheme with maturing boundary landscaping to have no more than a minor adverse impact from nearby public footpaths and bridleways.
- 2.18 With regard to the detailed information contained in the CGIs now produced by the applicant, reflecting the importance of the landscape planting as mitigation, greater certainty can be placed on the findings of the LVIA addendum.
- 2.19 The CGI show for each of the three selected viewpoints (VP3, 8 & 15) that by year five a strong natural treed boundary will have been established, and by year 15 that planting will substantially have screened the residential built form.
- 2.20 To secure this landscape planting, a range of legally enforcement planning obligations (rather than just through normal planning conditions) are recommended in this report below.

#### *Overall*

- 2.21 With regard to the additional landscaping and CGI information provided by the applicant, the reduced number of dwellings (from 117 to 110) and lower maximum storey height of buildings (from 2.5 to two storeys), it is considered that the site is capable of accommodating the proposed development without a level of unacceptable harm. There is sufficient confidence that the landscaping mitigation (once mature at year 15) will result in a development that has no more than a minor adverse impact on the landscape and from visual receptors.
- 2.22 As such, the development would successfully assimilate with the existing suburban character of the area and would accord with Core Strategy Policy DM16.

#### Transport and Highways

- 2.23 Given the revised scheme is for fewer houses than the original submission, the transport and highway trip generation and impact of the development will be marginally less and therefore remains acceptable.
- 2.24 As set out in the first Committee Report (Appendix A):
- the site's location is considered suitably accessible by sustainable modes of transport;
  - principal access to the site from Sandwich Road is safe;
  - there is agreement to upgrade nearby bus stop infrastructure on Sandwich Road;

- a Travel Plan, including the provision of bus tickets for each household upon first occupation, can be secured by condition;
- minor adjustments to the Miners Way Trail would be made to enable pedestrians and cyclists crossing the junction to maintain priority over vehicles, as well as providing appropriate visibility; and
- improvements to the one way system through to narrow section of Mongeham Road would be made in favour of drivers coming from London Road, which should prevent vehicles queuing on London Road.

#### Surface Drainage and Flood Risk

- 2.25 In respect of the revised design of the SuDS attenuation basins, the applicant has updated its Sustainable Drainage Statement that considers there will still be adequate surface water drainage provision.
- 2.26 A final surface water drainage scheme can be secured through condition.
- 2.27 Matters relating to foul water drainage are set out in the first Committee Report at Appendix A.

#### S.106 Contributions

- 2.28 Policy CP6 of the Core Strategy emphasises that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- 2.29 In light of the consultation responses received to the original scheme and planning assessment above, the following obligations are required to be secured through a s.106 agreement:

**Table 2 S.106 Contributions**

<b>Matter</b>	<b>Contribution</b>
Secondary education	£4,540 per dwelling (excluding 1-bed units less than 56sqm)
Community learning	£16.42 per dwelling
Youth service	£65.50 per dwelling
Library bookstock	£55.45 per dwelling
Social care	£146.88 per dwelling
Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy	Per dwelling: - 1-bed £19.26 - 2-bed £38.52 - 3-Bed £57.78 - 4-bed £77.05
Outdoor sports facilities	Per dwelling: - 1-bed £208.43 - 2-bed £353.01 - 3-Bed £438.08

	- 4-bed £542.38
Affordable housing	30% affordable housing; split 70/30 affordable rent / intermediate.  Affordable housing scheme to be submitted and agreed before submission of first reserved matters application, based on percentage and tenure split agreed at this outline stage
Bus stop shelter	Provision of new shelter to serve north west bound bus stop on Sandwich Road / London Road closest to the site  Provision of a new or relocated shelter as well as improvements to the layby and kerb facilities for the south east bound bus stop on Sandwich Road / London Road closest to the site
GP Surgeries	A contribution of £864 per dwelling (2.4 occupancy x £360)

2.30 Given the importance of the landscaping along the north west and south western boundaries of the site to mitigate the impacts of the scheme, details of this should be secured through obligations of a s.106 agreement to cover:

- specification and arrangement of tree planting and establishment of other vegetation (i.e. to ensure a sufficient size and density of plants);
- measures of site preparation to ensure the successful establishment of the landscape planting;
- that landscape planting along the boundaries of the site should be in first planting season following commencement of development (i.e. not on occupation) so to quicken the time it will take for species to mature;
- that any planting that fails along the outer boundaries of the site will be replaced for a period of 15 years from first planting (i.e. up to the point where the landscaping is expected to reach sufficient maturity); and
- details of management and maintenance of the landscape planting for an extended 15 year period.

2.31 As set out in the original Committee Report, whilst a waste contribution has also been requested from KCC, the basis for this has still to go through a wider consultation process including with DDC as local planning authority. Thus on this basis the request cannot be confirmed to meet the required tests to justify any planning obligation and will not be sought for the proposed development

2.32 Other infrastructure improvements to the highway network can reasonably be secured via condition requiring the applicant to enter into a s.278 agreement to carry out those works before occupation of development:

- improvements to the surface of the Miners Way Trail along Sandwich Road in

the vicinity of the site; and

- works to improve the prioritisation of vehicles along the narrowed section of Mongeham Road, to reduce the likelihood of vehicles queuing on London Road.

### Planning Balance

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

### **g) Recommendation**

I That PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning obligations set out above (at Table 2 and paragraph 2.37) and subject to the following conditions to include:

- 1) Reserved matters details – layout, scale, appearance and landscaping
- 2) Outline time limit
- 3) Approved plans
- 4) No building on the site shall be greater than two storeys in height (including the provision of dormer windows in the roof space)
- 5) Removal of Permitted Development rights for dormer roof extensions

#### *Pre Reserved Matters*

- 6) Archaeological field investigation – in accordance with details to be submitted and approved; and then findings to be submitted and

verified before submission of any reserved matter application

*Pre Commencement*

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

*[Landscape details are addressed through s.106 obligations]*

*Highways conditions*

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

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

*Pre Occupation*

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

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

Case Officer

Andrew Somerville

# Appendix A

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

Reason for report – number of contrary views

- b) **Summary of Recommendation**

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

- c) **Planning Policies and Guidance**

Legislation

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

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

Development Plan

The statutory development plan comprises:

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

Relevant policies of the Core Strategy include:

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

Relevant policies of the LALP include:

- DM27: Providing Open Space

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

### Other Material Considerations

#### *National Planning Policy Framework*

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Consultation Draft Dover District Local Plan (2021)*

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

*Other Material Considerations:*

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

**d) Relevant Planning History**

There is no relevant planning application history for the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*NPPF paragraph 170:* See DM15 and 16 above.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Final drainage details to be secured by condition.

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

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

Contributions are sought as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DDC Environmental Protection:

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

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

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

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

In terms of the operational phase of the development, modelling predicts that the NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations for Scenario 3: 2024 Opening year without development and Scenario 4: 2024 Opening year with development are below the relevant annual mean air quality objectives at all receptors.

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

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

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

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

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

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

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

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

### Public Representations

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

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

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

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

The Site

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

Proposed Development

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

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

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

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

## **2. Main Issues**

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

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

## **Assessment**

## Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The site is located outside the existing settlement boundary of Sholden, although it adjoins an approved residential scheme to the south east and is opposite other houses on Sandwich Road. In such a location Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. As the Proposed Development does not fall within any of these exceptions, it is contrary to Policy DM1.
- 2.4 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy. Therefore, as one of the most important policies for determining the application, the weight to be afforded to Policy DM1 must be considered further in light of paragraph 11 and footnote 8 of the Framework.
- 2.5 Notwithstanding the primacy of the development plan, paragraph 11(d) of the Framework states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test (75% or less)), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or where specific policies in the Framework indicate that development should be restricted.
- 2.6 Having regard for the Council's current housing land supply (HLS) position it is currently able to demonstrate a five-year HLS of 5.56 years and the Council has not 'failed' the Housing Delivery Test with its latest measurement being at 80%.
- 2.7 However, as Members are aware, the current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that the evidence base underlying Policy DM1 is out-of-date and the blanket ban on development outside the defined urban confines is inconsistent with the Framework which focusses on protecting important elements of the countryside, where they are present, and not all countryside. Moreover, paragraphs 78 and 79 of the Framework on rural housing provide no support for a blanket prohibition on the provision of housing in the countryside, especially on sites close to or adjoining existing settlements. As such, the Policy DM1 should carry only limited weight.
- 2.8 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the

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

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

#### Loss of Agricultural Land

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

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

Affordable Housing and Dwelling Mix

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

**Table 1: Dwelling Mix**

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

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

Design

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

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

#### Open Space

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

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

#### Landscape and Visual Impact

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

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

#### Residential Amenity

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

#### Transport and Highways

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

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

#### Built Heritage and Archaeology

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

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

### Noise

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

### Air Quality

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

### Ground Conditions

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

### Ecology

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

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

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

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

- 2.67 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.68 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.69 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.70 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.71 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution in accordance with the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy (of 1-bed £19.26; 2-bed £38.52; 3-bed £57.78; 4-bed £77.05) is therefore sought to this effect.

Drainage and Flood Risk

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

as the lowest risk of flooding.

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

#### Section 106 Contributions

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

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

**Table 2 s.106 Contributions**

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

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

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

### **3. Conclusion**

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

### **g) Recommendation**

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

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

#### *Pre-Reserved Matters*

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

*Pre-Commencement*

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

*Highways conditions*

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

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

*Pre-Occupation*

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

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

Case Officer

Andrew Somerville

# Appendix B

















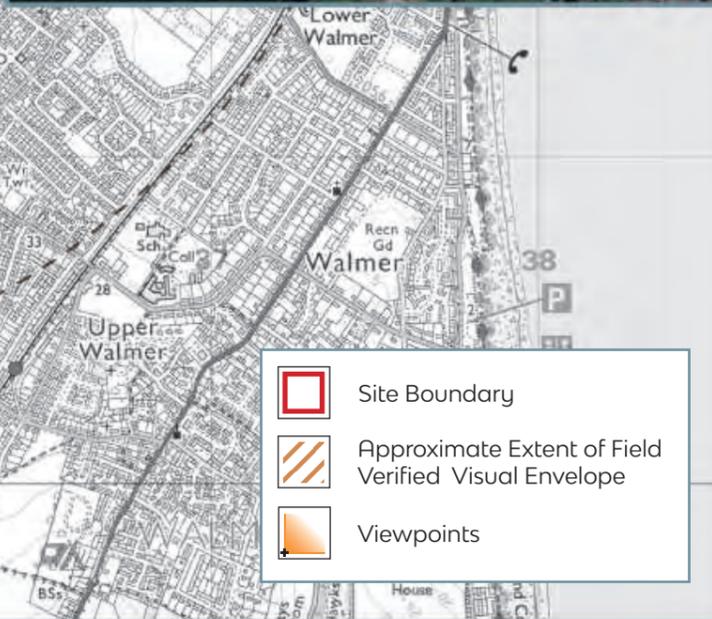
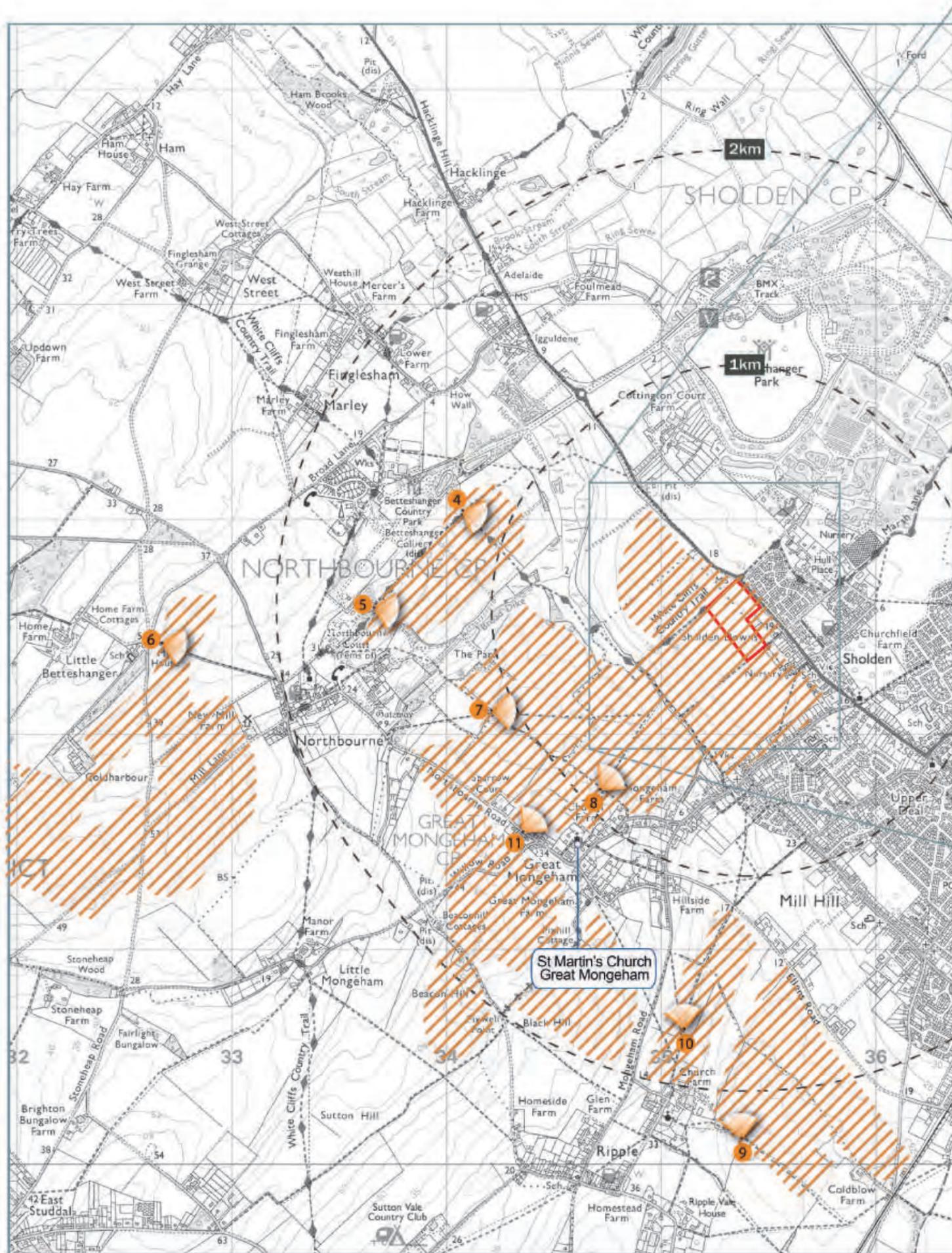








# Appendix C



-  Site Boundary
-  Approximate Extent of Field Verified Visual Envelope
-  Viewpoints



Project Land South West of Sandwich Road, Sholden

Drawing Title **Plan 2 – Visual Analysis & Photoviewpoint Location Plan**

Scale Not to Scale @ A3

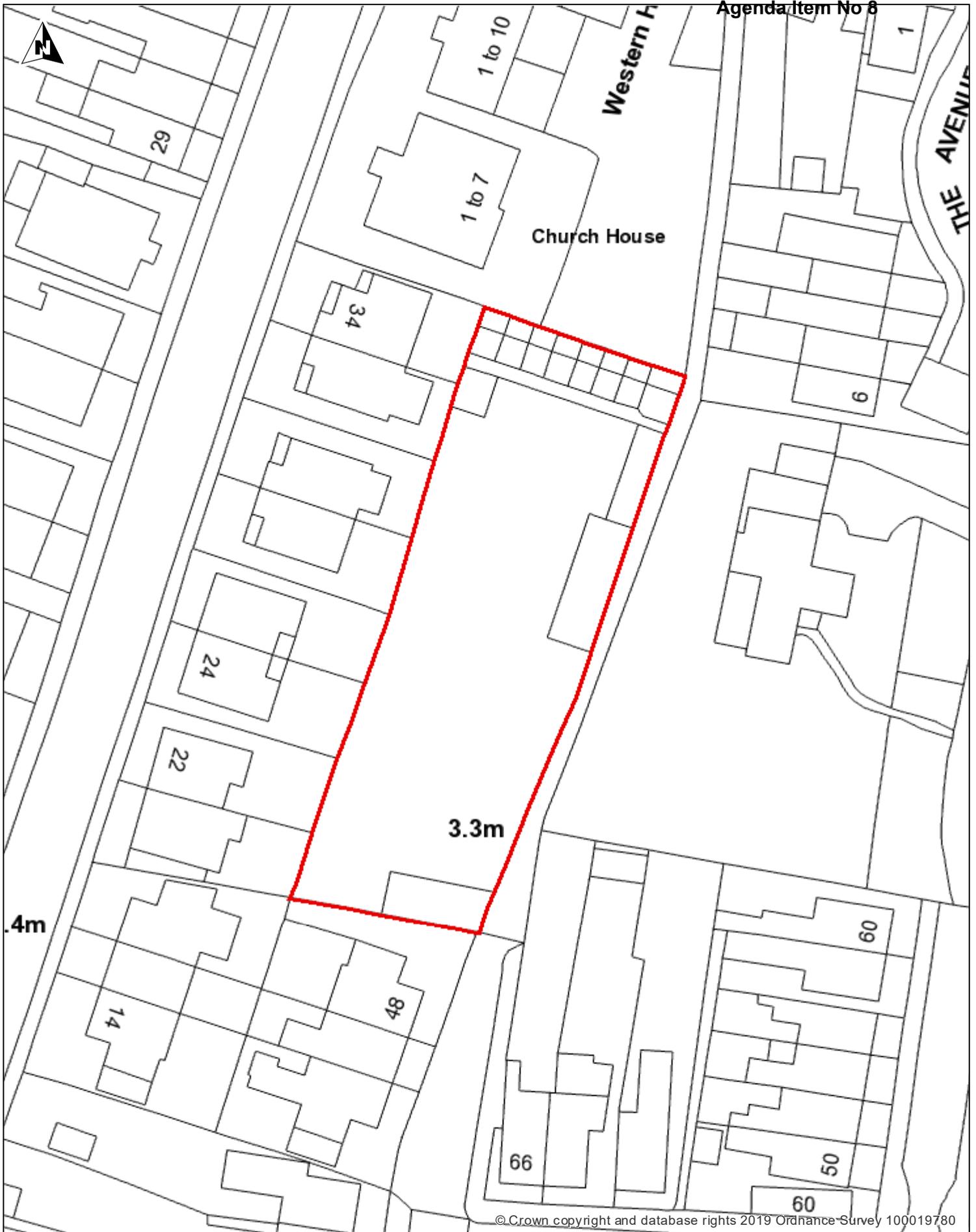
Drawing No. 11464/P11a

Date March 2021

Checked AL/JB



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21/01113

Land Rear Of 20-34  
Western Road, Deal  
CT14 6RX

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/21/01113 – Erection of 3 detached dwellings with associated landscaping, bin and cycle storage, car parking and vehicular access (existing buildings and part boundary wall to be demolished) - Land Rear of 20-34 Western Road, Deal**

Reason for report: Number of representations (30 letters of objection)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

DM1, DM11, DM13, DM15 & DM16

Draft Local Plan Reg 18

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

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8,11,38, 92, 110, 111, 119, 122, 124, 126, 130, 131, 132, 134, 152, 180, & 182 and Chapter 16 (historic environment).

National Design Guide 2019

Kent Design Guide

- d) **Relevant Planning History**

DOV/18/01243 - Erection of 6no. dwellings and associated parking (amended drawings and new information). Refused.

DOV/19/01148 - Erection of 3nos terraced dwellings and 2nos semi-detached dwellings with associated parking and vehicular access (existing boundary wall and buildings to be partly demolished). Withdrawn.

DOV/20/01025 - Erection of 5 no. terraced dwellings with associated landscaping, bin/cycle storage, car parking and vehicular access (existing buildings and part boundary wall to be demolished). Refused.

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

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

Kent Fire and Rescue Service - I can confirm that on this occasion it is my opinion that the emergency access requirements as shown on the Emergency Access Plan, drawing no. SK03 for the Fire and Rescue Service have been met.

Southern Water – no objection. An informative is recommended to be attached to the permission.

Environment Agency – no objection subject to conditions.

DDC Environmental Health – no observations.

Deal Town Council – object to the planning application for the following reasons:

- Insufficient access for emergency vehicles
- Need to preserve a right of way
- Sight lines will be compromised
- Out of character for the area
- Not in keeping
- Does not fit with the Local Plan
- Danger to pedestrians

### **Public representations**

30 letters of objection received making the following comments:

- Lack of parking
- Design out of keeping with the area
- Long delays, interruptions and noise caused by increased traffic
- Lack of access for emergency vehicles
- The safety of the existing footpath would be compromised
- Entrance and exit is dangerous
- Not enough room for a fire engine
- Wrong development in the wrong place
- With various utility and delivery vehicles during the day, this will add to the already crowded pinch points around the Union Road/St Patrick's Road/St David's Road
- Dangerous to people with mobility issues using the busy footpath
- Access for emergency and recycling collection is unacceptable
- Safety, congestion, environmental impact, light/space/outlook, noise
- Overlooking
- Area at risk of flooding
- Loss of green space and wildlife
- Overdevelopment
- Loss of privacy and natural light
- Insufficient parking provision

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

1.1 The application relates to rectangular parcel of land in a predominantly residential area which lies within the settlement confines of Deal and adjacent to Nelson Street Conservation Area. It lies within flood zone 2. The site lies towards the dead end of St Patricks Road (north). The eastern site boundary abuts the public right of way. The application site is surrounded by residential properties to the north, west and south. To the east across the PROW is the vicarage and a grade II listed church. The existing site contains a few redundant outbuildings. The site is largely laid to lawn with no substantial vegetation within the site. It is however noted that the crown of a protected tree which stems from within the curtilage of the listed building overhangs a small portion of the site to the east.

1.2 This application proposes the erection of three two storey 3-bed detached houses constructed in a contemporary style. The site would be subdivided by 1.8m high close

boarded fences and each dwelling would be provided with a private amenity area to the rear. The parking area for cars (6 spaces) has been allocated towards south of the site. It would incorporate EV charging points for the car parking spaces. The existing 2m eastern boundary has been proposed to be retained. An internal footpath has been proposed which would run parallel to the existing brick boundary and would provide pedestrian access to the proposed dwellings.

- 1.3 The proposed dwellings would be finished in brick, with part timber cladding to the front and rear elevations, grey zinc roofing and aluminium fenestration. The proposal also includes installation of solar panels. The internal floor level of the dwellings would be raised by approximately 0.45m. In respect of the hardstanding, the applicant's agent has advised that the materials for the hard surfacing will be dependent on the final drainage design, but the intention is to have permeable paving in the car park area as indicated within the preliminary drainage strategy. In respect of the footpath, it is proposed to have a brick or block paving.

## 2. **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- Impact on character and appearance
- Impact on the protected tree
- Impact on residential amenity
- Impact on the highway network
- Flooding and drainage
- Impact on ecology

## **Assessment**

### **Principle of the Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.3 The site is located within the settlement confines and as such, Policy DM1 applies which limits development to within the confines, unless specifically justified by other development plan policies, functionally requires a rural location, or it is ancillary to existing development or uses. The site lies within the settlement confines of Deal. The proposal is therefore considered acceptable in principle subject to site specific considerations.

### **Impact on the Character and Appearance of the Area**

- 2.4 Regard must be had to the aims and objectives of the NPPF which promote high standard of design and emphasis is laid on raising the bar of design more generally. Paragraph 130 of the NPPF requires that planning policies and decisions ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 2.5 The street scene comprises two storey terraced and semi-detached houses to the west and south, apartment blocks to the northwest and church buildings to the east followed by a row of terraced properties to the northeast. It is therefore considered that the area exhibits several styles of housing, such that the introduction of a well-designed modern group of housing would not appear at odds. It is noted that there is a degree of variation in the immediate vicinity of the site in terms of overall scale and design. The proposed dwellings would be laid out in a linear fashion set back from the eastern boundary of the site by approximately 1m to 1.5m. The existing brick wall abutting the eastern boundary of the site is approximately 2m to 2.4m in height would be retained. The proposed buildings would have a contemporary appearance with gabled ends and with stylised sloping roofs with elongated fenestration and brickwork pattern which is considered to create an active/interesting form fronting the public footpath. The dwellings would be two storeys in height with the first floor partially accommodated within the roofspace. The proposed dwellings would be finished in brown brickwork, timber cladding and grey zinc roofing. It would have dark grey aluminium fenestration. Whilst the proposed development would vary in terms of its overall appearance, it would add visual interest to this part of Western Road and uplift the bar of design in the area generally. It would therefore accord with paragraph 130 of the NPPF.
- 2.6 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (199–202) at Chapter 16. Notwithstanding the statutory duty, the NPPF paragraph 202 requires that regard must be had for whether development would cause harm to any designated heritage assets, whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.7 Regard must also be had to whether the proposed development would have an impact on the setting of the Grade II listed Church (St Andrew’s Church) to the east. The Heritage Officer has advised that given the substantial separation distance and limited scale of the proposal, no harm to the setting of the listed building would occur. Furthermore, given the fact that the curtilage of the listed building is surrounded by residential properties to the north and south, the degree of spaciousness which would have originally contributed to the setting of the listed building has already been compromised. For the above reasons and having regard for both the statutory duty of the council under The ‘Act’ and the policy within the NPPF, no harm would be caused to the setting of the Listed Building or the Conservation Area. It would therefore be in accordance with paragraphs 202 and 203 of the NPPF.

#### Impact on the Protected Tree

- 2.8 Under the previously refused applications (18/01243) and 20/01025 for the application site, the Council’s tree officer raised concerns regarding the impact of the development on the root protection area of the protected tree, the crown of which overhangs the footpath and a small part of the application site. Generally, the root protection area of a tree extends as much as seven times the crown area or 2.5 times the crown radius. In this instance, the proposed dwellings would be sited approximately two metres away from the identified root protection area. Whilst the new hardstanding would encroach over the RPA, the works required would be superficial and are unlikely to have a detrimental impact on the protected tree. A tree survey and an arboricultural impact assessment has been submitted with the application which includes an arboricultural

method statement and a tree protection plan. The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots. In the event of grant of planning permission, appropriately worded conditions be attached to the permission to secure the tree protection measures including protective fencing and hand dug excavation as detailed within the submitted arboricultural impact assessment.

#### Living Conditions of Future Occupiers

- 2.9 The proposed dwellings would be generously sized and naturally lit and would each have a private garden. Details have been submitted to show storage areas for refuse and recycling for each dwelling. Consequently, the living conditions of future occupants would be acceptable.

#### Refuse

- 2.10 The maximum distance that bins should be wheeled by residents to the point of collection should not exceed 30 metres. The distance that waste collection crews are permitted to wheel bins to the collection vehicle is 25 metres (Specified in Building Regulations section H6). From the review of submitted drawings, it is apparent that there would be a communal bin store where the future residents will have to wheel their bins to before the collection day. The communal bin store is located to the south within the car parking area. Having regard to the above, it is considered that this arrangement is satisfactory.

#### Impact on Neighbours

- 2.11 Regard has been had to the paragraph 130 of the NPPF requires the developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

#### Nos 20-34 to the West

- 2.12 The western boundary of the application site abuts the rear boundary of private gardens of nos 20-34. The separation distance between rear elevations of the proposed dwelling and the existing dwellings is in the range of 11.5m to 16m. No windows are proposed to the first rear elevations of the proposed dwellings. Having regard for the adequate separation distances and lack of openings at a higher level, it is not considered that the proposed development would result in loss of privacy, loss of light, sense of enclosure or overshadowing to the existing occupants of nos 20-34.

#### Vicarage at St Andrew's Church to the East

- 2.13 The nearest proposed dwelling sited centrally within the site would be at a distance of approximately 14.6m. No windows are proposed to the first floor elevation of the dwelling facing Vicarage albeit a vertical window has been proposed to serve the landing however, given the angular elevations, these would not result in loss of privacy to the occupants of the Vicarage. Finally, having regard to the separation distance, no harm from sense of enclosure or loss of light would occur from the proposal.

#### No 6 The Avenue to the North-East

- 2.14 No 6 fronts The Avenue which is a cul-de-sac and backs onto the footpath. The

proposed residential unit to the north end of the site is at a distance of approximately 7.7m from the rear boundary of no.6 and approximately 13m from the area of private garden of no.6 The Avenue (to the northwest) immediately close to the rear elevation of the property. No windows are proposed at the first-floor level to rear elevation of the proposed dwelling albeit there is a side facing window which would overlook parking court to the north of the site. Having regard for the relationship between no.6 and the application site, it is not considered that the proposed development would result in loss of privacy, loss of light, sense of enclosure or overshadowing to the existing occupants of no.6.

### Highways/Travel Impacts

- 2.15 The existing garage on site would be demolished and offstreet car parking area would be provided which would accommodate 6 cars. Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be a design-led process. The site is considered to be in an edge of town centre location. In such locations, Table 1.1 of the Core Strategy advises that 3 bedroom dwellings, such as that proposed, should provide 1.5 independently accessible car parking spaces per dwelling (although these figures are described as being minimums). In addition, 0.2 visitor spaces should be provided for each dwelling. The application has been supported by a car parking plan, which shows that each dwelling would be provided with two independently accessible car parking space together with one space for visitor parking and all parking spaces would incorporate electric vehicle charging points. For these reasons, it is considered that the car parking provision proposed is sufficient to meet the needs of the development.
- 2.16 A number of third-party representations have been received raising concerns in relation to the use of the proposed car parking area and the use of the proposed access. Whilst KCC Highways have made no comments in this instance, it is necessary to consider whether the creation of car parking area and the associated access in this location would be acceptable. The public highway in St Patrick's Road extends up to the proposed vehicular access to the development, thus providing direct access from the development to the highway. Whilst the section of St Patrick's Road serving the site is also a route shared with pedestrians, it is a low speed environment with a straight alignment providing suitable visibility. Vehicle swept paths diagrams have been submitted which demonstrate that the drivers can turn in and out of the access in a single manoeuvre, and pedestrian visibility splays of minimum 1 metre x 1 metre could be provided behind the footway on each side of the access, with no obstructions over 0.6 metres above footway level within the splays. In light of the above, it is considered that the proposed development would provide a safe access and would not result in unmanageable increase in traffic or parking demand. As such, the proposal would accord with paragraphs 110 and 111 of the NPPF.

### Drainage and Flooding

- 2.17 The application site lies within Flood Zone 2 which is considered to be an area at 'medium risk' from flooding. Where development within areas at risk of flooding is proposed, paragraph 158 of the NPPF requires that the Sequential Test is applied and, if necessary, that the Exception Test is applied. The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. However, development may be permitted where there are no reasonably available sites which are appropriate for the development in areas with a lower probability of flooding.

- 2.18 The application has been supported by a site-specific flood risk assessment (FRA) and a sequential test. The sequential test has been carried out in accordance with the methodology prescribed within the Council's SFRA Site Specific Guidance for Managing Flood Risk. The methodology within the guidance for the search of comparator sites refers to a number of sources of information available within DDC's evidence base for applicants which include the following:
1. Authority Monitoring Report (AMR) – this report provides information on sites with 'extant planning permission' and allocated sites.
  2. Economic Development Needs Assessment (EDNA) – This report provides information on strategic scale employment sites.
  3. Housing Economic Land Availability Assessment (HELAA)
  4. Brownfield Register
- 2.19 The SFRA also states that if it is not possible to identify a minimum of 2 sites for comparison from the sources above, applicants should approach local land/property agents. Land for sale is often advertised by size not capacity, and therefore in this circumstance applicants should request information on available sites which are  $\pm 10\%$  the size of the application site (in sqm).
- 2.20 The sequential test has been carried out in accordance with the methodology within the SFRA. The submitted sequential test demonstrates that no sequentially preferable sites have been found in the town of Sandwich which are available. As such, the sequential test is considered to have been passed. By virtue of the site being in flood zone 2, the application does not qualify to be assessed against the exception test as set out in the NPPF. This has also been confirmed by the Environment Agency (EA). EA have raised no objections in relation to the proposal and have recommended a condition (which relate to the flood mitigation measures) to be attached in the event of grant of planning permission.
- 2.21 Further to the above, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.22 The application is accompanied by a Drainage Strategy. The opportunities for managing surface water runoff at the site have been explored and it concludes that the preferred solution for draining the site is to utilise infiltration SuDS. This approach would involve draining all the runoff from the roofs and hard surfacing into a large permeable surfacing system, designed to store water as it slowly infiltrates into the ground. An alternative option has also been explored if in the event the ground conditions are found to restrict runoff from being discharged into the ground. This option utilises permeable surfacing for storage (without permitting infiltration), and also includes a geo-cellular storage tank to store runoff before it is discharged to the public sewer. A hydraulic drainage model has been produced for both drainage options and the model results confirm that sufficient storage can be provided within the SuDS, in order to manage the design rainfall event into a return period of 1:100 years including a 40% allowance for increases in peak rainfall intensity to account for climate change. Whilst the options for surface water drainage have been explored, further investigations would be required to ascertain the option that would be best suited for the site. This could be secured by a suitably worded condition.

- 2.23 In respect of foul water drainage, the proposed foul drainage strategy relies on a connection to the existing foul sewer system. Calculations have been carried out and confirm that the proposed development will result in a small increase in the peak rate foul wastewater, which could be discharged to the existing sewer system. It acknowledges that it may be necessary to undertake upgrades to the sewer network prior to commencement of the development. It is also noted that there is strong and understandable concern locally regarding localised flooding. However, it is evident that a solution for managing foul wastewater discharged from the proposed development is available. Southern Water and Environment Agency have raised no concerns, however, conditions have been recommended to be attached to the permission. Notwithstanding, it is proposed to include a robust condition should this application be approved to ensure that full details of surface and foul water drainage are provided before any development takes place and that the approved drainage is in place before the dwellings are occupied, in accordance with other recent permissions in the area.

#### Ecology

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

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

- 2.25 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.
- 2.26 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.
- 2.27 Following consultation with Natural England, the identified pathway for such a likely effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.28 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.
- 2.29 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.

#### Other Matters

- 2.30 It is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little

weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

- 2.31 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.32 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.33 It is considered that policy DM1 is the 'most important' policy for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.56 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).
- 2.34 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and therefore accords with Policy DM1.
- 2.35 Policy DM1 is out-of-date and is critical to the determination of this application, being the 'most important policy'. The 'tilted balance' described at paragraph 11 (d) of the NPPF is therefore engaged. It should be noted that the 'tilted balance' can be disengaged if a development is contrary to the NPPF's policies in relation to flood risk (paragraphs 162 to 165). In this instance, whilst the site is within flood risk zone 2, the development has passed the sequential and exceptions tests and, consequential the tilted balance is not disengaged, having had regard for footnote 7.
- 2.36 Notwithstanding the above, 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.

### **3. Conclusion**

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the wider Conservation Area. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact and

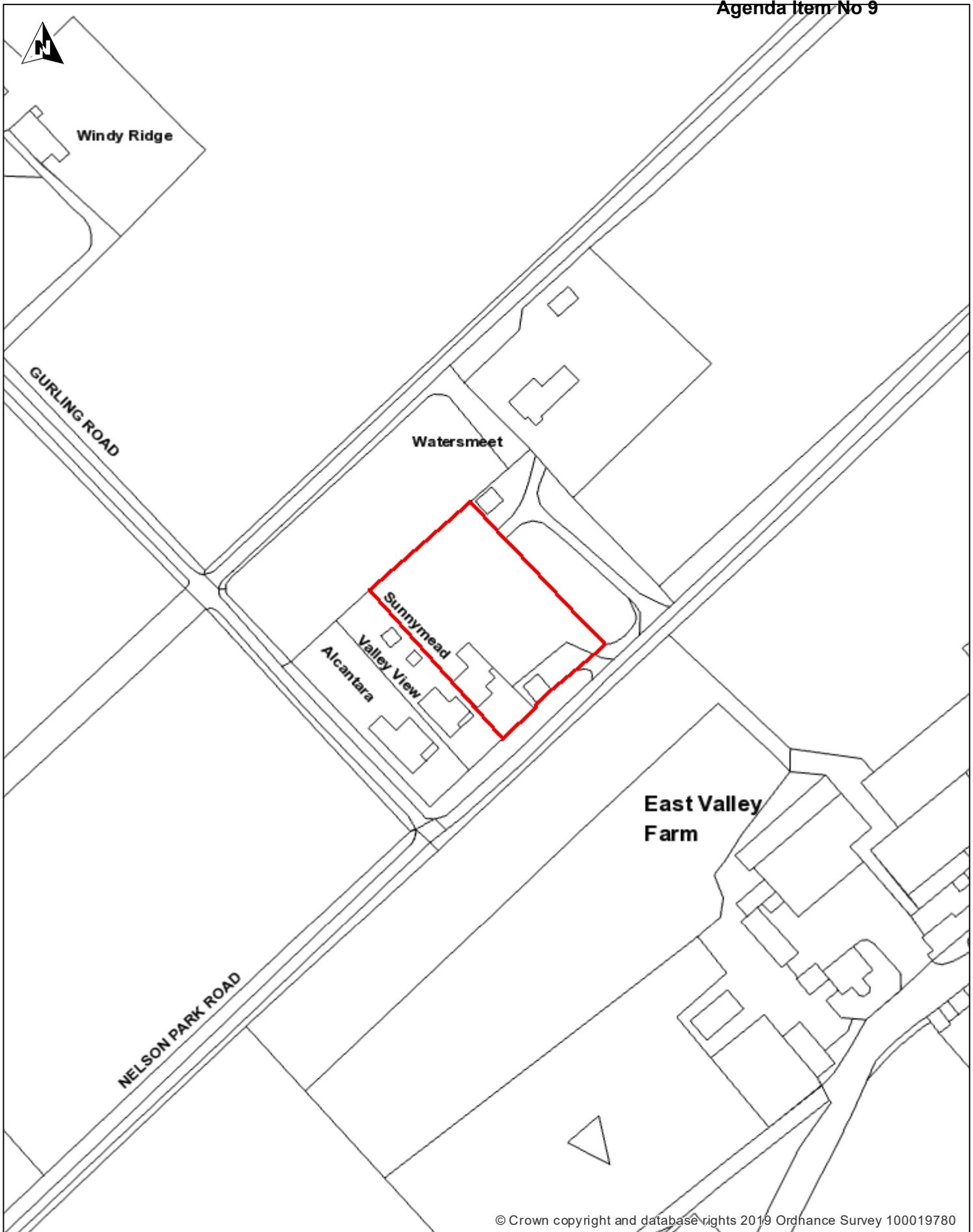
drainage. Having regard for the above, it is recommended that the application be approved, subject to conditions.

**g) Recommendation**

- I. PLANNING PERMISSION BE GRANTED, subject to conditions which include:
- 1) 3-year standard time limit
  - 2) Approved plans
  - 3) Samples of materials
  - 4) Provision of parking facilities
  - 5) EV charging points
  - 6) Measures to prevent the discharge of surface water onto the highway
  - 7) Provision of bike and bin storage prior to first occupation
  - 8) Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides with no obstruction over 0.6m above the footway level
  - 9) Removal of PD rights (classes A, B, C, D and E)
  - 10) Removal of PD rights for insertion of window openings at first floor level
  - 11) Hand dug condition and tree protection measures
  - 12) Contamination land condition
  - 13) Landscaping scheme
  - 14) Precommencement condition requiring submission of a detailed scheme for surface water disposal
  - 15) Precommencement condition requiring submission of a detailed scheme for foul water drainage
  - 16) Boundary treatment and hard surfacing
- II. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

**Case Officer**

Benazir Kachchhi



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20/01563  
Sunnymeade  
Nelson Park Road, St Margarets At Cliffe  
CT15 6HD

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/20/01563 – Erection of two storey side extension; single storey rear extension; porch canopy; first-floor roof extension with 2 dormer windows and 5 rooflights; flue to side extension; balconies with glass balustrades to front and side elevations; alterations to doors/windows; external cladding; erection of rear retaining wall and extension to side path (existing porch, side facade, rear retaining wall and shed to be demolished) – Sunnymeade, Nelson Park Road, St Margaret’s-at-Cliffe**

Reason for Report: Thirteen contrary views

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1, DM15 and DM16

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 174, 176, Chapter 12 and Chapter 15

Kent Design Guide (2005)

Kent Downs AONB Management Plan

National Design Guide (2021)

- d) **Relevant Planning History**

No Planning history

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

St Margarets Parish Council – Raise objections – this proposal is incongruous sitting as it does in the AONB - previous CGI pictures were misleading:

KCC Archaeology - The site lies within an area of multi-period archaeological interest. However, I consider it unlikely that the proposed works adjacent to the existing dwelling will have a significant archaeological impact and have no further comments to make in this case.

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

- Too high when adjacent to boundary
- Materials are inappropriate

- Drawings are not representative
- Will cause overshadowing
- Too prominent within landscape
- Not appropriate for AONB
- Will cause overlooking

f) **1 The Site and Proposal**

- 1.1 The application relates to a detached bungalow on the northwest of Nelson Park Road which lies outside of the settlement confines of St Margarets and within the Kent Downs Area of Outstanding Natural Beauty (AONB). This property is finished in brick with a slate roof and has a large parking area located to the southeast. The area comprises of three bungalows, of differing design and size, with Valley View to the southwest of the application site.
- 1.2 The application is for the erection of two storey side extension, a single storey rear extension, porch canopy, first floor roof extension with 2no. dormer windows and 5no. rooflights, flue to side extension, balconies with glass balustrades to front and side elevations alterations to doors/windows, external cladding, erection of rear retaining wall and extension to side path. The existing porch, side facade, rear retaining wall and shed would be demolished.

**2. Main Issues**

- 2.1 The main issues for consideration are considered to be:
- The principle of the development
  - Impact on AONB and visual amenity of the area
  - Residential amenity

**Assessment**

**The Principle of the Development**

- 2.2 The site is located outside of the settlement confines of St Margarets, however 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 AONB and Visual Amenity**

- 2.3 It is important that the statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 is fully recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB. 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). The NPPF (Para 174) requires that planning decisions should contribute to and enhance the natural a local environment by (inter alia) protecting and enhancing valued landscapes. In this case the application site is located within the Area of Outstanding Natural Beauty (AONB), which the NPPF (para 176) identifies as having the highest status of protection

(along with the Broads and National Parks) with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty of these areas. It goes on to state that, "the scale and extent of development within these designated areas should be limited".

- 2.4 When viewed within the immediate context of the three bungalows, there is little architectural uniformity. Alcantara, located to the southwest of the site, has a front facing gable end, with a tiled roof, whereas the application site and its immediate neighbour, Valley View, have hipped roofs with a slate finish. The proposed dwelling would be provided with a gable to its front elevation, mirroring the design of Alcantara and would have a comparable ridge height to that dwelling. The sections of flat roof are a more challenging introduction. However, they help to keep the overall mass of the building down, limiting the developments impact on the character of the area and limit the impact on Valley View. Moreover, across the valley are two dwellings of contemporary design which include flat and mono-pitch roofs. Within the wider context, it is considered that, on balance, the use of flat roofs is not unacceptable. The proportions of the windows in the row of properties also varies. The application proposal seeks to provide generous glazing which typically has tall or perpendicular proportions which will assist in breaking up the elevations and respond to the more traditional proportions of Valley View. The most notable change is the use of dark materials, with facing slate and charred larch elevations and a slate roof. This would contrast with the lighter brickwork of its immediate neighbours which are finished in different bricks (although Alcantara has a section of cladding to its gable). Whilst different materials would be used, they do not introduce a new colour palette to the area and the darker colours would serve to reduce the visual prominence of the building when viewed against the backdrop of the rising land levels and vegetation.
- 2.5 The proposals would be visible from the public highway and immediate areas due to its position on Nelson Park Road. East Valley Farm located to the southwest of the site, consists of a variety of building finishes, including flint and dark grey slate with dark window frames. Further to the southwest, but visible from the application site, is a development of contemporary design, with white rendered walls and dark grey slate and grey cladding.
- 2.6 When viewed from the opposite side of the valley, on Collingwood Road, the view is largely obscured by trees and planting. Glimpse views would be together with the neighbouring properties
- 2.7 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. In reaching this conclusion, regard has been had to the purpose of conserving or enhancing the natural beauty of the AONB, which I have afforded great weight.

#### Residential Amenity

- 2.8 The nearest property to the application site is Valley View, located to the southwest of the site. This property sits at a similar ground level to the application site. The proposals, while large in size, would not result in any overshadowing to the neighbouring property due to the direction of the sun path. The side (southwest) elevation that would face Valley View, does not contain any windows, and would therefore not result in any loss of privacy a condition has been added to prevent any additional openings in the southwest elevation. The development is located on the boundary between the two properties, and concerns were raised about the impact

of the increased height when the properties are in such close proximity. The current ridge height of Sunnymede sits at 0.8 metres below Valley View, and the proposed ridge height would sit at 1.23 metres above Valley View. Whilst the concerns of neighbours are understandable, on-balance it is considered that the proposals does not result in an unacceptably overbearing impact on the living environment within and the residential amenities of Valley View that would be sufficient to warrant a refusal of planning application.

- 2.9 Third parties have raised a couple of queries which require consideration. Firstly, due to the differing heights of the three bungalows, and with consideration to the ridge height survey, it is not considered that the increase in height to the property is unacceptable when viewed within the context of the three properties. Secondly, the materials chosen for the scheme would not look out of context, nor be visually prominent when viewed within the AONB or wider area. It is noted that the properties can be seen from a distance. It is therefore considered that the proposals would be acceptable within the context of Nelson Park Road and the neighbouring properties.

### **3. Conclusion**

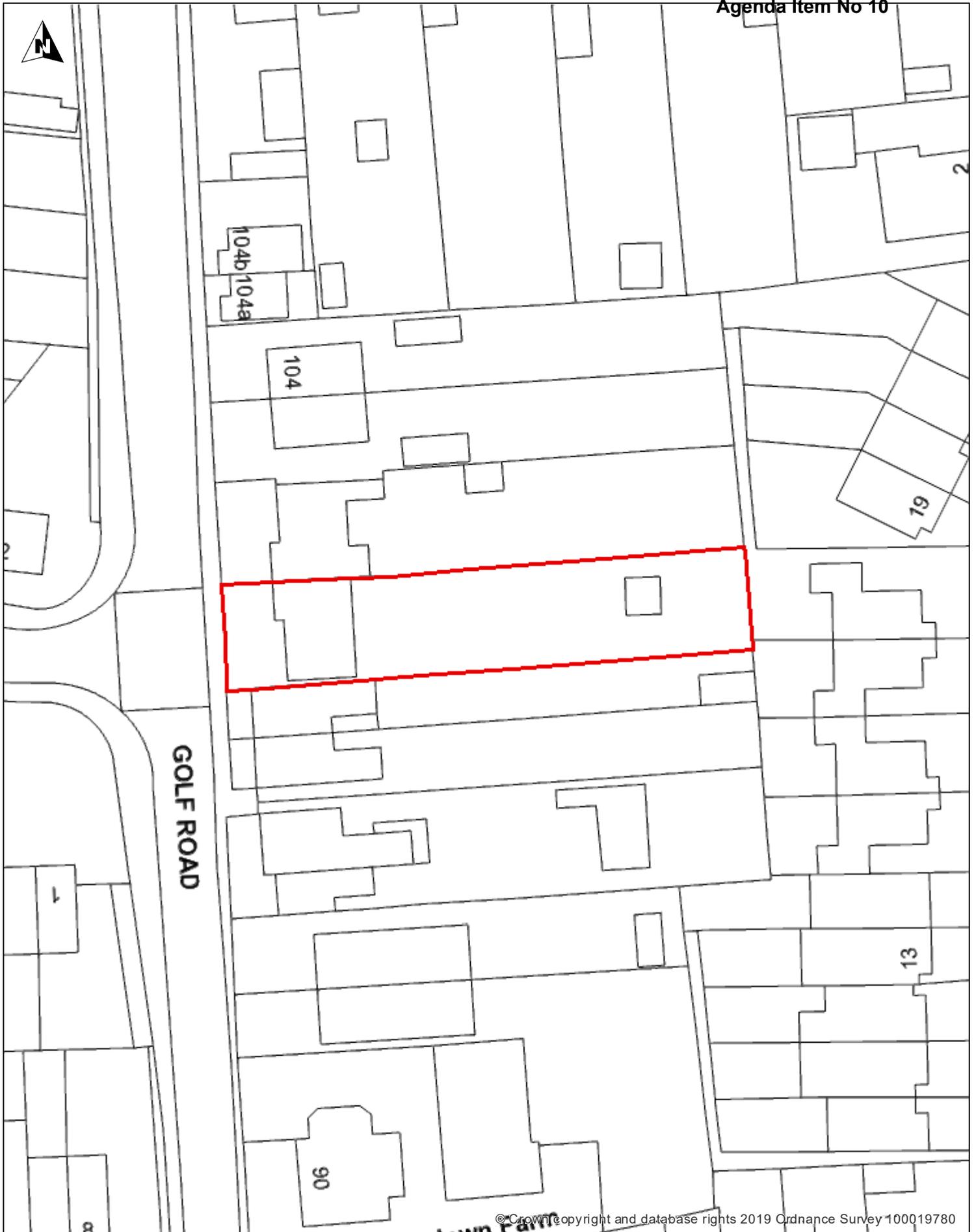
- 3.1 The proposals, due to their design, size and appearance, would not be out of keeping with the immediate character of the AONB or the surrounding area. The proposals are of good design that when viewed from any public vantage point would not create a negative impact within the landscape. Furthermore, for the reasons outlined above, while the proposals 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) 3-year time limit for commencement, (2) compliance with the approved plans
  - (3) No openings on southwest elevation
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

#### **Case Officer**

Amber Tonkin



21/00677  
98 Golf Road  
Deal  
CT14 6QG

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/21/00677 – Erection of 2 dwellings, formation of new vehicle access and associated parking (existing garage to be demolished) - 98 Golf Road, Deal**

Reason for report – Number of contrary representations (9 support; 27 objections)

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

CP1, DM1

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 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**

DOV/99/01234 – Erection of a two-storey side extension and creation of a self-contained flat - Granted.

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

Environment Agency – Object due to lack of a Flood Risk Assessment.

Southern Water – No objection but request standard informative.

Deal Town Council – Object due to lack of a Flood Risk Assessment.

Public Representations:

25 members of the public have objected to the proposals and the material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Proposed vehicle access would be directly opposite Courtenay Road.
- There is limited parking in the area.
- Concerns about emergency and refuse vehicles accessing the site.
- Site would be overdeveloped.
- Garden is not big enough to build houses.
- Would significantly impact neighbour amenity.
- North Deal needs improvement, not degeneration.
- Could lead to increase in surface water flooding.

- Vehicle access would result in highway and pedestrian safety issues.
- Impact on wildlife habitats.
- No demonstrated need for type of housing proposed in the area.
- Design is out of keeping with the area.

9 members of the public have supported the proposal and the material considerations as summarised below.

- No harm and would save development in the countryside.
- Good use of available space.
- Provide much needed family dwellings.
- Disabled access is a good way forward.
- Would not affect the aesthetics of the area.
- Accommodation needed for young people.

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

- 1.1 The application site is a 2-storey, semi-detached dwelling located on the eastern side of Golf Road, between Links Road and Harold Road and opposite the junction with Courtenay Road. It is of brick construction with render on part of the first-floor level, and uPVC windows. There is an existing attached flat roof, single car garage to the south of the host dwelling. The application site is within the confines of Deal but not within any conservation areas nor within the setting of any listed assets. It is within Flood Zone 3 according to Environment Agency mapping.
- 1.2 At present, the application site to the rear is not visible in public views as it is screened by the garage. However, this garage would be demolished and as such, there would be some views of the proposal site along the vehicle access.
- 1.3 The proposal seeks to erect 2no. 3-storey, semi-detached dwellings in the rear garden area of the host dwelling. These dwellings would be of brick construction to reflect the materials of the surrounding area. These dwellings would have 3no. bedrooms in each. Each dwelling would have 1no. allocated parking space plus there would be an additional disabled parking space. There would be 10m deep gardens to the rear of the site. The rear boundary would be shared with the gardens of 16 and 17 Links Road to the rear. The rear elevations of the main sections of these dwellings are 7.5m from this boundary.

**2. Main Issues**

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

**Assessment**

**Principle of Development**

- 2.2 It is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

- 2.3 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.4 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.5 It is considered that policy DM1 is the 'most important' policy for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.56 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).
- 2.6 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and therefore accords with Policy DM1.
- 2.7 Policy DM1 is out-of-date and is critical to the determination of this application, being the 'most important policy'. The 'tilted balance' described at paragraph 11 (d) of the NPPF would therefore, ordinarily, be engaged. However, the site is located within flood risk zones 2 and 3 and the application has failed to demonstrate that it would meet the sequential or exceptions tests, contrary to the NPPF's policies in relation to flood risk (paragraphs 162 to 165). Where an application is contrary to the NPPF's policies in relation to, inter alia, flooding, footnote 7 advises that the 'tilted balance' should be disengaged.
- 2.8 Notwithstanding the above, 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 Residential Amenity

- 2.9 There would be approximately 17.5m between the rear elevations of the proposed dwellings and the rear elevation of the existing dwellings in Links Road. Whilst only a rule of thumb, it is generally accepted that a minimum distance between the rear elevations of unrelated 2-storey dwellings, is 21m. Whilst this can only be taken as a guide, it indicates that the proposal could result in loss of privacy, overlooking and interlooking. Having assessed the proposed development, and given that the proposed dwellings are 3-stories and backing onto 2-storey dwellings, it is reasonable to conclude that there would be a

level of overlooking to the smaller rear gardens of No. 16 and 17 Links Road, and increased opportunity for interlooking from the second-floor rear windows. I consider that this impact would fail to provide a high standard of amenity to existing and future occupiers.

- 2.10 Whilst the proposed dwellings are to the west of the existing dwellings in Links Road, it is unlikely they would result in any loss of light or outlook to these existing dwellings. Using the 45-degree rule of thumb, any shadows from the proposed dwellings are likely to land in their own gardens and not impact upon the neighbours. Whilst these dwelling would be likely to create a greater sense of enclosure for existing residents, on balance it is not considered that this would result in an unacceptable loss of outlook for these neighbours.
- 2.11 The proposed new dwellings would be located over 20m from the rear elevation of the host dwelling. As such, it is unlikely that the proposed dwellings would result in any unacceptable loss of amenity to this property. However, it is considered that overall, given the harm caused to existing residential amenities through overlooking, interlooking and loss of privacy, the proposal would not comply with paragraph 130(f) of the NPPF, failing to provide a high standard of amenity to existing and future occupiers.

#### Impact on Street Scene

- 2.12 As noted above, once the existing single storey garage is demolished, there would be clear views along the vehicle access of at least the southernmost of the two proposed dwellings. These dwellings would appear to be taller than the host dwelling and, whilst making use of matching materials, would not reflect the surrounding area. This would not help to maintain the identity and character of the area as it would introduce 3-storey buildings into an area dominated by 2-storey buildings. As well, the majority of the buildings in this area have a street frontage, not set behind other existing dwellings. Whilst the only views would be up the vehicle access, the dwellings would be of significant scale such that they would be readily apparent from the public realm. From the public realm, their presence would significantly detract from the well-established pattern of development, causing harm to the street scene.
- 2.13 The majority of the dwellings in this part of Golf Road have long, generous gardens and the loss of this through the increased density of the proposed development would result in some level of harm to the existing street scene. Approximately 1/3 to 1/2 of the existing dwellings along this section of Golf Road retain front gardens with boundary walls. This proposal would result in the total loss of the front garden to provide parking for the host dwelling, creating an unrelieved frontage. This would not be unique in this area, but would add to the overall appearance of the site being at odds with the prevailing character of the area. Overall, it is considered that the proposal would result in harm to the street scene contrary to paragraph 130 of the NPPF.

#### Other Matters

- 2.14 Allocated parking has been provided as part of the proposal. This would be 1no. parking space per dwelling (a total of 2no. parking spaces) and the provision of 1no. disabled parking space. This level of parking provision would comply with policy DM13 of the CS for new dwellings in edge of centre/suburban areas.
- 2.15 The application site is within Flood Zones 2 and 3 according to the Environment Agency's comments and mapping. No Flood Risk Assessment was submitted with the application, contrary to the NPPF which requires that developments such as that proposed demonstrate that there are no sequentially preferable sites located in areas which have a lower risk of flooding and that there is exceptional justification to grant permission. This

exceptional justification (the exceptions test) includes two elements: firstly requiring that there are wider sustainability benefits to the community which outweighs the flood risk; and that the development would be safe and would not increase the risk of flooding elsewhere. Had this application been otherwise acceptable, this information would have been sought. In the absence of a Flood Risk Assessment, an assessment of the likely flood risk impacts is unknown, whilst the sequential and exceptions test have not been passed.

### **3. Conclusion**

- 3.1 The proposal would result in harm to the visual amenity of the street scene and an unacceptable level of harm to existing residential amenities. As such, it is considered that the proposed development would fail to comply with the aims and objectives of the NPPF and the CS.

### **g) Recommendation**

- I PERMISSION BE REFUSED for the following reasons:

1) The proposal, by virtue of its siting and height, would result in an unacceptable level of overlooking, interlocking, loss of privacy and increased sense of enclosure to dwellings in Links Road, contrary to paragraph 130(f) of the National Planning Policy Framework 2021.

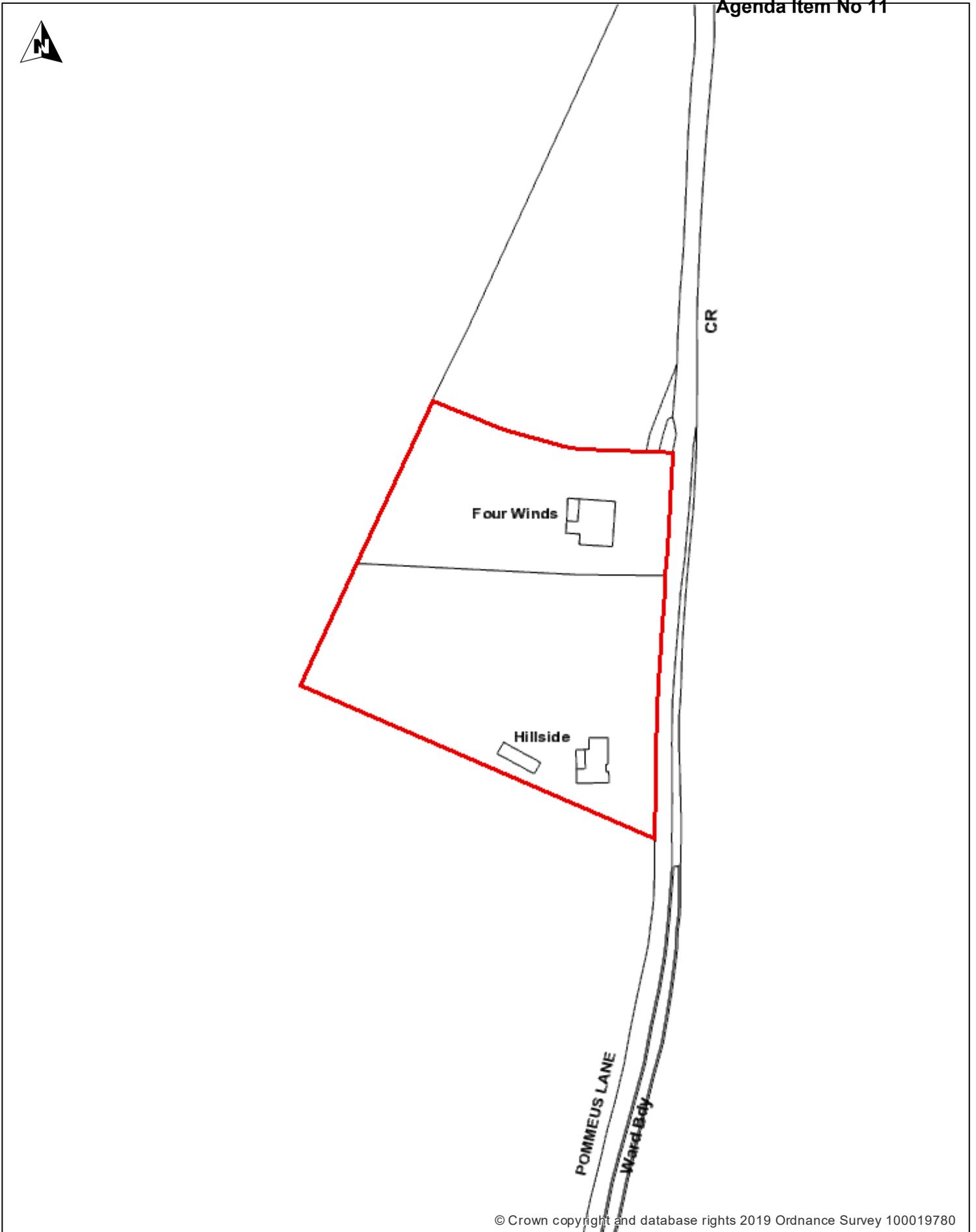
2) The proposal, by virtue of the introduction of back garden development at odds with the prevailing building pattern and density of the area, and the loss of the front garden, would result in harm to the visual amenity of the street scene, contrary to paragraph 130 of the National Planning Policy Framework 2021.

3) The proposed development has failed to demonstrate that no sequentially preferable sites are reasonably available in areas with a lower risk of flooding. Consequently, the development would be subjected to an unacceptable and unjustified risk from flooding, contrary to paragraphs 162 to 165 of the National Planning Policy Framework.

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

Case Officer

Andrew Wallace



21/00150

Fourwinds And Hillside  
Pommeus Lane, Ripple  
CT14 8HZ

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/21/00150 - Erection of 2 replacement dwellings (existing dwelling-houses to be demolished) - Fourwinds and Hillside, Pommeus Lane, Ripple**

Reason for report – number of contrary views

**b) Summary of Recommendation**

Planning permission be refused

**c) Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Ripple is a Village; identified as a 'Tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM8 – Replacement dwellings
- DM11 – Location of Development and Managing Travel Demand
- DM13 – Parking standard
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
  - i) In accordance with allocations made in Development Plan Documents, or
  - ii) Justified by the needs of agriculture; or
  - iii) Justified by a need to sustain the rural economy or a rural community;
  - iv) It cannot be accommodated elsewhere; and
  - v) It does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

- DM16 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
  - i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
  - ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

#### Dover District Council Local Plan 'Saved' Policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

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

There are no relevant policies in this plan.

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

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

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

Paragraph 11 - identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits.

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

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

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

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

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

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

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

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life

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

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

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

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

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

Paragraph 182 – the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate

assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

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

#### Other Documents

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

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

##### Consultation Draft Dover District Local Plan (2021)

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

#### Other Material Considerations:

- Planning Policy Guidance
- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

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

None.

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

KCC Archaeology: The site lies within an area of multi-period archaeological potential. Evidence in the form of crop marks indicative of later prehistoric enclosures and ring ditches are recorded within c.50m west of the site. The proposed development has the potential to impact on below-ground archaeological remains at the site. As there is likely to have been some impact from past development I recommend that in the event that planning permission is granted the following condition be applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Ripple Parish Council: In principle, no objections were raised for the development. However, the council are opposed to the use of composite for the cladding and would like to see the use of real wood, thus ensuring the buildings achieve a 'weathered' look over time to be more in keeping with the barn look they are aiming to achieve.

Sutton By Dover Parish Council: The Council object to the application for the following reasons:

1. The size of the proposed buildings do not fit in with the surrounding countryside.
  2. The proposed buildings will be much more imposing and easily visible from the Ripple end of Vale Road and from footpaths EE424, 421, 423A and 422.
- The Council would look more favourably on an application for single storey buildings.

Third party representations 10 letters of support have been received citing the following:

- Improvement on the existing accommodation which is an eyesore of 2 dilapidated bungalows
- The scale and design is reminiscent of agricultural buildings and will sit well in the rural surroundings
- A quality development that will raise the profile of the village
- Sympathetic design, contemporary, great example of a green, sustainable, tasteful development that will improve views across the fields
- Economic benefits for local trades and material suppliers
- Will allow site to be used to full potential and make no difference to the landscape as there is already a dwelling in situ

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

##### The Site

- 1.1 The site is located outside the settlement confines of Ripple on the western side of Pommeus Lane to the south of the settlement. The application site is approximately 0.67 hectare in size and comprises two existing dwellings that front the lane. The plot to Hillside is slightly larger than Fourwinds. Site levels drop away from the roadside. Access to the site is available off Pommeus Lane where views into the site are available. There is planting to most of the boundaries and a denser area of planting towards the southern edge.
- 1.2 The site is not within a conservation area or contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 (land at least risk of flooding).

##### The Proposal

- 1.3 The application seeks permission for the erection of two 4 bedroom dwellings (reduced in scale from 5 beds) as replacement for the existing two x 2 bedroom bungalows of somewhat neglected condition. It is suggested in the application that the design is based on a large farmhouse style.  
The application has been submitted with the following supporting documents:

- Planning Statement
- A Visual Impact Assessment

- 1.4 The submission describes the proposal as follows:

- *build a thermally efficient home for our family, which has the potential for living space for aging family members.*
- *replace with a better quality build which is more sustainable.*
- *introduce electric charging stations for vehicles and air source heating.*
- *improve access to properties from the road making it safer for those using the road in and out of the village*
- *make the most of the plots and their beautiful vista's by sitting the homes into the landscape using natural and low key features in construction, with a simple design sympathetic to their surroundings.*
- *build attractive homes under planning regulations, rather than adding to the poorly constructed properties within permitted development rights.*
- *retain a number of the established trees and shrubs on the plots and to introduce landscaping to embrace the plots and their surroundings.*

1.5 In essence the proposal is for two substantial new build dwellings in favour of the existing dwellings. The proposed dwellings would have a palette of materials as follows:

- Slate roof
- Burnt Siberian larch and stock brick for walls
- Black aluminium windows and door frames

## **Assessment**

### Main Issues

2.1 The main issues for determination are as follows:

- The principle of the development
- The design
- Impact on the character and appearance of the locality
- Impact on ecology
- Other material considerations

### Principle of Development

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

2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses.

2.4 The site is located outside of the defined settlement confines, however policy DM8 facilitates replacement dwellings in the countryside subject to specific criteria.

'Proposals for replacement dwellings in the countryside will only be permitted if the existing dwelling is:

- A permanent structure in lawful residential use;
- Capable of continued residential use; and

- Of no architectural or historic value;

And its replacement is:

- Acceptable in terms of flood risk;
- Appropriate in its siting, scale and site coverage having regard to the existing dwelling;
- Appropriate in its style, form and use of materials; and
- Would not harm the character of the countryside

- 2.5 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines and in this location the occupants of the development would most likely be reliant on the use of the car to travel in order to reach all of the necessary day to day facilities and services. The existing lawful use of the site is a material consideration that needs to be weighed in the balance when considering this policy.
- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. It is considered that the development would result in an adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. This proposal would therefore be contrary to Policy DM15.
- 2.7 Policy DM16 states 'Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
- It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
  - It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level'
- 2.8 Whilst the development is being considered against policies DM1, DM8, DM11, DM15 and DM16 and notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has delivered less than 5% of the Housing Delivery Test requirement over the previous three years) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.9 Having regard for the most recent Annual Monitoring Report, the Council are currently able to demonstrate a five-year supply. The council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.10 An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a

material consideration which indicates that permission should be granted) will be undertaken within this report.

### Design

- 2.11 The application is bold in its statement that the 'development has deviated away from the local vernacular as an opportunity to improve design standards and go for something far more impressive.'
- 2.12 Design can be subjective and personal and what is considered as 'impressive' by one person may not be the case by another. Design therefore needs to take into account setting, as whilst the design of the proposed dwellings may be suitable when taken in isolation, this does not translate to being appropriate and sensitive to a rural setting. It is stated that the dwellings are in keeping with other dwellings in the proximity but it is not clear which dwellings reference is being made to. As can be seen from the location plan the site does not relate spatially to other properties within the locality and the reference to other houses in this area being bigger than average for Dover is of no relevance as clearly there is much variety in size and scale within the District – often influenced by the setting i.e. urban or rural; within or outside settlement confines.
- 2.13 The proposal has been amended since its first submission as follows:
- A reduction in the overall layout footprint
  - Properties moved further into the site and set at a lower level
  - A slight variation in materials between the two proposed dwellings
- 2.14 If the proposal is trying to emulate farm buildings, then it fails to achieve this as you would not expect two buildings of such scale and size in a uniform setting resembling each other.

### Impact on the Character and Appearance of the Locality

- 2.15 The main issue in this application is whether the proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development and the effect on the character and appearance of the countryside.
- 2.16 The proposal would introduce a much greater scale of built development with a substantial footprint together with a larger proportion of the existing two plots being given over to hardsurfacing to provide driveways and parking for 5 cars per plot. The increase in travel from the sites is not considered in the spirit of policy DM11, however due to the presence of two existing dwellings it is not considered the additional level of activity due to larger family homes would carry great weight on sustainable travel grounds.
- 2.17 The proposals would significantly increase the mass and bulk of built development on this currently low key site. Although parts of the site are unkempt in appearance and the properties somewhat neglected, this is not in itself justification for allowing development of the scale and impact that are proposed and the resulting impact on the landscape character of the area.
- 2.18 A landscape assessment has been provided by the applicant in order to demonstrate that the proposed development would have limited impact on the wider landscape setting. However, in immediate and short distance views from the entrance and at various points along Pommeus Lane (including some important views which have not

been covered in the applicants assessment) the proposal would be seen and would constitute a significant change and have a significantly more obtrusive impact than the existing built form. The character of this area of Ripple is very much open views, undulating land form with views from various PRow. The site is surrounded on all sides by open fields. The assessment is that the proposal would introduce a significant mass of built development, not currently present in such form, at a point where the landscape is largely uninterrupted views – a point that is acknowledged by the applicant in their desire to maximise outlooking views from the proposed properties. The applicant has stated:

“Whilst we have not employed an outside agency to undertake an LVIA as asked for by the planning officer, we spent time taking photos from key vantage points on the footpaths in question for the above application (Photos dated 9th June 2021). The majority of tree coverage at Fourwinds and Hillside is evergreen, so although the time of year will have an impact on what is on view, it does not change significantly in the winter time. The nearest footpath EE424 ranges in distance from 250m -500m and as we get to EE421 the distance is well over a 1000m away. We believe that the proposals in their adjusted form will be no more noticeable than what is currently on either site. We base this on the fact that the materials and colours being used will blend in far better than what is already there and the fact that both proposed dwellings are now smaller and cut into the chalk further ultimately bringing the ridge lines of both proposed and existing dwellings closer to one another. We hope very much to create something which will improve the visual aspect from all footpaths and be an asset to both Ripple and Sutton parish and give the site what we believe it deserves.”

It is apparent that the applicant believes in the scheme as an appropriate form of development for the locality. However, the assessment of this application is that even taking into account natural screening, setting the development into the ground, the fact that there are existing residential properties on the site, this proposal will represent a bold development in a fairly isolated location. Views of the development will be noted in the landscape from the surrounding landscape and it is considered that this would be a substantial intensification of built form in the countryside compared with the existing, causing significant and demonstrable harm.

#### Impact on Ecology

- 2.19 No ecological surveys were submitted with the application. No information has been provided with regard to biodiversity enhancements. There may be potential for ecology on the site due to long grass, general undergrowth and largely unkempt appearance of the site.

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

- 2.20 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.
- 2.21 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.

- 2.22 Following consultation with Natural England, the identified pathway for such a likely effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.23 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.
- 2.24 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.

#### Balance of Issues

- 2.25 In terms of policy DM8, replacement dwellings are required to adhere to the following:
- i) Acceptable in terms of flood risk;
  - ii) Appropriate in its siting, scale and site coverage having regard to the existing dwelling;
  - iii) Appropriate in its style, form and use of materials; and
  - iv) Would not harm the character of the countryside
- 2.26 The site is not subject to concern over flooding. With regard to bullet points ii – iv these reflect the concerns expressed throughout the report in relation to the acceptability of the proposal. There are few benefits to this applications, particularly as it would not provide any additional dwellings to help meet the need for housing. One benefit, which is considered to carry only limited weight, is the economic benefit during construction. Otherwise, the development is in an unsustainable location (albeit the additional journeys would be limited) which would result in the loss of existing buildings to be replaced by new buildings. The replacement buildings would cause a significantly greater impact on the character and beauty of countryside than the existing dwellings. For the reasons set out in the report it is considered that the adverse impact of the proposal outweigh the benefits.

### **3. Conclusion**

- 3.1 It is therefore concluded that the proposed development would comprise an unacceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development and the effect on the character and appearance of the countryside. It would conflict with Policies DM8, DM15 and DM16 of the Core Strategy and Sections 77 and 78 of the Framework, as referenced above.
- 3.2 The adverse impact on the character and appearance of the countryside that would arise from this proposal would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

#### **g) Recommendation**

Planning permission be REFUSED for the following reasons:

- I The proposed development, if permitted, by virtue of its siting, size, form, materials and scale, would result in an incongruous and intrusive form of development, bringing about significant harm to the character and appearance of the countryside exacerbated by there being two new dwellings of such impact. The proposal would be viewed from nearby public rights of way and would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM8, DM15 and DM16 of the Dover Core Strategy and NPPF paragraphs 130 and 174.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks