

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

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

1 December 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 9 December 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 "N. Smith", written over a horizontal line.

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 6)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 11 November 2021 (to follow).

5 **ITEMS DEFERRED** (Page 7)

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

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 8 - 12)

6 **APPLICATION NO DOV/21/00500 - UNITED REFORM CHURCH, THE STREET, ASH** (Pages 13 - 21)

**Variation of conditions 2 (approved plans) and 5 (windows) to allow for additional rooflights, replacement of 6no. stained glass windows to side elevation, internal layout alterations and re-positioning of a flue of planning permission DOV/20/00356 (application under Section 73)**

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

7 **APPLICATION NOS DOV/21/01201 & DOV/21/01202 - 10 CATTLE MARKET, SANDWICH** (Pages 22 - 40)

**DOV/21/01201 – Change of use and conversion 2no. dwellings and a retail shop or office. Erection of a first floor rear extension, alterations to windows, rear parapet wall to be lowered, and restoration/painting to elevations (part rear elevations, roof lanterns, window bars and first floor rear windows to be removed)**

**and**

**DOV/21/01202 - Conversion to 2no dwellings, retail/office use to include: erection of 1st floor rear extension; removal of existing and erection of new internal walls**

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

8 **APPLICATION NOS DOV/20/01236 & DOV/20/01220 - DOVER MARINA CURVE PHASES 1A AND 1B, DOVER HARBOUR, DOVER** (Pages 41 - 53)

**DOV/20/01236 – Erection of 3no. three and four storey motel buildings (90 bedrooms in total), 1no. two storey reception building, 2no. 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

Dover Marina Curve Phase 1A, Dover Harbour, Dover

and

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 Phase 1B, Dover Harbour, Dover

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

9 **APPLICATION NO DOV/21/00758 - PHASE 2B PARCEL 4, AYLESHAM VILLAGE EXPANSION, AYLESHAM** (Pages 54 - 67)

Submission of Reserved matters application pursuant to Section 73 application DOV/19/00821 (and including SIC areas 2B.2 and 2B.3) for approval of 40 dwellings, associated infrastructure, access, landscaping, layout, scale and appearance together with details of conditions 2,6,7,10, 21, 24 and 25 pursuant to outline planning permission 19/00821

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

10 **APPLICATION NO DOV/20/00879 - PHASE 2B PARCELS 5 & 6, AYLESHAM VILLAGE EXPANSION, AYLESHAM** (Pages 68 - 82)

Approval of reserved matters relating to layout, scale, appearance, access and landscaping for 32 residential dwellings on phase 2B parcels 5 and 6, including residential access road 2B.7, together with details for conditions 2,6,7(part discharge),10 (part discharge),16,21,23 and 25 pursuant to outline planning permission 19/00821

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

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

11 **FEES AND CHARGES 2022/23** (Pages 83 - 103)

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

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 step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website. These meetings are only available for viewing live and the Council does not retain copies of the broadcast.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Governance Committee; (e) Planning Committee; and (f) Overview and Scrutiny Committee.

- When you register to speak at a meeting of the Council, you will be asked whether you want your personal data (name, voice and image) and comments broadcasted on our website as part of the meeting. We will be relying on your consent for this processing; if you do not consent this will not affect your right to speak at a Council meeting. If you do not consent the microphone and camera in the Chamber will be temporarily switched off when you speak.
- 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.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at [www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf](http://www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf)

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

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

**Declarations of Interest****Disclosable Pecuniary Interest (DPI)**

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

**Other Significant Interest (OSI)**

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

**Voluntary Announcement of Other Interests (VAOI)**

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

**Note to the Code:**

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF PLANNING, REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 9 DECEMBER 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)**

***Applications DOV/20/01236, DOV/20/01220 & DOV/21/00500 are dealt with elsewhere on the agenda***

Background Papers:

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

**LOIS JARRETT**

Head of Planning, Regeneration and Development

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

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### **The Reports**

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

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

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

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

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

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

### **Site Visits**

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

The following criteria will be used to determine usefulness:

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

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

### **Background Papers**

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

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



## **IMPORTANT**

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

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

### **The Development Plan**

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

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

### Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

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

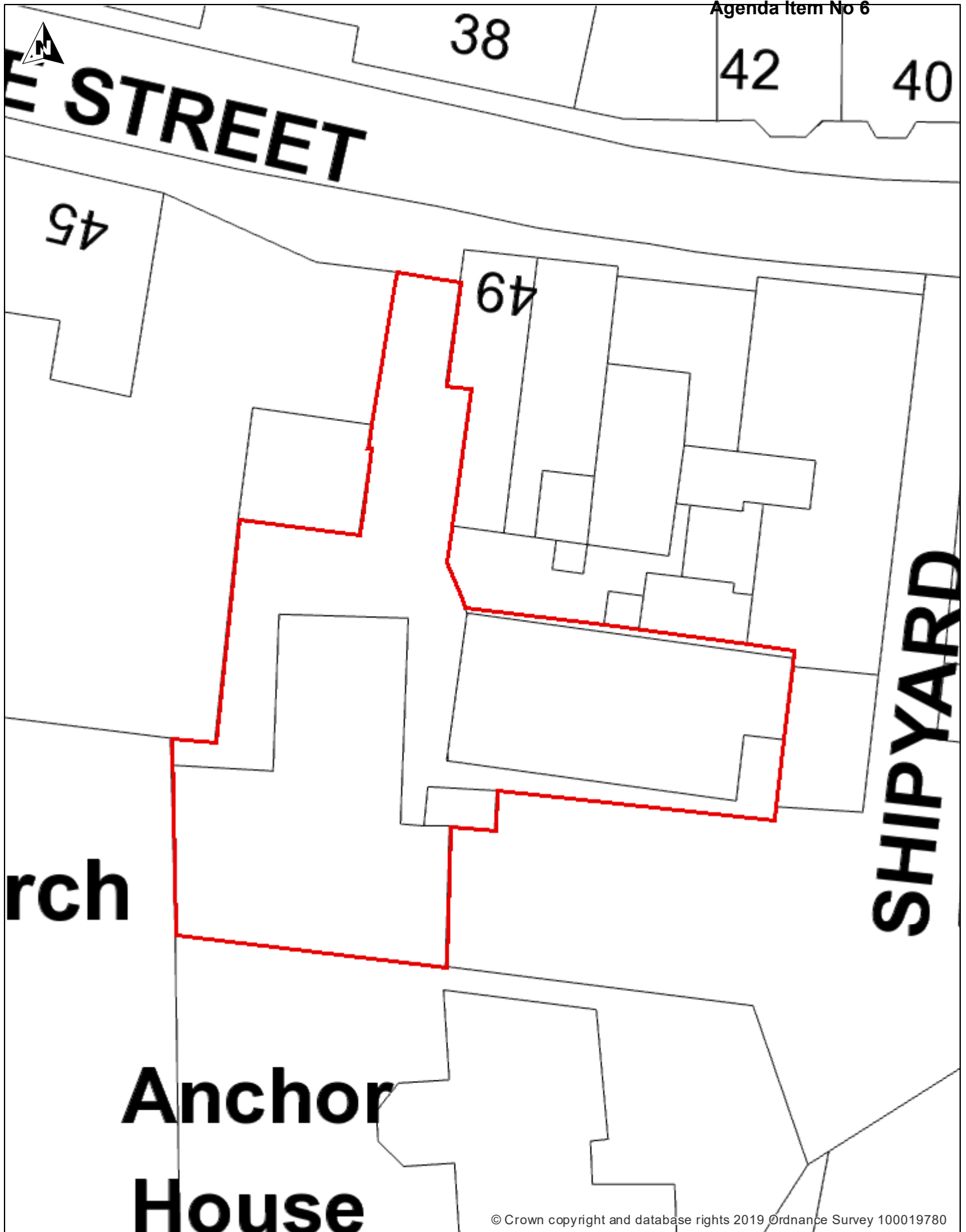
(PTS/PLAN/GEN) HUMANRI

## **PUBLIC SPEAKING AT PLANNING COMMITTEE**

---

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

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



21/00500

United Reformed Church  
The Street, Ash  
CT3 2EN

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/21/00500 – Variation of conditions 2 (approved plans) and 5 (windows) to allow for additional rooflights, replacement of 6no. stained glass windows to side elevation, internal layout alterations and re-positioning of a flue of planning permission DOV/20/00356 (application under Section 73)**

**United Reform Church, The Street, Ash CT3 2EN**

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

- b) **Summary of Recommendation**

Planning Permission be Granted

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS) Policies

CP1 & DM1

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the above Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

National Planning Policy Framework 2021 (NPPF)

Chapters 5, 12 and 15 (Paragraphs 202 and 203)

The Kent Design Guide (KDG)

National Design Guide 2019

Regulation 18 Consultation on the Draft Local Plan 2021

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

- d) **Relevant Planning History**

DOV/19/00341 – Demolition of church hall, partial demolition of church building together with conversion of church to residential dwelling (C3 Use Class). Approved

DOV/20/00356 – Conversion of church building and church hall building to 2no. residential dwellings (C3 Use Class) subject to a number of conditions being imposed. Approved

Condition 2 of DOV/20/00356 requires the development to be carried out in accordance with the approved drawings.

Condition 5 of DOV/20/00356 states: “All existing stained glass windows in the former church building shall be permanently retained in that form and shall not be altered to provide clear glazing. Similarly, the upper parts of all windows to the former church hall annotated 1 on the approved plans, shall be permanently kept as blackout glass

sufficient to prevent intervisibility. Reason: In order to preserve the character of the buildings and to prevent any overlooking to adjoining residential properties.”

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

Ash Parish Council: strongly objects to this application (part retrospective) because there are material considerations of over-looking, loss of privacy, loss of amenity due to noise, and changes to a building of historical note that will have a detrimental impact on the heritage significance of the building that is in a Conservation Area.

Heritage Officer: No objections. The comments are set out in paragraphs 2.3-2.5.

Head of Museums and Tourism: No objections. The comments are set out in paragraph 2.6.

Public Representations: 8 objections to the proposal, summarised as follows:

- The proposed windows and loss of the stained glass windows would harm the historic character and appearance of the buildings,
- The proposed windows are different sizes, portrait and landscape orientation, not flush and not aligned with the windows below,
- The rooflights will lead to overlooking and loss of privacy, light and noise pollution,
- The proximity of the proposed flue would cause harm to living conditions,
- The proposed doors are out of keeping,
- There is a lack of clarity in the drawings,
- Some unauthorised works have already taken place.

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

- 1.1 The application site is located within and forms part of the Ash - The Street Conservation Area. The area stretches across the road from No. 5 The Street towards the east, finishing on the eastern boundary of 128 The Street. The Conservation Area includes; the 5 linear development along The Street, 5no. properties on Chequer Lane including the Chequer Inn and a number of properties off Pudding lane. There are a number of listed buildings within the Conservation Area.
- 1.2 The application site is situated on the south side of The Street and is an irregular shaped area of land with two church buildings located at its southern end. The church was probably constructed from 1843 and the church hall can be dated to 1882 by the foundation stone situated on the façade. By reason of their age, design, appearance, architectural articulation, use of materials and historic association with the village, these buildings make a positive contribution to the character and appearance of the Conservation Area. As such, it is considered that these should be regarded as non-designated heritage assets within the Conservation Area.
- 1.3 Although set back behind the front building line of properties facing onto The Street, the buildings are visible from the site's access and other public vantage points on The Street and more openly visible from views from 'Shipyard', across an informal car parking area (outside the site). 'Shipyard' appears to be a private road that serves a few residential properties.

- 1.4 The application properties comprise the main Church building and the Church hall constructed roughly perpendicular to it. The Church building's front elevation faces toward The Street, with its western flank elevation facing the rear garden of No.45 The Street and its eastern flank elevation mostly facing toward the informal car parking area along 'Shipyards'. The Church hall has its rear elevation facing toward and visible from 'Shipyards', its southern elevation facing the informal parking area and its northern elevation mostly facing the rear of the properties 49-53 The Street.
- 1.5 Both buildings have windows and/or doors on each of its elevations. The western boundary enclosure of the site, adjoining the boundary with No.45, is a fence and is some 1.8m-2m high.
- 1.6 Works have commenced on converting the Church hall and additional openings have been created within it - some of which are in accordance with the extant planning permission and others without the benefit of planning permission – which are under consideration in the current application. The works do not appear to have taken place within the main church building.
- 1.7 In comparison with the approved works, the proposed works comprise:

#### Church Building

- The replacement of existing No.3 stained glass windows on the ground floor east facing elevation with clear glazed windows.
- The replacement of existing No.3 stained glass windows on the ground floor west facing elevation with clear glazed windows.

#### Church Hall Building

- Addition of 2 new rooflights and change in design of No.1 approved rooflight on north facing roof slope.
- Addition of 1 new rooflight and change in design of No.3 approved rooflights on the south facing roof slope.

## 2. **Main Issues**

### 2.1 The main issues are:

- Update from the Deferral by the Planning Committee in June 2021
- The principle of the development
- The impact upon the character and appearance of the Conservation Area
- The impact upon residential amenity
- The Planning Balance

#### Update from the Deferral by Planning Committee

- 2.2 At the June 2021 Planning Committee, the determination of this application was deferred pending advice on the loss of the 6 stained-glass windows from the Council's Heritage Officer (to include conferral with the Head of Museums and Tourism).



- 2.3 The Heritage Officer considers that the principal elevation (north) windows are decorative and are considered to be the most important windows on the building. Because that elevation is viewed from the public realm it has an impact on the character of the conservation area. The 6 windows to the side elevations, the subject of this application, are simple coloured glass windows in diamond panes. They are not obvious from public vantage points within the Conservation Area. One elevation may be visible from a private car park while the other may be visible from a private rear garden. On this basis it is considered there to be no harm to the character or appearance of the Conservation Area as a result of the proposed works.
- 2.4 Furthermore, in terms of the building as an undesignated heritage asset there may be a very minor harm, as a result of the works. However, this minor harm is considered to be negligible and there is clearly a significant public benefit to this building being reused. The number of windows proposed for alteration has been limited to 6; as noted above, the principal windows of interest are retained and there are other examples of the plain coloured glass windows which will remain in situ thus providing an example. However, in order to ensure that the same form (i.e. diamond panes, leaded lights) is introduced to the altered windows it is recommended a condition requiring details of the proposed glazing pattern to include materials to be submitted for approval.
- 2.5 In conclusion, there is no harm to the Conservation Area, and very minor/negligible harm to the undesignated Heritage Asset, but which could be mitigated with a condition.
- 2.6 The Head of Museums and Tourism states that the proposed scheme retains the interesting commemorative and decorative glazing of the building. The replacement of coloured glass with plain on the ground floor of the side elevations represents only minor harm to the significance of the building. The form of these windows should however be retained.

#### Principle of Development and Procedure

- 2.7 The application site falls within the village settlement of Ash. As such, under Policy DM1, the change of use of the buildings and changes to their external appearance are acceptable in principle, subject to design and other impacts being assessed.
- 2.8 One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition or conditions that can be varied. In this case, conditions 2 and 5 are sought to be varied. If permission is granted, this new permission will sit alongside the original permission, which will remain intact and unamended. This S73 application does not give an opportunity to refuse the first application – the decision on the S73 application is based upon the planning merits of the amendments sought.
- 2.9 In principle, the proposed development, and the submission of a S73 Application to achieve the variation to the approved works under the previous application, are acceptable.

### Impact upon Character and Appearance

- 2.10 Of the two buildings, the Church building is the most important in terms of its design, appearance and architectural articulation, whereas the church hall does not provide the same degree of visual attraction.
- 2.11 The insertion of the approved rooflights into the roof of the church hall has been undertaken and these 'velux' rooflights that have been installed (slightly raised above the roof slope so that they are not set flush with the slope) detract from the simple 'lines', form and appearance of the roof. However, there was no planning condition imposed on the previous application that was approved, requiring the rooflights to be set flush with the plane of the roof.
- 2.12 The proposed changes to the north facing roof slope of the church hall building are not obvious from views from public vantage points and can only be glimpsed. The changes to the approved scheme on the north facing roof elevation involve: changing an existing 'portrait' rooflight to a smaller 'landscape' rooflight and slightly realigning its location so that it does not sit directly above the window on the ground floor; installing a new 'square' rooflight centrally located along the roof elevation, sitting slightly off-centre of the window below it and, finally; inserting a smaller square rooflight on the roof slope sitting slightly off centre from the window below it. The rooflights are dark grey and aluminium.
- 2.13 Although visible from residential properties, the changes are not prominent within the street scene. Their appearance and visual impact upon the prevailing character and appearance of the conservation area are therefore considered to be limited and immaterial.
- 2.14 The proposed changes to the south facing roof slope of the church hall building are visible from 'Shipyards' with views across the informal parking area. Three 'portrait' style rooflights were approved. Two small square rooflights are proposed to replace two of the portrait rooflights, and one small landscaped rooflight is proposed to replace the other 'portrait' rooflight. One additional square rooflight is proposed above the centrally located window in the building.
- 2.15 Due to the reduction in the proportions of the rooflights and their overall scale in relation to the existing roof, the proposed rooflights would not be excessive or so out of character that they would detract from the prevailing appearance of the roof. Whilst the rooflights have different designs and scales this does not necessarily render the proposal unacceptable. In this case, the prevailing public view of the building will be of the building as a whole; and in this context, the proposal is, overall, acceptable.
- 2.16 Under this application, if the 'as proposed' rooflights are required by planning condition to be set flush with the plane of the roof this would result in some rooflights being flush and others being proud of the roof slope. This combination would appear 'out of kilter' and more incongruous. To ensure some degree of visual synergy, it is not considered necessary to insist that the rooflights that are 'as proposed' (and already installed) should be taken out and reinstalled with a different rooflight so that they are flush with the roof plane.
- 2.17 With regard to the relocation of the flue – this would rise above the next bay along in the building to its already approved location. This is not considered to have a material visual impact upon the design of the building or the character and appearance of the conservation area.

- 2.18 With regard to the Church building – the proposal seeks to replace stained glass windows in 6 locations with clear glass windows. These windows are on the ground floor flank elevations of the Church building. The stained glass windows in the main front elevation of the building (ground and first floor) and in the upper floor projecting gabled ends in the flank elevations of the building are being retained.
- 2.19 The stained glass windows in the west facing elevation are not visible from the public highway and therefore do not materially affect the conservation area. There is a lean-to to be demolished in front of a stained glass window on the east facing elevation and two other stained glass windows in the east facing elevation that will be visible from Shipyard.
- 2.20 It is considered that the loss of the stained glass, would not affect the character and appearance of the conservation area, but it would have a minor harmful impact upon the non designated asset.

#### Impact upon Residential Amenity

- 2.21 Whilst overlooking and loss of privacy are matters that have been raised as a result of the public consultation of the application, these have also been raised previously. Whilst these impacts are being reconsidered, in the light of the changes proposed, the Council's previous decision to grant permission is material to the determination of the assessment on this issue.
- 2.22 The approved rooflights in the Church hall building serve a bedroom/bathroom (in the north facing roof slope) and the same bedroom and a further bedroom in the south facing roof slope. Under the current proposal, the proposed rooflights would serve a dressing room, a bedroom and a double height roof void. It is not considered that the change in the location of the rooflights would give rise to a material increase in overlooking and loss of privacy to those occupiers of properties in The Street.
- 2.23 The proposed relocation of the flue is on the roof slope furthest from the properties in The Street and therefore this is unlikely to give rise to any material impact upon the living conditions of their occupiers. Likewise, the proposed additional roof light in the south facing roof slope would serve a double height void – which would not materially increase overlooking towards those properties being served by 'Shipyard'.
- 2.24 With regard to installing clear glazing to replace the stained glass in the west facing elevation of the Church building, the windows look towards a 1.8m high timber fence and toward a rear garden area and not directly towards windows or the area immediately behind No.45 The Street. As such, the change in glazing is unlikely to give rise to overlooking and loss of privacy that would be unduly harmful to the living conditions of the occupiers of No.45 The Street.

#### Planning Balance

- 2.25 The lack of harm to the character and appearance of the conservation area and the minor harm to the non designated asset – the church buildings, that has been identified through the assessment of this application needs to be weighed against the public benefits arising from the proposal, including securing the building(s) optimum viable use (Paragraphs 200 and 202 of the NPPF).

- 2.26 The recent planning history of the site has established that residential use of the Church Building (through both recent applications) and residential use of the Church Hall building (through the most recent application) appears to be the best, or most optimum viable use of the building(s).
- 2.27 It is considered important that the residential conversion of the Church building originally retained the stained glass windows to serve a double height living area in the central section of the building. With the exception of two east facing rooflights in the roof slope, the living area would not be served by clear glazed windows. As such, they would not provide outlook for those residential occupiers standing or sitting in the living room area. It is considered that windows that serve habitable rooms should have a degree of outlook, light and ventilation. For such a conversion it should be important to achieve this. It is considered therefore that a degree of flexibility needs to be imposed on this proposal for the benefit of the future occupiers of this building.
- 2.28 The loss of the proposed 6 stained glass windows needs to be considered in the round, as the proposal retains 9 stained glass windows (including the most decorative) in the building, that are also located on more prominent and visually attractive elevations. As such, the historic significance of stained glass windows being located in the building would not be lost. The retained stained glass windows would continue to provide a public benefit and serve to provide a historic and visual reference for the building.
- 2.29 Finally, having identified a degree of harm from the rooflights in the Church hall building, which are not set flush with the plane of the roof, the applicant has agreed to a condition to be imposed on the current application, should permission be granted, to ensure that the 'as approved' 6 rooflights proposed on the Church building should be set flush with the plane of the roof. The previous application did not require this through the imposition of a planning condition. This means that the most important building of the pair would have more appropriately designed and installed roof lights.
- 2.30 In weighing the harm from the loss of the stained glass windows and replacement with clear glass windows and changes to the roof of the church hall building against the public benefits, it is considered that the public benefits of securing an optimum, residential use of the building (that provides a reasonable level of residential amenity for the occupiers), the retention of the remaining and more important stained glass in 9 other windows on more prominent parts of the building, and roof lights that would be installed flush with their roof planes on the building represent a level of public benefit significant enough to outweigh the minor harm

### Conclusion

- 2.31 The buildings and their location within the conservation area have a degree of sensitivity attached to the outcome of this decision. The Council should ensure that the proposed application at least preserves the character and appearance of the conservation area, which it does. The minor harm to the buildings is outweighed by the benefits identified. Weighing the public benefits in the balance, it is considered that the proposal should be supported for the reasons set out.

g)

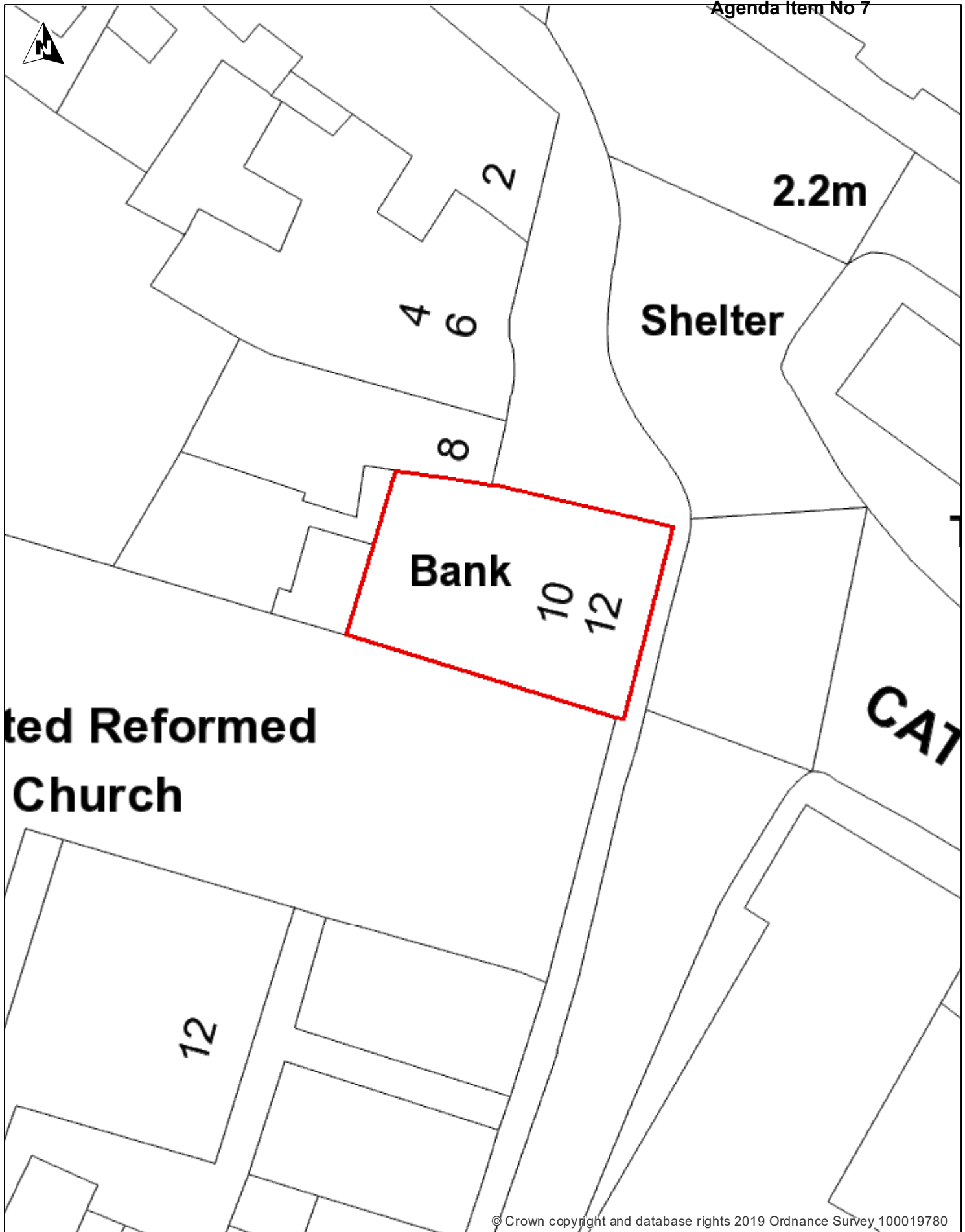
### Recommendation

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

- i) The conditions on the existing planning permission should be reimposed or updated. Condition 5 should be updated and varied to omit reference to the six windows in this application.
  - ii) The development shall be carried out to the Approved Drawings.
  - iii) An additional condition should be imposed to ensure that the rooflights in the Church Building are set flush with the plane of the roof slope.
  - iv) The replacement panes shall match the existing form of the openings and the glazing patterns of the windows being removed.
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester



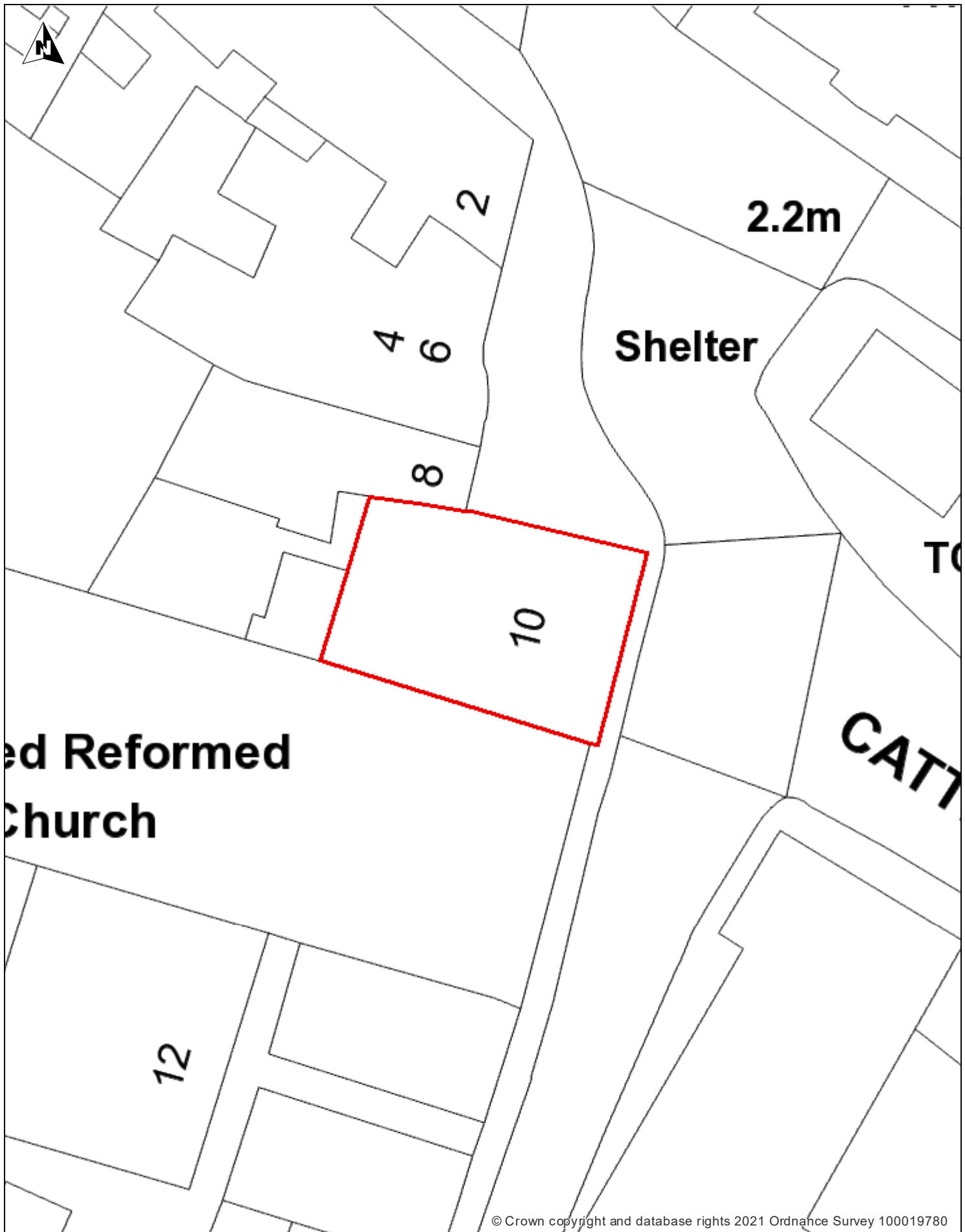
21/01201

10 Cattle Market  
Sandwich  
CT 13 9AQ

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



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



21/01202  
10 Cattle Market  
Sandwich  
CT13 9AQ

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



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

## **DOV/21/01201 & DOV/21/01202 – Combined Report**

**DOV/21/01201 – Change of use and conversion 2no. dwellings and a retail shop or office. Erection of a first floor rear extension, alterations to windows, rear parapet wall to be lowered, and restoration/painting to elevations (part rear elevations, roof lanterns, window bars and first floor rear windows to be removed)**

**DOV/21/01202 - Conversion to 2no dwellings, retail/office use to include: erection of 1st floor rear extension; removal of existing and erection of new internal walls.**

### **10 Cattle Market, Sandwich**

Reason for report – Number of contrary views (6 Public Representations)

#### **a) Summary of Recommendation**

Planning permission and listed building consent be granted.

#### **b) Planning Policy and Guidance**

##### Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM20 – Shopfronts

DM22 – Shopping Frontages

DM24 – Retention of Rural Shops and Pubs

##### Land Allocations Local Plan - Development Plan Document (2015)

LA18 – Sandwich Town Centre

##### Sandwich Neighbourhood Area (no plan currently adopted)

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

Paragraphs 2, 7, 8, 11, 38, 47, 48, 86, 110, 111, 120, 123, 130, 134, 167, 168, 174, 194-208

##### National Planning Practice Guidance

##### National Design Guide (2021)

##### National Model Design Code (2021)

##### Planning (Listed Buildings and Conservation Areas) Act 1990

Sections 16(2), 66 and 72



## Kent Design Guide (2005)

### SPG4 Kent Vehicle Parking Standards

#### Draft Local Plan

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

#### **c) Relevant Planning History**

Various applications including:

DOV/87/00995 – installation of gas central heating and flue terminal – Granted

DOV/93/00468 - One double sided non illuminated hanging sign, two sets of individual non illuminated letters, & one single sided nameplate. – Granted

DOV/93/00469 - One double sided non illuminated hanging sign, two sets of individual non illuminated letters, one single sided nameplate. – Granted

DOV/95/00433 – Installation of cash machine dispenser within existing window - Granted

DOV/95/00434 – Installation of cash dispenser within existing window – Granted

DOV/97/00616 – Projecting sign and fascia sign – Granted

DOV/97/00619 – Replacement of fascia letters and projecting sign – Granted

DOV/97/01016 – Addition of a second projecting sign – Granted

DOV/97/01194 – Additional projecting sign – Granted

DOV/98/00281 – Replacement fascia letters and symbol – Granted

DOV/98/00282 – Fascia sign – Granted

DOV/99/00284 – Display of 4 advertisement signs at first floor level – Granted

DOV/00/01348 – Relocation of existing ATM and alterations to external door – Granted

DOV/01/00412 - Provision of internal ramp, relocation of existing Auto-Bank, alteration of entrance door and ground floor refurbishment. – Granted

DOV/01/00516 - Windows, frames and rainwater goods to be painted black and removal of night safe hatch. – Granted

DOV/07/01091 – Installation of 2no. air conditioning units – Granted

DOV/08/00068 – Installation of 2 air conditioning units – Refused

DOV/11/00204 – Internal and external alterations – Granted

DOV/14/01113 – Installation of a replacement ATM – Granted

DOV/14/01114 – Installation of a replacement ATM and associated alterations – Granted

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

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

Sandwich Town Council – Initially commented: “Sandwich Town Council Planning

Committee met on 11th August 2021 and resolved to accept this planning application. Sandwich Town Council requests that Dover District Council amend the numbering of this building as it is listed as 10-12 Cattle Market but Sandwich United Reform Church is also 12 Cattle Market. Sandwich Town Council further request that this amendment is confirmed to Sandwich Town Council”.

The site address was amended accordingly, and upon re-consultation, the Town Council advised “Recommend approval subject to substantial sound proofing, ancient rights and privacy dealt with by planning law”. In response to the Listed Building Consent re-consultation, they advised “Sandwich Town Council Planning Committee meet on 16th November 2021 and resolved to recommend approval of the amended plans for this planning application.”

Environmental Health - Whilst I note that 10 Market St is a town centre location with businesses involved in the night-time economy, there are several other residential properties nearby and there are no major activities involving significant elevated noise levels. However I note from the proposed plans that part of the proposed is located adjacent to the common wall with the Mermaid Locker food outlet/restaurant at 8 Cattle Market. There is also proposed commercial use on the ground floor adjacent and below the proposed residential use.

Sound insulation between residential/residential premises is normally dealt with by the Council’s Building Control Department under Approved Document E of the current Building Regulations. Approved Document E specifies minimum sound insulation qualities of partitions between properties. As such the Environmental Protection Team would not comment on this.

However, there is no standard governing the sound insulation properties of partitions between residential/commercial properties. Commercial uses generally create more noise than residential premises. We would therefore require the sound insulation between commercial/residential to be of a higher standard than specified in Approved Document E. As a guide, we would expect the level of sound insulation provided by the wall partition to be in the order of Rw [1] 60dB. I would therefore recommend that the following additional conditions be placed on the application: -

Full particulars and details of a scheme for sound insulation between the commercial and residential parts of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details on measures to ensure that there are no flanking transmission paths for noise between the commercial and residential premises. The approved scheme shall be installed before commencement of the use hereby permitted and permanently retained thereafter.

[1] Rw is the weighted sound reduction index: This is a weighted single figure descriptor of the sound insulation performance of a partition measured under laboratory conditions

#### Heritage Officer -

(Heritage Consultant Comments)

General & Historic Building Description and Significance: This building, last used as a branch of the HSBC bank is located at the centre of the historic town centre of

Sandwich, on a prominent corner site opposite the Guildhall and facing out to the Cattle Market, with frontages facing north and east. The building connects with other properties to the north – the Mermaid's Locker restaurant/bar and to the south is the open garden areas associated with St John's Cottages and the United Reformed Church. The south elevation is clearly visible in views from the south beside the flank of the guildhall. The overall form of the building with its steep hipped roof form would suggest a C15th date and the building appears as the Mermaid Inn in historic photos, at that time retaining the original massive central stack and hipped medieval roof form but superficially modernised in the C18th, with the jetties underbuilt and the framed elevations over rendered and provided with multi-pane sash windows. The building became a bank in the 1950s and was brutally converted to the use on the 1960s with the interiors and rear wall of the original building demolished to facilitate the erection of a large flat roofed rear extension, this replacing the C19th rear outbuildings and courtyard areas. This extension even cut into the rear of the secondary north range facing out toward the Mermaid's Locker leaving an awkward sliver of the historic roof covering a curious arrangement with a long and generally unusable space with a raised first floor and restricted head room. Within, all is modern – dating from the 1960s. The floor structure, interiors and even the central stack and roof structure were all rebuilt in modern materials, leaving only the external appearance of the C15th surviving and appearing relatively unaltered despite it having been gutted out and mostly reconstructed.

Comments: The building really has been gutted out as a result of the 1960s bank conversion and nothing remains within of the original C15th building, even the stack and roof structure of the main frontage range are modern reconstructions constructed in modern materials and techniques. Despite this the building retains much of its historic appearance but only the three external elevations to the north, east and south survive from the original building these being the C18th refronting and underbuilding of the principal north and east elevations and the south elevation, which appears to have been rebuilt in brickwork in the C19th. Whether any of the C15th hall framing survives under the modern cement render is hard to tell. The proposed conversion has resulted from the consideration of several alternative design options and appears to be the only way of finding a new use for the building that has become redundant and stood empty for several years. Although the building has been gutted out and nothing remains of historic interest, the proposed scheme works with the grain of the historic building reconstructing the historical division between the original frontage structure and its former Victorian rear outbuildings and also restoring the form of the northern range, whose roof was so brutally truncated by the 1960s flat roofed extension. The rear extensions are not so much a replacement for the flat roofed rear bank extension but are actually built off it as first floor extensions. These extensions do approximate to the plan form of the lost rear ranges, leaving a tiny courtyard formed at the centre of it – but only at first floor level. It is not clear from the available evidence whether the original rear ranges were single or two storey buildings, but the proposed extensions are of a traditional form that compliments the appearance of the main frontage range and do not introduce any jarring elements in the scene as seen from the south. However, the proposed arrangement, with the upper floor brickwork set back behind the retain parapet wall of the ground floor bank extension appears awkward and I suggest that

it would be preferable if the building could instead continue straight up from this wall. This would however need the cooperation of the neighbour, to allow the eaves to overhang their property. I also suggest that it would be better if the existing parapet could be reduced down to roof level and the new upper storey clad in tile hanging rather than brickwork. This would create a more informal character and would be more appropriate for what is almost certainly going to be a timber framed upper storey. This would also allow a marginal increase in the size of the courtyard in the centre which is very tiny. Apart from this the proposal seems very acceptable and I suggest only that conditions are imposed requiring submission of materials and ensuring that the detailing of the roof (eaves, ridges, hips) and joinery is all done in the traditional way.

Recommendations: Revert to applicant to suggest the south elevation parapet is reduced down to roof level and that the replacement building is reared off the existing south wall, without the set back and clad with tile hanging rather than brickwork. Once this is resolved, they recommend granting the application subject to a number of conditions.

Site & Setting – Limited Impact on C/A

NPPF Harm Level Assessment – ‘moderate positive’

Other Notes – Minor Amendments required

Principal Heritage Officer Comments:

Further to the consultation for the above and to confirm details of our discussion following receipt of the response from the consultant, I have additional comments as follows:

The consultant has suggested the potential to remove the parapet and continue the line of the exterior brickwork uninterrupted: in retrospect I feel that this helps to break up the elevation and reduces the visual bulk of the proposed addition. There is also the suggestion that the brickwork to the 1st floor addition is amended to tile hanging and I consider this to be a positive amendment, as having two different materials would help with the bulk as noted.

In respect of the condition relating to the rainwater goods I note that the listed building has cast iron but I do feel that we should allow for the potential use of good quality aluminium on the new build rather than require cast (recommends a condition in this respect and that the assessment stated a preference for cast iron but to allow for good quality cast aluminium).

Following the receipt of amended plans, the Principal Heritage Officer informally advised “Received the reconsultation- looks fine as discussed. Earlier consultation notes the conditions plus we discussed the rainwater goods”.

Historic England – On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Following receipt of revised plans, advised; On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

Southern Water – Provided records (a map available to view in the online planning file) showing the approximate position of public combined sewer close to the existing development. Any new external works proposed within the standoff distance of public apparatus the applicant will be required to contact Southern Water.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No new development or new tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer (their contact details are included and the response would be sent as an informative if permission is granted). The surface water drainage from the site will utilise the existing connections to the public sewer. Surface water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows.

Environment Agency - No response received – If received, Members will be updated at the Committee Meeting.

KCC Highways and Transportation - Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration (an informative is suggested).

#### Public Representations:

In respect of the Planning Application, nine representations of support, one representation neither objecting or supporting and six representations in objection were received and are available to view in the online planning file and are summarised below. In respect of the Listed Building Consent, one representation in support was received and is also summarised below. Matters such as problems arising from the construction period and loss of views are not material

considerations and cannot be considered in the assessment of an application.

#### Supporting

- Building has been empty for years and is starting to deteriorate and look extremely run down. Has remained derelict for some years.
- Surely it is within best interests of the building and all that live in the area that it be restored and brought back into use. Preferable to refurbish empty and deteriorating buildings before building new. Would like to see this building in the middle of town used again rather than sitting empty and brought back to its true potential. Puts an empty building back to use. Support as need to recycle and refurb brownfield development to sustain life in the community at the same time as demonstrating high quality low impact eco developments can take place within existing built infrastructure and not just in new build estates. Re using the existing building shell can save over 177kg of CO2 per M2 of brick wall compared to building new. these impacts should be considered positively against other impacts. Would like to see the building being used again rather than sitting empty and it will be nice to see the outside refreshed and tidied up. Building has huge potential, love the garden terrace.
- No reason to have more bank premises within Sandwich, especially given Barclays and Natwest buildings have both been converted for other uses. Physical bank branches are no longer feasible in today's digital economy – particularly true in a small market town like Sandwich. Question the need for additional retail space in Sandwich.
- Happy to see that some commercial use has been retained also. Support the application in terms of the retention of some commercial use and residential dwelling and believe the application will be to the benefit of the local community.
- No parking provision however Guildhall car park isn't far away and lots of properties in Sandwich don't have dedicated parking.
- Tastefully done. Will be an excellent addition to the neighbourhood. Feel that the work will be sympathetically carried out and to the highest standard of workmanship making good use of the building as it currently stands. Am sure the design can take into consideration the minor impacts of conversion from bank to family home dealing with overlooking and the like.

#### Neither objecting nor supporting

- From informal discussion with the applicant, believes the proposal would be used for holiday lets – concerned that without this being added as a planning condition, the creation of permanent residences could lead to conflict between new residents and existing business which holds premises licence operating until midnight 7 days a week
- Permanent residential use would raise potential issues with an ancient and regularly deficient foul and surface water system
- Creation of another floor to the rear elevation immediately overlooks only living accommodation windows and proposed skylights give unrestricted views into neighbouring bathroom and living room. Has the potential to

cause distress and anxiety and remove the quiet and safe enjoyment of neighbouring premises.

#### Objecting

- Overlooking/privacy – windows will be looking over the gardens that have been created in the centre of town which is a quiet haven for wildlife and the residents of St Johns Cottages. Neighbouring cottages were rescued from demolition 52 years ago and garden which has been there since 1287 has been recreated. Street view photographs disguise the bulk of the extension as seen from neighbouring land. First floor extension windows will overlook the St Johns Cottages and invade their privacy
- Object to new extension to the back of the building. Object to the lowering of the parapet wall. Strongly object to lowering the boundary wall and will not give permission.
- Windows overlooking neighbouring property will cause continuous noise, light pollution and complete loss of privacy.
- Noise – already there is noise from the living accommodation that exists on that corner
- Parking – no provision which is a big issue in Sandwich
- Overdevelopment – great benefit to restoring this property to use in the centre of the conservation area in Sandwich but this planning application is overdevelopment. Site has always been a single use building (first a pub, then a bank). Would be overdevelopment to create two dwellings and a business premises, as demonstrated by the need for access only through a narrow hallway shared by all three and no place for rubbish and recycling storage, except within each premises. Second floor will dominate neighbouring property and all surrounding buildings.
- Heritage impact – all proposals are within the curtilage of listed buildings and badly affect them. Will downgrade the area which is of historical value
- Proposed west end elevation shows that the plan adds significant buildings within the footprint that are not illustrated clearly to show their relationship to the surrounding buildings. Alterations to the boundary wall and the windows to lounge and bedroom on the first floor will all be major intrusions to the privacy and enjoyment of the gardens of St Johns Cottages
- Would suggest the property remain the same size and be made into one dwelling. Not retail use as there is enough retail space already within the town.
- Concerns regarding access during construction – building work would inevitably cause damage to neighbouring land and enormous disturbance. Query how any work to the existing window and proposed window in the original building could be done without access to neighbouring land. Seems to be no consideration on how to carry out this work without invading the grounds of St Johns Cottage gardens

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

- 1.1 The site relates to a two storey Grade II Listed Building, located within the Sandwich Walled Town Conservation Area (subject to an Article 4 Direction) and within Sandwich Neighbourhood Area (which has no adopted neighbourhood plan). The site is within the settlement confines and the building was last in use as a bank. It is positioned on the west side of Cattle Market and is bounded by the gardens of No's 1 – 6 Saint Johns Cottages (a Grade II Listed building) to the south and by No 8

Cattle Market (The Mermaids Locker), which has a restaurant at ground floor level and residential accommodation at first floor level, to the northwest of the site (also a Grade II Listed Building).

- 1.2 This application seeks permission for the change of use and conversion of the building to 2no. dwellings and a retail shop or office (at ground floor level). The proposals include the erection of a first floor rear extension, alterations to windows, rear parapet wall to be lowered, and restoration/painting to elevations (part rear elevations, roof lanterns, window bars and first floor rear windows to be removed).
- 1.3 During the course of the application, the address of the site was changed from 10-12 Cattle Market to 10 Cattle Market. The application was re-advertised accordingly. Following the receipt of comments from the Heritage Officer, amended elevation plans were received showing the south and west first floor level elevations would be finished in clay tile hanging. As a result, the first floor was no longer proposed to be set back from the parapet wall of the ground floor level and whilst the ridge height remained the same, the length of the ridge had increased under the revised plan. This amendment was subject to further advertisement, with consultation due to end on 3rd December. Should any representations be received between the finalising of this report and the Committee Meeting, Members will be verbally updated at the meeting accordingly. Furthermore, due to the number of representations received in respect of the Listed Building Consent application, it should be noted that this could be determined under Officer Delegated Powers.

## **2. Main Issues**

- 2.1 The main issues for consideration are:
  - The principle of the development
  - Impact on heritage assets and street scene
  - The impact on residential amenity
  - Other material considerations

### **Assessment**

#### **Principle of Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the defined settlement confines and the proposed extension would be ancillary and the proposal therefore accords with Policy DM1.
- 2.4 Policy DM2 seeks to protect employment land and buildings (specifically those within Use Class B). The last use of the building was as a bank, which is not a B Use Class and therefore the Policy is not relevant to the assessment of this



application.

- 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. Again, as the site is located within the settlement confines, the development accords with Policy DM11.
- 2.6 DM22 sets out that within secondary shopping frontages, planning permission will only be given for A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) uses within the ground floor of premises. Following changes to the Use Classes Order, Class A was revoked from 1<sup>st</sup> September 2020 and Classes A1, A2 and A3 would now fall under Use Class E and Classes A4 and A5 would fall under a Sui Generis use. Notwithstanding this, the proposals are to retain part of the ground floor of the building for use as a retail shop or office (specified in application form as Use Class A2). As both a retail and office use would fall within the new Class E, it is considered that the proposed use would accord with Policy DM22, albeit only part of the ground floor would be retained for the use (and therefore the development would in part be contrary to Policy DM22).
- 2.7 Policy LA18 (of the Land Allocations Local Plan 2015), as with Policy DM22, sets out that within secondary shopping frontages in Sandwich Town Centre, planning permission will only be granted for A1, A2, A3, A4 and A5 uses within the ground floor premises. As set out above, part of the ground floor would be retained for use as a retail shop or office and as such, the development would only partly accord with Policy LA18.
- 2.8 For the above reasons, it is considered that the development accords with Policies DM1 and DM11, however is in part contrary to Policies DM22 and LA18.
- 2.9 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.10 Having regard for the most recent Housing Technical Paper (2021), the Council are currently able to demonstrate a five-year supply. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.11 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. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date, although in the circumstances here, where the development is within an existing settlement, it's not considered that the objectives of DM1 would be unduly

inconsistent with the NPPF. As such, DM1 can carry some weight..

- 2.12 Policy DM11 is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. It is considered that the blanket restriction imposed under (1) of DM11 however is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Insofar as this application is concerned, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.13 Policy DM22 is considered to be more restrictive than the NPPF, which encourages town centres “to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters” and “recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites” (Paragraph 86). In this instance, the former bank has been vacant for several years and, as set out further in this report, it is considered that the retention of part of the ground floor for commercial use and change of use of the rest of the building (and extension) to residential use would bring the building back into a viable use, resulting in its long term preservation. The NPPF seeks to diversify town centres, and, as a matter of judgement, it is considered that Policy DM22 is in tension with the NPPF, is out of date and, as a result, should carry only limited weight.
- 2.14 Policy LA18, for the same reasons as Policy DM22, is considered to be more restrictive than the NPPF (particularly Paragraph 86). As a result, it is considered that Policy LA18 is in tension with the NPPF, is out of date and should therefore carry only limited weight in the planning balance.
- 2.15 The Council is in the Regulation 18 or ‘consultation’ phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.
- 2.16 Consequently, it is considered that the development plan policies most important to the determination of the application (Policies DM22 and LA18) are out of date and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

#### Impact on Heritage Assets and Street Scene

- 2.17 The application property is a Grade II Listed Building, and is surrounded by other Listed Buildings, including 6 & 8 Cattle Market to the north, 1 to 6 St Johns Hospital Almshouse (and gardens – referred to as 1-6 St Johns Cottages elsewhere in this

report) to the west, and the United Reformed Church to the southwest. To the southeast of the site, on the opposite side of the highway is the Grade II\* Listed Guildhall, and there are a number of other Grade II Listed Buildings in proximity of the site. In addition, the site is within the Sandwich Walled Town Conservation Area, which is subject to an Article 4 Direction. Chapter 16 of the NPPF and Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on heritage assets. In particular, special regard must be had to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 199 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.18 This report deals with both the application for planning permission and for Listed Building Consent for the proposals. In accordance with Paragraph 194 of the NPPF, a heritage statement has been submitted with this application. The application has been reviewed by the Heritage Consultant and the Principal Heritage Officer, and their comments are available to view in full in the online planning file and are included in the relevant section of this report. They consider that little of the original 15<sup>th</sup> Century building remains, with the north and east elevations being refronted in the 18<sup>th</sup> Century and the south elevation being rebuilt in brickwork in the 19<sup>th</sup> century and the building being gutted internally in the 1960's bank conversion works. They consider that although nothing remains of historic interest, the proposed scheme works with the grain of the historic building, reconstructing the historical division between the original frontage structure and its former Victorian outbuildings and also restoring the form of the northern range (which was truncated by the 1960's flat roofed extension). The suggested amendments to the external materials of the extension (to incorporate tile hanging and to build the extension directly above the existing parapet) have been made (albeit a hidden gutter has been incorporated which would avoid the need for guttering to overhang third party land).
- 2.19 In respect of impact on nearby Listed Buildings and the Conservation Area, the design and appearance of the proposed works to the building are considered to enhance the appearance of the site, to conserve the significance of other heritage assets and result in no harm, either substantial or less than substantial, to their significance. A number of conditions have been suggested requiring samples of external materials (specifically the roof tiles and tile hanging), joinery details including sections of the rooflights (which should be conservation style), details of rainwater goods and details of the roof construction, to ensure the details are appropriate to the Listed Building and would conserve the appearance of the Conservation Area and setting of heritage assets. Subject to this, it is considered the proposed works would result in a moderate positive impact, preserving the Listed Building and its setting. Due to the siting, scale and design of the extension and proposed works, I consider that the development would be sympathetic to the local character and would function well and add to the overall quality of the area, in accordance with Paragraph 130 of the NPPF. It is also considered that the works would bring the public benefit of providing two additional dwellings which would

contribute to the 5 year housing land supply, and would secure the long term maintenance of the building, representing its optimum viable use (in accordance with NPPF Paragraph 201). Having had regard to Chapter 16 of the NPPF, and giving great weight to the conservation of these heritage assets (Paragraph 199), it is considered the proposed development would accord with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on Residential Amenity

- 2.20 The proposed extension would be visible from a number of nearby properties and concerns have been raised in third party representations in respect of the impact of the extension and change of use on neighbouring residential amenity.
- 2.21 In respect of privacy, at ground floor level, the security bars would be removed from the two existing windows on the south elevation, which directly overlook the neighbouring garden to the front of St Johns Cottages. The proposed first floor extension would feature two windows on this south elevation. All of these windows would serve habitable rooms within the proposed dwellings. No windows are proposed on the west (rear) elevation. The other windows are either existing, or would face an enclosed courtyard area at first floor level (and the proposed rooflights would be located on an inner facing roofslope which would prevent interlooking to other properties).
- 2.22 The agent has provided an overlooking study which shows that the windows on the south elevation would overlook the communal gardens of St Johns Cottages. This is a communal garden (rather than private garden where residents would expect a higher level of privacy) which is currently visible from the public highway and there are already windows at ground floor level on the application property which overlook this garden. Whilst additional windows would be installed which would overlook the garden, on balance, the proposal is not considered to result in such significant loss of privacy to warrant refusal. Furthermore, it is considered that due to the location of other proposed windows (which would not provide direct views into No. 8 Cattle Market), and separation distance from other neighbouring properties (such as the dwellinghouses of St Johns Cottages), the development would be unlikely to result in direct interlooking between the proposed dwellings and neighbouring properties.
- 2.23 The proposed extension would be visible from the windows of a number of neighbouring properties and concerns have been raised in public representations in respect of this impact. The design of the proposed extension has been amended from that originally advertised, and the first floor extension would be finished in tile hanging. Due to the design and appearance of the proposed extension, as well as separation distance, I consider the development would be unlikely to result in an overbearing impact on the amenities of occupants of the St Johns Cottages. The proposal would be more visible from No. 8 Cattle Market, which has several windows on the south elevation, believed to serve a bathroom and living room. The extension has been sited to position the proposed massing away from this neighbouring property, and although the development would be directly visible, it is considered that due to the proposed design and materials, on balance, the

development would be unlikely to result in an unacceptably overbearing impact on neighbouring amenity.

- 2.24 Due to the siting of the proposed extension and direction of the sun path, the extension would cast shadow towards No. 8 Cattle Market in the morning and midday. During the evening, the shadow would fall largely on the application property itself. Based on the planning history for No. 8 Cattle Market (application DOV/07/00274), it is believed that the closest first floor window to the proposed development serves a bathroom (a non-habitable room) and that a window further from the site serves a living room (based on one of the third party responses stating the two room uses). Whilst the proposal would result in some overshadowing to the neighbouring (mixed use) property for part of the day, this would be limited by the siting and scale of the proposal and hipped roof of the extension. On balance, the development is considered unlikely to result in unacceptable harm to the living conditions of neighbouring occupants.
- 2.25 In respect of the amenities of the proposed occupants, both would share the same access (which would also be used by the commercial unit) on the flank elevation, however the dwelling to the front of the building would have an additional (existing) access. This dwelling would contain a lounge and kitchen at ground floor level and three bedrooms at first floor level. The dwelling to the rear of the site would contain a kitchen and sitting area/TV room at ground floor level and two bedrooms and a lounge within the extended first floor. There would also be a central courtyard area at first floor level. Both dwellings would have internal utility/bin storage and 1 bicycle storage space would be provided for each dwelling (also internally).
- 2.26 Queries have been raised in the public representations regarding the proposed use of the dwellings and whether they would be holiday lets. The application form identifies that the units are to be market housing and as such, it is not considered appropriate to suggest a condition is imposed in this respect. Concerns have also been raised in the public representations in relation to noise and disturbance from neighbouring commercial premises which are licenced. Environmental Health Officers have been consulted and have raised no objection, however have suggested a condition is imposed for details of a scheme for sound insulation between the commercial and residential parts of the development to be submitted to and approved in writing by the local planning authority. Subject to this, occupants of the proposed dwellings are considered unlikely to experience unacceptable noise or disturbance and the development is considered to accord with the amenity objectives of Paragraph 130(f) of the NPPF.

#### Other Material Considerations

##### Impact on Parking/Highways

- 2.27 The site is located within the Town Centre and Settlement Confines (identified in Policy DM1) and no off-street parking is currently available within the site or proposed. Sandwich Town Centre is a controlled parking zone, with resident

parking schemes in operation and double yellow lines are in place in this section of the town. A public car park is located to the south of the site (Guildhall Car Park). Policy DM13 sets out that for 2 and 3 bed flats/houses in a city/town centre location, a maximum provision of one parking space per dwelling is required. In this instance, nil provision would accord with Policy DM13.

#### Impact on Flood Risk

- 2.28 The application site is located in Flood Zone 3 (in an area that benefits from flood defences) which has the highest probability of flooding without the local flood defences. Accordingly, a Flood Risk Assessment has been provided. Paragraph 168 of the NPPG sets out that development involving a change of use (and minor development) should not be subject to the sequential or exception test. Notwithstanding this, the Flood Risk Assessment addresses both tests and sets out that there will be no increase in surface water generated by the development and that minor foul drainage requirements would be designed in accordance with building regulations to connect into the existing private system serving the property which in turn connects to the public combined drainage system. The Assessment sets out a number of measures which would be incorporated within the development, including the installation of suitable flood barriers across the two entrance doorways to prevent water ingress, that the ground floor levels of the residential properties be set no lower than the existing levels and that services be set at least one metre above ground floor level. It is considered appropriate to suggest a condition for the development to be carried out in accordance with the recommendations of the flood risk assessment is imposed, albeit it is considered appropriate to await the further expected views of the Environment Agency before finalising these.
- 2.29 Southern Water have been consulted accordingly and have raised no objections, advising that the developer will need to make a formal application for any new connection to the public sewer (information to be included as an informative if permission is granted). Furthermore, they advise that surface water may be discharged to the existing sewer provided that the rate of discharge is no greater than existing contributing flows. Subject to the suggested condition, the development is therefore considered acceptable in this regard.
- 2.30 The site lies within a SSSI Impact Risk Zone, however due to the scale of development proposed, consultation with Natural England is not required.

#### Commercial Unit

- 2.31 The proposed unit would be used as a retail shop or office. No details of the number of employees, or business hours have been provided within the application form.

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

- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

### **3. Conclusion**

- 3.1 The application site lies within the settlement confines and the tilted balance approach set out in Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. The proposal is considered to accord with Policies DM1 and DM11, however is in part contrary to DM22 and LA18. Notwithstanding this, the NPPF is supportive of a mix of uses, including residential use, in Town Centres. Due to the design of the proposals, the development is considered to conserve and preserve the significance of the Listed Building, and it is considered the proposed use would ensure the long term

maintenance of the building and bring a public benefit of providing two dwellings, contributing to the 5 year housing land supply. Furthermore, the development is considered to conserve the character and appearance of the Conservation Area and the significance of nearby Listed Buildings, and would preserve the character and appearance of the street scene. The impact on neighbouring residential amenity has been considered, and on balance, is considered acceptable. Other material considerations have been addressed and the development is considered acceptable in this regard. Consequently, having had regard to the tilted balance engaged by Paragraph 11 of the NPPF, for the reasons outlined above, it is considered that the disbenefits of the application do not significantly and demonstrably outweigh the benefits of the development. Subject to the conditions suggested below, it is considered, on balance, that the proposed development would accord with the aims and objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **4. Recommendation**

- I PLANNING PERMISSION BE GRANTED (for DOV/21/01201) subject to conditions: (1) Standard time condition, (2) list of approved plans (3) scheme of sound insulation between the commercial and residential parts of the development be submitted (4) the development be carried out in accordance with the recommendations of the submitted Flood Risk Assessment (5) Any relevant Environment Agency conditions.

LISTED BUILDING CONSENT BE GRANTED (for DOV/21/01202) subject to conditions:

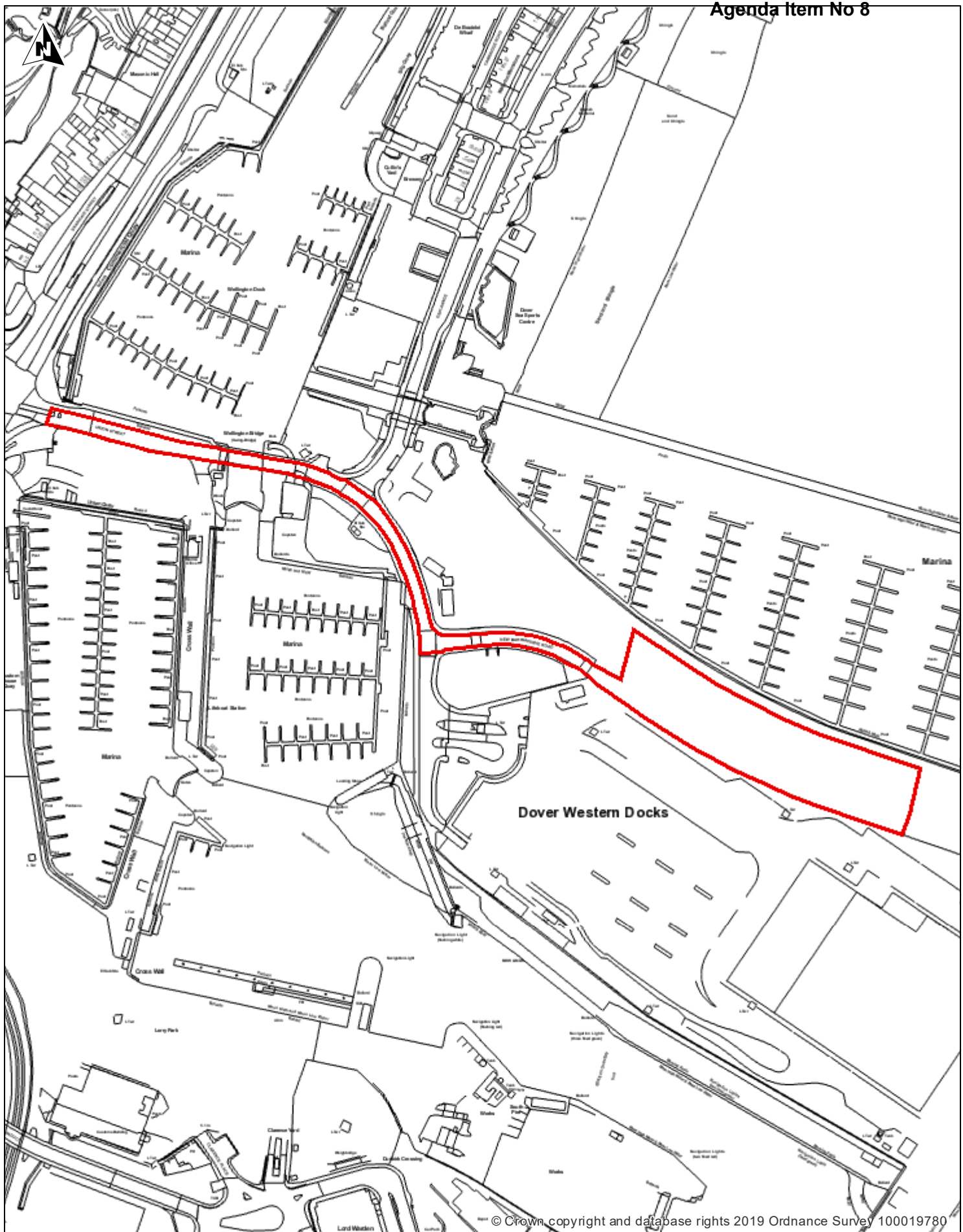
(1) standard time condition (2) list of approved plans (3) samples of external materials to be submitted – including tiles to be used on elevations and roof (4) joinery details for the proposed windows (5) details of the roof construction – eaves, verges, hips, ridges, valleys (6) details and profiles of rainwater goods (7) details of rooflights

- II KCC Highways and Transportation Informative and Southern Water Informative and Southern Water contact information informative
- III Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer:

Rachel Morgan





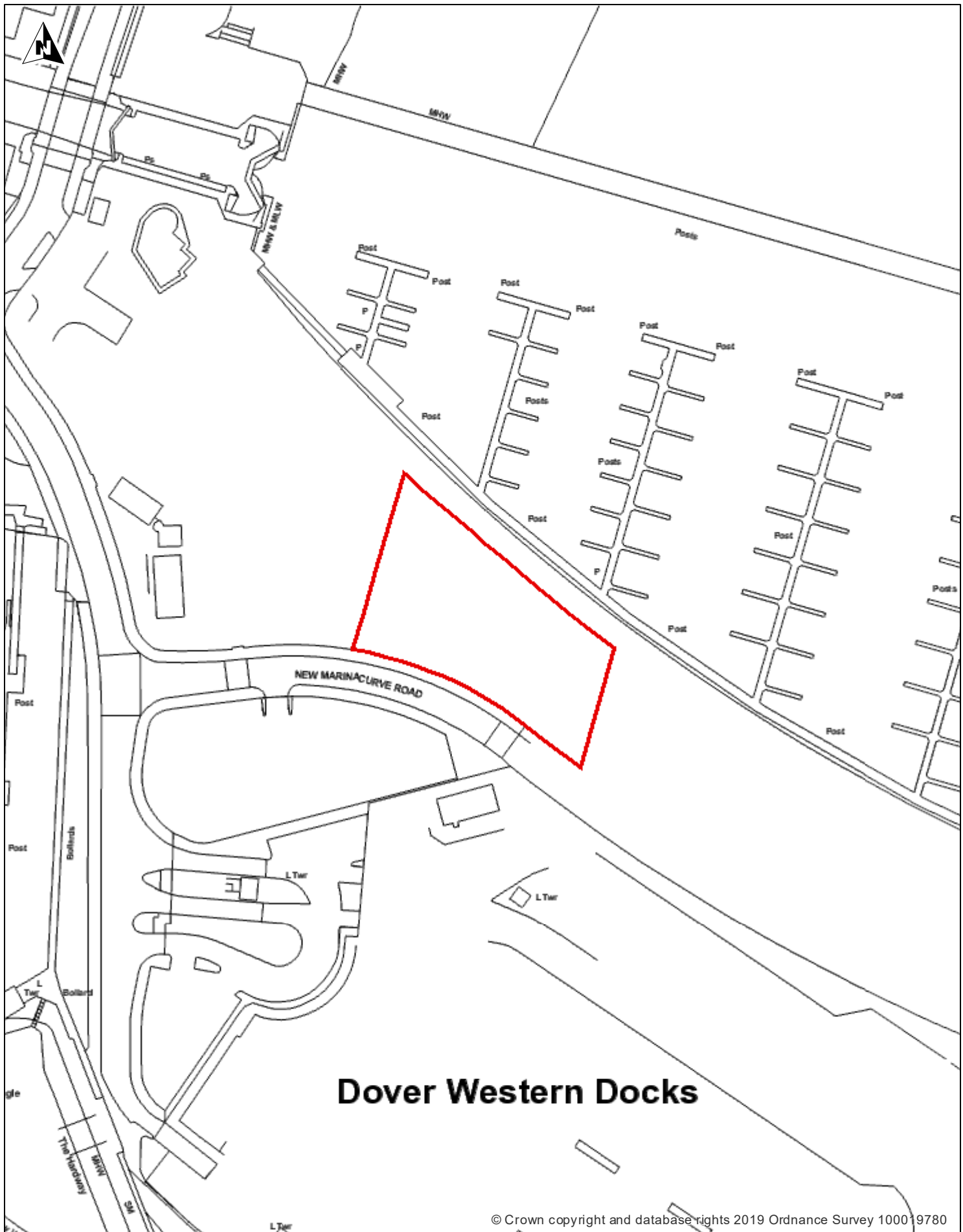
20/01236

Dover Marina Curve Phase 1A  
Dover Harbour  
Dover

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



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



© Crown copyright and database rights 2019 Ordnance Survey 100019780

20/01220

Dover Marina Curve Phase 1B  
Dover Harbour  
Dover

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/20/01236 – Erection of 3no. three and four storey motel buildings (90 bedrooms in total), 1no. two storey reception building, 2no. 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**

**Dover Marina Curve Phase 1A, Dover Harbour, Dover**

**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 Phase 1B, Dover Harbour, Dover**

**Reason for report:** Deferred from the meeting of the Planning Committee on 22 April 2021.

b) **Summary of Recommendation**

Planning Permissions be Granted for both proposals.

c) **Planning Policy and Guidance**

Please refer to the report attached as an annex.

Although the relevant policy and guidance remains substantially the same as reported to Members at your April meeting, the references to the NPPF need to be updated as a result of the issuing of an amended NPPF in July 2021. This is set out below.

National Planning Policy Framework (NPPF) (July 2021)

Paragraphs 8, 11, 81, 87, 88, 90, 92, 93, 110, 111, 112, 124, 129, 130, 131, 174, 193, 194, 197, 199, 202 and 203.

d) **Relevant Planning History**

Please refer to the report attached as an annex.

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

Please refer to the report attached as an annex.

**DOV/20/01236 (Motel)**

Additional comments received since the previous report:

Dover TC – Support.

Port of Dover (DHB): Dover Harbour Board wishes to register its keen support for the commercial scheme (Planning Applications DOV/20/01236 & DOV/20/01220) being proposed by our developer partners Bride Hall and The Electric Motel Co. for the recently created 'marina curve' area of the waterfront.

The original shared vision for our £250 million Dover Western Docks Revival (DWDR) was always to enable the Port to diversify and expand its operations, whilst at the same time creating the right conditions for job creation, inward investment and regeneration of the local area.

The DWDR is the biggest single investment that the Port has ever undertaken, and we have already delivered and are successfully operating a brand-new cargo terminal. Next year we anticipate the transition to, and opening of, the new marina, around which we have delivered fresh and significant public realm – including the marina curve.

Our Development Partners recently presented the scheme now seeking planning permission to the Port & Community Forum, the important statutory body that exists for ensuring meaningful and regular consultation and dialogue between the Port and wide-ranging representatives from the local community. The scheme received strong support.

Indeed, the Forum has been an integral part of the Port's engagement on DWDR since the beginning. The vision for the Dover Western Docks Revival was first launched and consulted on specifically with the Port & Community Forum in February 2014, emphasising the importance we place on that forum and indeed the wider community on key development opportunities.

At the launch of the DWDR investment, there was much anticipation and excitement on the development prospects.

Such collective excitement and momentum continues to this day and the Port remains committed to delivery of the original vision. We are now so close to seeing a key regeneration element of that shared vision being realised. As we all look to move forward out of the damaging economic impacts of Covid, such a scheme would be a massive boost for Dover at this critical time of recovery.

Furthermore, as attested to by all the commentary around COP 26, the global climate summit that recently took place in Glasgow, we all need to move to a sustainable footing, one that looks to a different future – one that is clean.

The Port is committed to helping meet the ambitions of the UK's 'Clean Maritime Plan' as well as being a part of the wider contribution towards meeting the United Nations' Sustainable Development Goals.

DWDR has had sustainability built in from the start, achieving 'excellent' ratings for the development of its new cargo terminal, marina and waterfront. It is vital that we continue on this journey and the forward-looking scheme being proposed is designed to do just that.

The Electric Motel fits exactly into our green sustainable vision, as along with providing guests with an affordable luxury experience it limits the impact to the environment by minimising disturbance to the ground, material waste during construction (using modular methods of construction) and "offgrid" green energy in its future operations.

In addition, it provides a UK Hotel first as every guest will be able to park in their own private car space with individual EV charging points (further Visitor Fast Charging EV spaces are also located adjacent to the Reception/Café Bar).

The adjoining mixed-use space /commercial scheme while being similarly sustainable in its design ethos, helps compliment the Electric Motel & New Marina providing vibrancy and interest so visitors are attracted 24/7 both to the Dover Marina & waterfront and the attractions of Dover beyond.

Opportunity, sustainability, economic recovery and community benefit. These are the things that this scheme, set within the overall DWDR project, can help deliver.

The Port fully supports the proposed scheme, commends both planning applications for APPROVAL and looks forward to seeing the shared vision move a step closer to full realisation.

The Dover Society – (Initial response 1/11/2021): We continue to fully support the principle of hotel and retail development on this newly reclaimed land as has always been part of the Dover Western Docks Revival project and we welcome the beneficial impact that this would have for the town as a whole. But we also want to ensure that planning proposals will bring something of quality that reflect the historic and cultural context that it adjoins and does not debase the area so that its full potential for regeneration would not be realised.

We note that since the original application, improvements have been made to the hotel plans with the room sizes increased and the shipping container concept being replaced with a modular arrangement with timber cladding to the façade. This modern design, although an improvement on the original one, still fails to deliver the quality that is needed to attract visitors and is still out of place with the numerous listed buildings nearby and heritage assets that have been preserved. The hotel rooms lack the facilities required for anything other than a one night stay.

The landscaping referred to in the design and access statement consists of planters with marine grasses similar to those along the beach. Whilst this is undoubtedly of benefit to wildlife it can give the appearance of a neglected patch of weeds and should be supplemented with something more visually appealing including flowering plants and trees which are clearly shown in the visuals but not referred to elsewhere.

This application together with that for the mixed-use development (DOV/20/01220) were originally put forward together to be seen as an integrated whole but this is no longer the case despite the fact that much of the documentation still portrays and describes them as if they were part of a single scheme. This is most confusing and misleading. The two applications do indeed need to be considered together so that the overall effect is not seen as disjointed but this is no longer happening. This is to the detriment of the area as a whole.

We are disappointed with the lack of community engagement considering the scale and importance of this scheme. The applicant cites conversations with DDC and a presentation to the Port and Community Forum as satisfying the need but neither allow involvement and participation of the wider public. We also note that the landowner, Dover Harbour Board, has not given its support to the scheme which seems to suggest that they too have serious reservations about the scheme.

In view of the above we continue to OBJECT to this application.

(Further response 13/11/2021): The Dover Society has previously written in response to these two planning applications both when originally advertised and subsequently following amendments.

Notwithstanding our views of the suitability of these schemes, we are greatly concerned about the way they are being presented which is ambiguous, confusing and misleading.

Both of the applications contain the same Planning Statement and the same Visuals which clearly indicates that the two schemes are being proposed as a single integrated whole. In the revised plans for the motel the same Planning Statement is still included together with further Visuals which also clearly illustrate the appearance of both schemes as if they are still to be considered together despite the alterations to one but not the other.

With hotel plans having been significantly revised it might easily be assumed by those not very familiar with Planning that the other scheme has also been altered but this is not the case. It is difficult for the public to make properly informed comment when such confusion exists.

I urge you therefore to have these two applications withdrawn and resubmitted (the application fee could be waived) either

- As two entirely separate and fresh applications with completely separate supporting documents so that the one scheme is not confused with the other
- Or as one single fresh application showing the two parts as an integrated whole.

The current state of affairs is extremely misleading for both the public and possibly the District Planning Committee and there is a very real danger that views will be expressed and decisions will be made on the basis of misunderstanding.

Private representations – Two further letters received, both raising objections.

One vehemently objects, describing the proposal as an ill-conceived and unedifying monstrosity that squanders a site of importance for Dover and its future prosperity. The site needs world-class architecture to complement its setting and Dover should “aim high” and leave something on this site to be proud of.

The other letter raises a number of detailed points including:

- Whilst it is pleasing to see revised plans for the hotel application (20/01236), there is a requirement for design changes to the mixed use application (20/01220) as both applications should be integrated and have a common synergy;
- There has been very limited consultation. A public exhibition or meeting should be held as has happened for previous DWDR proposals. The Port Community Forum does not represent the whole community and extended consultation with constituent bodies was not facilitated;
- Whilst it is recognised that the objective of have a quality hotel here would benefit the town, the design aspect has always been controversial;
- The “green” issues addressed by the application are applauded;
- The construction is still akin to converted containers or portacabins and any planning permission should only have a limited life;
- The proposed timber cladding is a considerable improvement;
- Landscaping plans are absent/inadequate;
- The penthouse addition is overpowering;
- To alleviate concerns over potential use as temporary accommodation, a condition should be imposed preventing residential occupation;
- The jobs provided will not be “high quality”.

(This is a lengthy and detailed letter and Members are invited to read the full text on the website.)

**DOV/20/01220 (Mixed use commercial and leisure development)**

Additional comments received since the previous report; whilst no formal re-consultation has been undertaken (as this application has not received revised plans), some of the comments noted above in relation to the hotel application also allude to this application, and the following comments have been received specifically in relation to this application:

The Dover Society: When originally advertised, the two applications for both the hotel and the mixed use development were described as part of the same overall project, were of similar designs and were clearly to be treated as an integrated whole. Considerable improvements have now been made to the hotel design but none to this design. We are greatly concerned that the two applications have now become separated with the applicant clearly expecting them to be considered separately and stating that this particular application does not need to be re-advertised leading us to conclude that the hope is for it slip through unnoticed on the back of the improved hotel design.

We continue to regard the use of shipping containers as entirely inappropriate particularly as this part of the development is closest to the heritage assets in the clocktower square and along the waterfront. The proposal would debase the area so that its full potential for regeneration would not be realised. The site requires something of quality that better reflects the historic and cultural context that it adjoins.

The hotel design has been improved considerably and we expect this mixed development to be amended in similar manner using timber clad modular units with landscaping so that there is cohesion between the two parts of the development. Failure to do so would make this particular part stand out as poor quality and incongruous in such an important part of the town.

In view of the above we continue to strongly OBJECT to this application.

Private representations – One further member of the public wrote in support of both schemes (received just prior to the April Committee meeting and reported orally then), as offering something positive for Dover, especially the swimming pool which will provide a facility to keep young people occupied.

An additional letter of support has also been received.

Three further objections received raising the following issues:

- The timber cladding proposed for the hotel should also be applied to the buildings in this application;
- Heritage assets should not be removed from the Clock Tower Square to enable this development. An aesthetic public realm has been created using listed assets from the former Prince of Wales Pier. Any alteration the Clock Tower Square should be subject to a separate application for the removal of heritage assets. This problem could be addressed by moving the “mixed use” buildings closer to the hotel to avoid the need for disturbance;
- Lack of landscaping and maintenance proposals;

- No objection in principle to the leisure facilities being provided, but objection is raised on the grounds set out;
- The proposal is totally unsuitable for this location in the context of attractive period properties and does not reflect the original conception of the scheme;
- Although this is described as a temporary structure, doubt is expressed as to when or whether it will be replaced with the more permanent ones previously promised;
- The correspondent who vehemently objects to 20/01236 also objects to this application in similar terms.

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

- 1.1 For a description of the general background to these proposals, and the context of the site itself, Members are asked to refer to the report attached as an annex.
- 1.2 Since that report was written, and subsequent to Member's previous debate, there have been significant amendments to the motel scheme (DOV/20/01236), which are described below. The site context has also changed somewhat (particularly with regard to the mixed-use development (DOV/20/01220)), in that the Clock Tower Square refurbishment works that were underway earlier in the year have now been completed.
- 1.3 The amendments that have been made to the hotel scheme may be summarised as follows:
  - The number of accommodation blocks has been reduced from five to three, and the middle of the three blocks now has an additional fourth storey. Overall room numbers remain the same at 90.
  - The accommodation blocks are no longer made from shipping containers, but are of a modular construction.
  - The new external materials are now in the main, timber cladding & screens (taking the lead from the new nearby buildings), and some Corten steel. The east, south and west elevations would have hit-and-miss timber cladding, whilst the north elevation would have a painted black finish with vertical sections of timber screening. The penthouse elevations will be steel clad. The ground floor elevations of the Reception building will be timber clad.
  - The room sizes have been increased to 14.4m<sup>2</sup> and (in the applicant's words) have sufficient space to incorporate all travellers' requirements including hanging space/luggage storage. The applicants say it will be an affordable luxury hotel offering (3-4\*). The two penthouse suites will be approximately 47m<sup>2</sup>.
  - The applicants explain that the new design allows for room access from the rear stairs/walkways (safer/secure by design and easier for the guest) and the front marina elevations now give all the rooms a picture harbour facing window and are broken up with timber panels/screens. Openable windows are provided to the front (and rear) to allow for natural cross ventilation.
  - 100 guest parking spaces are provided, plus 12 public fast-charging EV points.

Photovoltaic panels are proposed for the roofs of the accommodation blocks. The design and finish of the single storey staff welfare block remain unchanged.



- 1.4 The mixed use development proposed in application DOV/20/01220 has not been amended and remains as described in paragraphs 1.3 and 1.4 of the appended report.
- 1.5 In terms of the works that have been carried out to the Clock Tower Square, in addition to refurbishment of the buildings themselves this includes laying new pavements and granite setts to rejuvenate the floorscape, and the re-introduction of some historic features that had previously been removed from the site. In terms of floorscape, there is a circular arc in contrasting colours that, in a sense, defines the area immediately around the Clock Tower and adjacent buildings. Outside that arc, and significantly for consideration of the current proposals, granite setts have been laid to replicate the alignment of the former pier, and historic lamp columns and lanterns have been erected to form a colonnade. There is also a (modern) refreshment kiosk and café building.

## **2. Main Issues**

- 2.1 These applications were initially reported to Planning Committee on 22 April 2021. At that time, Members expressed a number of concerns including disappointment over the design and appearance of the motel, the smallness of the rooms, and the apparent lack of public consultation on the scheme overall. The applications were deferred in order to allow for amendments to the design and additional public consultation.
- 2.2 The main issues remain essentially the same, namely:
- The principle of developing this site for the proposed uses, including application of the Sequential Test;
  - Design and visual Impact;
  - Heritage issues;
  - Parking and highways considerations;
  - Economic impact.

In the context of considering these issues it is also appropriate to consider the extent to which Member's previous concerns have been overcome.

### **Assessment**

#### **Principle**

- 2.3 This is discussed in detail in the appended report. There have been no substantial changes to the considerations set out there.

#### **Design and visual impact (including response to the issues raised at April Planning Committee)**

- 2.4 The NPPF places a strong emphasis on the need to achieve good design. Paragraph 126 says that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 130 says that developments should add to the overall quality of the area, not just for the short term but over the lifetime of the development, that they should be visually attractive as a result of good architecture, are sympathetic to local character and history (whilst not preventing appropriate innovation or

change), and establish or maintain a strong sense of place, using (amongst other things) building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Most of the relevant considerations for these applications were set out in the previous report (appended); please see, in particular, paragraphs 2.12 to 2.16.

- 2.5 In response to Members' concerns, significant amendments have been introduced, in particular to the construction, design and appearance of the motel accommodation blocks. The reduction in the number of accommodation blocks from five to three does not undermine the fundamental concept of providing a substantial development that takes advantage of views over the marina and beyond, towards the Castle. The inclusion of the penthouse suites atop the central building provides an element of visual interest and focus, as well as providing symmetry to the development overall. The abandonment of the use of shipping containers for this element of the scheme has allowed more flexibility in the design of the individual rooms and how they are arranged; room sizes have increased and the access arrangements to and within each block have been made more customer friendly. Although the buildings remain of modular construction, with units manufactured elsewhere most likely being assembled on site, this is a common approach to the construction of buildings of this nature and, in principle, does not detract from the overall design concept.
- 2.7 The introduction of timber cladding to the majority of elevations is a significant alteration that not only brings a deeper respect for the context of the proposed buildings, but also provides a real uplift in the design quality and the overall "feel" of the development. Similar timber finishes have been used successfully on a number of recent nearby buildings (to the extent that this has almost become a "theme" for development hereabouts) and insofar as it is possible to identify a design context for this site (as mentioned in the previous report), what is now proposed will introduce a degree of coherence that was perhaps missing from the original proposals.
- 2.8 Taken overall, I believe the changes that have been introduced to this element of the scheme constitute a positive response to the concerns expressed previously.
- 2.9 There has been some criticism of the fact that similar changes have not been introduced to the mixed used development in application DOV/20/01220. Notwithstanding the applicant's apparent perception that changes were not required to this element of the scheme, there is a case for saying that the two proposals, although complementary, are aimed at fulfilling different functions and operating in different ways. The previous report discussed the ways in which the use of colour has been seen to add vibrancy, vitality, and a sense of place to developments elsewhere that cater for the range of leisure uses that this scheme will accommodate, and those considerations remain relevant. It is therefore not inappropriate that a different design ethos be applied to the two distinct elements of the broader development, as reflected in the separate applications.

#### Heritage issues

- 2.10 These issues are discussed in detail in the appended report (paragraphs 2.19 to 2.23) and remain relevant. In the meantime, however, the refurbishment works to Clock Tower Square have been completed and this now enables a clearer understanding of the relationship that will exist.
- 2.11 DHB has explained why it was felt appropriate to carry out the proposed Clock Tower Square works in their entirety, notwithstanding these pending planning

applications as follows: *“As our contractor was already on site, albeit having shut down for a period due to covid, the additional cost and delay associated with stopping an element of the works, changing the design (including the electrical layout), getting DDC’s approval etc. was unacceptable – especially as the hotel development was far from certain at that time and we would have been left with a seemingly unfinished public area. DHB therefore took the decision to complete the works as planned on the understanding that elements would ultimately have to be changed when the commercial development finally happened”.*

- 2.12 However unfortunate it might appear that some of this recent work would need to be removed, if the works proposed in application DOV/20/01220 were to be implemented, the extent of any direct impact is relatively limited, being confined to the removal of those elements outside the circular arc referred to in paragraph 1.5 above. This would include a section of granite setts, approximately four lighting standards with their lanterns, and a similar number of bollards. The formal position relating to these works is that LBC was grated in 2015 for works to the listed pier, including removal of furniture (lampposts, etc) and a condition as part of that approval (condition 4) required further approval for details of where the “furniture” was to be reinstated. Subsequently, those details were approved, most recently under application CON/15/00627/G. As these works were undertaken pursuant to a listed building consent (as opposed to a planning permission), at some stage there will be a need for a further approval pursuant to condition 4 to account for any further changes. Ideally, it would be beneficial if at least some of these items could be incorporated into the scheme now under consideration, so that they remain close to their original setting. So far as the current planning application is concerned, this could be covered by a planning condition.

#### Parking and highways

- 2.13 These issues are discussed in detail in the appended report and there is nothing to add.

#### Economic impact

- 2.14 This is discussed in the appended report.

### **3 Conclusion and sustainability**

- 3.1 These two applications provide an opportunity to accommodate welcome investment to bolster the visitor economy. The hotel will provide further opportunities to encourage otherwise transient visitors to stay longer, an objective long recognised as a key element in promoting the tourism sector in the town and the wider district. These sites are in a highly sustainable location and the development takes appropriate advantage of the setting and ambience provided by the new marina. Significant changes to the design and appearance of the motel buildings have been introduced in response to Members’ earlier concerns. These changes, and the overall development concept, have been the subject of additional local consultation through the Port and Community Forum. The design employed in the mixed use development application is innovative and colourful and will provide a suitably upbeat context for the proposed uses. It successfully balances this with appropriate respect for the historic elements of its setting.
- 3.2 In terms of the three strands of sustainable development identified in NPPF paragraph 8, the schemes together supports economic growth, building on local strengths, achieves the social objective of providing services to support a strong, vibrant and healthy community and support the environmental objectives of making

effective use of land and making an appropriate contribution to the built environment. In terms of the overarching test in NPPF paragraph 11(d), there are no adverse impacts of the proposed developments that would significantly and demonstrably outweigh the clear benefits and, on that basis, planning permissions should be granted.

**g) Recommendations**

**I. DOV/20/01236 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:

1. Standard commencement condition
2. List of approved plans
3. Submission of hard and soft landscaping scheme including details of floorscape/ground surface treatments
4. Provision of car parking as shown on plans
5. Submission of details of access from the public highway (as required by Kent Highways)
6. Submission of details of cycle parking
7. Submission of details of refuse bin storage
8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
11. Provision of electric vehicle charging points

**II. DOV/20/01220 – GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:

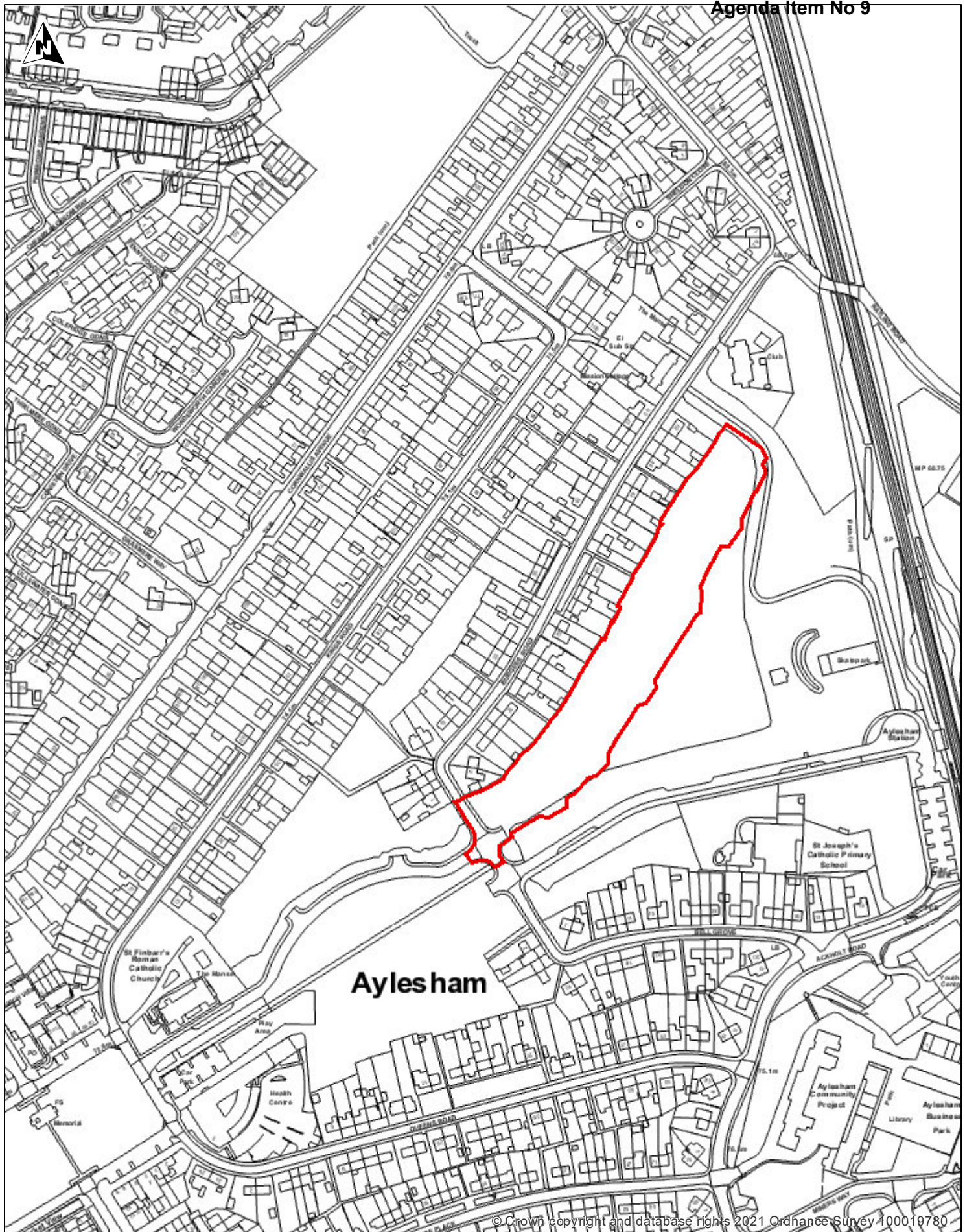
1. Standard commencement condition
2. List of approved plans
3. Submission of hard and soft landscaping scheme including details of floorscape/ground surface treatments
4. Provision of car parking as shown on plans
5. Submission of details of access from the public highway (as required by Kent Highways)
6. Submission of details of cycle parking

7. Submission of details of refuse bin storage
  8. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
  9. Submission of a detailed scheme for the disposal of foul sewage (pre-commencement condition)
  10. Submission of, and adherence to, site-specific Construction Management Plan (pre-commencement condition)
  11. Provision of electric vehicle charging points
  12. Submission of details of canopy for parking area
  13. Submission of details of PV panels
  14. Submission of details of replacements locations for those elements of the completed Clock Tower Square works that need to be removed.
- III. Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett





© Crown copyright and database rights 2021 Ordnance Survey 100019780

21/00758

Phase 2B Parcel 4 (And Residential Access Road 2B.2 & 2B.3)  
Land For Aylesham Village Expansion North Of Dorman Avenue North  
Aylesham

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/21/00758–Submission of Reserved matters application pursuant to Section 73 application DOV/19/00821 (and including SIC areas 2B.2 and 2B.3) for approval of 40 dwellings, associated infrastructure, access, landscaping, layout, scale and appearance together with details of conditions 2,6,7,10, 21, 24 and 25 pursuant to outline planning permission 19/00821**

**Address: Phase 2B Parcel 4, Aylesham Village Expansion, Aylesham**

**Reason for report:** Number of public representations

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP4 - Developments of 10 or more dwellings should provide an appropriate mix of housing mix and design. Density will be determined through the design process but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM5 - Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

**Land Allocations Local Plan**

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

### Dover District Local Plan 2002 (Saved Policies)

- AY1 – Land is allocated for up to 1000 dwellings, petrol filling station, formal playing fields and associated children's play, employment land, a primary school and food retail.
- AY2 – An outline proposal for the strategic expansion of Aylesham should cover the whole development area and be accompanied by and based on a master plan.
- AY3 – Proposals for residential development in the development area will be permitted provided: the overall net density shall be at a minimum of 30 dwellings per hectare; at least 15 percent of all dwellings are for affordable housing; provision is made for children's play; and the development has variety in design, is energy efficient and avoids standard estate layouts.
- AY7 – Sets out requirements for structural landscaping and long term management of all open space.
- AY8 – Land is allocated to meet additional primary school provision.
- AY10 – Proposals will not be permitted unless they include provision for a spinal footpath and cycle network, extending where practicable into the existing settlement.

### Aylesham SPG 2005

- A supplementary planning guidance document aims to guide and inform the physical aspects of the development to bring about high quality cohesive place that will be perceived as a carefully considered whole rather than an isolated village expansion.
- The SPG defines a masterplan and the preliminary design code for a number of opportunity sites in the village. The document does depart from some of the policies set out in the Dover District Local Plan (2002 saved policies), but these changes are given reasoned justification. The proposals contained within this application are considered to be in line with the masterplan strategies.

### Aylesham Design Code

- The Design Code is a guide for developers, setting out best practice, and codes for the delivery of the vision for Aylesham. It builds on the Aylesham masterplan document adopted in 2004 and published in 2005 which set out to: 'regenerate and expand the village to provide a seamless integration of new and existing uses, creating a strong and vibrant community centred on walkable, interconnected and sustainable neighbourhoods.'
- In pursuit of the above, the Design Code provides an illustrative masterplan from which developers could plan individual parcels of land. Detailed advice was provided for in each development area including such issues as: analysis of character areas; building typologies; street types; detailed design approach; landscaping and open space and environmental standards.
- Current phases of the development to date have largely followed the approved design code, subject to minor variations to allow for specific site conditions.



### National Planning Policy Framework (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting permission 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.
- Paragraph 60 states that the Government’s objective is to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 99 states that existing open space should not be built upon unless: an assessment has clearly shown the open space to be surplus to requirements; loss would be replaced by equivalent or better provision in terms of quantity and quality; development is for alternative sports and recreation provision which outweighs loss.
- Paragraph 111 – states that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- Paragraph 126 states that the creation of well designed buildings and places is fundamental to what the planning and development process should achieve.
- Paragraph 130 sets out the principles to achieve high quality design, including: developments that will function well and add to the overall quality of the area; visually attractive; sympathetic to local character and history; establish a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible.

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

The site has an extensive planning history relating to the various phases of the Aylesham Village Expansion, including numerous amendments to previous consents. The following applications are those which are considered to be materially relevant to the current application:

DOV/07/01081 granted in 2012 – A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off-site highway works: and

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works, including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village.

Since the original grant of permission, a number of applications to vary the conditions were submitted including 14/01206, 14/00338, 14/00759, 13/00120 and 15/00068. Each time conditions are amended, a new outline permission is created but in the meantime, the original permission has been part implemented through the approval of Reserved Matters for the various early phases. This is important in that the original permission remains extant and therefore is capable of being fully implemented should the developer so desire (subject to approval of reserved matters) notwithstanding whether there have been any changes in government or local development plan policy in the meantime.

A further application to vary the conditions of the previous outline permission was submitted under reference no 19/00821. This related to an overall increase in numbers of dwellings across the site from 1210 to 1360, together with variations to certain areas and a review of the planning conditions in the light of substantial areas of the scheme having been completed. The application was considered at the Council's Planning Committee in June 2020 and was approved subject to the completion of a Section 106 Agreement. That Agreement was subsequently completed in August and the planning permission formally issued on 14 August 2020.

e) **Consultee and Third Party Responses**

Public Representations – 19 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Loss of open space which is much used by local residents for informal recreational use.
- Open space important for mental well-being and community feel, particularly at present
- Contrary to guidance in NPPF to safeguard open space
- More development contrary to concept of Garden Village
- Planning laws have changed since original permission was granted 10 years ago
- Should be an Aylesham Open Space Strategy which safeguards area and includes tree planting to promote natural ambience
- Too much pressure on local infrastructure
- Need for more shops and facilities
- Increased traffic in area – will cause further congestion
- Insufficient parking – parking problems in area at present
- Development making money for Council and developers at expense of local residents
- Need to work with the local community
- Loss of wildlife in area
- Need somewhere within village to walk dogs in view of recent tragedy
- Poor design and not in keeping with existing properties in area

Aylesham Parish Council – objects to the proposal on the grounds of: over development and out of character with area; increased traffic; lack of infrastructure; contrary to saved policy CP7 on Green Wedges and DM25 on open space; contrary to NPPF in respect of

open space; loss of existing views; contrary to original Abercrombie design in that Burgess Grove and Bell Grove will no longer represent the shape of a pit head gear; traffic surveys are not soon enough; last application received 198 objections which demonstrates community value for open space; insufficient tree planting and contrary to Council's Draft Plan; and a number of detailed specific points on site layout.

### **Technical Representations**

Southern Water – Records indicate that a de commissioned sewer crosses the site. The exact location and condition of this needs to be determined before the development is finalised. Elsewhere, adopted sewers require clearances on either side for maintenance purposes. The layout also indicates a soakaway within 5 metres of the public sewer which is not acceptable

Kent County Council Lead Flood Authority – The principle of dealing with surface water attenuation is agreed and no objections to the Reserved Matters being approved. However detailed calculations will subsequently be required to confirm sizing of the proposed attenuation system.

Highways England - Is satisfied that the proposals will not impact upon the Strategic Highway Network.

Environment Agency – No comments.

KCC Highways – A number of technical comments were made on the initial submission relating to such matters as: connections to cycleways, visibility splays, speed restraints, vehicle tracking, turning heads and parking provision. Following receipt of revised plans KCC is satisfied with levels and siting of parking provision and raises no objections. There is also agreement to the next surveys for the Village Traffic Impact Assessments being carried out in September, although this may be subject to change.

KCC Public Rights of Way – comments that there are no public rights of way affected. It is also pointed out that footways and cycleways considered as part of the application will not be the responsibility of the PROW team.

Kent Police – Crime Prevention – has made a number of detailed site comments aimed at reducing levels of crime, not all of which subject to planning control.

Natural England – no comments.

Environment Agency – no comments.

Kent Fire & Rescue – is satisfied that off site access requirements have been met.

Housing Development Manager - Notes that provision is to be provided on parcels 5 & 6 so cannot support this phase until that application is decided. However, if those units are provided then the overall provision would be acceptable.

Southern Gas - Referred to location of gas pipe locations. Further consulted drawing attention to proposed easement but no further responses received.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site comprises part of the Aylesham Village expansion area which includes the existing village of Aylesham itself, together with the new development areas which mainly lie on adjoining land to the north of the original village. However, this particular phase comprises a linear shaped area of land located

between Abercrombie Garden East and Burgess Road which backs on to the site. The site presently comprises informal open space as part of a larger area of such space which extends north and south of Abercrombie Garden East, west to the Market Place and east to the railway station.

- 1.2 The proposal is a Reserved Matters submission, pursuant to the outline permission which granted the principle of residential development on this area of land. The details essentially comprise matters relating to the design, layout, access roads, parking and landscaping.
- 1.3 The proposal comprises a total of 40 residential units including 8 x 2 bed and 32 x 3 bed units, all 2 storeys in height. No affordable housing is proposed on this particular parcel as they are accommodated on parcels 5 & 6 (app ref no 20/00879) in accordance with and as agreed as part of outline permission 19/00821. The layout is designed to provide a suitable response to the linear nature of the site, with frontage blocks in front of a new access road on the north side of the gardens. 3 new access points will then lead to a new non adopted rear access running parallel with the rear of properties in Burgess Road and will continue to provide rear access to those existing properties in that road where user rights have become established over time. A total of 64 parking spaces and 12 visitor spaces will be provided for the 40 units, comprising a mixture of on site and communal parking areas.

## 2 **Main Issues**

### 2.1 The main issues are:

- The principle of the development and loss of open space
- Conformity with the SPG and Aylesham Design Code
- Highway matters
- Affordable Housing
- Residential amenity
- Ecology
- Other Matters
- Discharge of conditions

### Assessment

#### Principle and loss of open space

- 2.2 With regard to principle and loss of open space, members will be aware that the current proposal raises the same issues as those considered under 20/00879. However to recap, in terms of housing supply, whilst the Council is currently able to demonstrate a five-year supply with regard to allocations and permissions, its actual rate of housing delivery is below the Government's Housing Delivery Test. Given that construction is well advanced and that some of the future phases at least are likely to continue at current rates, any boost to both supply and actual delivery is to be welcomed. This is consistent with advice within the NPPF which says that proposals should make efficient use of land, taking into account the need for development and market conditions.
- 2.3 The principle of building housing on the north and south side of what is now known as Abercrombie Gardens East and West, was established at the initial master planning stage of the Aylesham development, the rationale being that rear gardens facing onto that space gave the area a somewhat untidy and unfinished appearance. This has been accentuated over the years by unauthorised rear vehicular access points, which over time have gradually acquired user rights,

together with isolated pockets of fly tipping. Accordingly, the approved masterplan made provision for lines of new dwellings either side of the gardens, incorporating the existing access arrangements, and providing for a new curved terraced and funnel shaped appearance to the form of Abercrombie Gardens on either side. The approved design code then set out parameters as to how the new development should address those spaces.

- 2.4 The above principles were embodied in the initial outline planning permission granted in 2012, and have been included in successive outline permissions since, including the recently approved outline permission granted by members in June of 2020 (19/00821). The approved Design Statement as part of that application, clearly showed housing on the current site and the Reserved Matters application before members is entirely consistent with that in terms of its land take and boundaries. Accordingly, as members will appreciate, the principle of residential development on this site is firmly established by the outline permission and cannot be challenged at this stage. The matters for consideration for this application are therefore detailed ones which have been reserved, namely: access, appearance, layout, scale and landscaping.
- 2.5 Notwithstanding the above, officers fully acknowledge that the loss of open space is a sensitive one locally and concern about that particular issue was highlighted in most of the representations received. However, the areas concerned are either side of the main central area of open space, the latter of which will remain and is a substantial area in size at 4.58 hectares (11.3 acres). A detailed layout for the central area has also been recently approved which incorporates landscaping, a central pathway and seating areas, making it much more attractive to use than it presently is. A substantial amount of informal open space will therefore continue to be made available for walking, dog walking and other informal activities, and to a much higher standard than before.
- 2.6 Additionally, when compared to current Council standards, the amount of informal open space throughout the Aylesham area will still be substantial. In that respect, Policy DM27 of the 2015 Housing Allocations Plan requires 2.2 hectares per 1000 population of accessible green space. On that basis and allowing for the whole of the Aylesham development to be completed, including the areas either side of Abercrombie Gardens, there would be a surplus of 2.96 hectares when judged against the standard. It should also be borne in mind that apart from informal open space, the wider Aylesham development will deliver a woodland area, new allotments, three play parks and enhancement of formal sports facilities at the Welfare Sports Ground. Whilst therefore there is an understandable concern about loss of open space, it would not be fair to say that there will be insufficient areas provided for both the existing and new residents of Aylesham as far as both formal and informal open space is concerned.
- 2.7 The NPPF acknowledges that access to high quality open space is important for the health and well-being of communities. It recommends therefore that policies should be based on robust assessments of need for open space. That assessment forms the evidence upon which Policy DM27 above is based. Although the NPPF goes on to say that existing open space should not be built on, one of the exceptions is where such space is surplus to requirements. In the context of compliance with open space policy, that is the situation here, notwithstanding the longstanding commitment towards development on the current site. In officers view therefore there is no conflict with NPPF guidance.
- 2.8 For a combination of the above reasons, officers are strongly of the view that the principle of residential development on the site is not at issue and the Reserved Matter submission is compliant with Development Plan policy and the NPPF.

### Conformity with the SPG and Aylesham Design Code

- 2.9 The proposed mix of size and type of housing units, will provide a variety of housing choices and is generally consistent with Policy CP4 and the SPG. Density is consistent with that approved at the outline stage which allowed for a slightly higher density on this site in order to be consistent with the surrounding area. Storey heights are also consistent with those approved at the outline stage.
- 2.10 In layout terms, the development adopts the approved approach elsewhere in the Aylesham development, of a series of frontage blocks which directly address the road frontages, and in this case the open space area. Street scene interest is provided by a mix of architectural styles and forms, pedestrian entrances to provide active frontages, including return frontages. Parking areas will generally be away from the road frontage, but where this is unavoidable, they will be enclosed by hedges or screen walls in order that they do not dominate the streetscene. The architectural detailing is similar to the Aylesham vernacular and as adopted elsewhere and set out in the design code. Accordingly, a generally traditional built form is proposed with local features such as vertically proportioned windows, eaves detail, brick courses to cills and window heads and brick walls to road frontages. The previously agreed palette of materials will also be adopted including a mix of grey and red roofing tiles with profiles matching surrounding areas, and predominantly red and yellow stock bricks to elevations interspersed with some rendered elements.
- 2.11 The main frontage road will connect to Burgess Road at the western end of the site and the new rear access road. In that respect all those properties currently having either an established vehicular or pedestrian access, will continue to benefit from that. The access roads will not be adopted but will be managed and policed by a maintenance company who will also maintain communal parking areas and areas of open space. The layout is considered acceptable in that respect. Full landscaping details have been provided with a mixture of new tree planting and hedge/ shrub planting being provided which is consistent with standards and choice of species approved elsewhere on the Aylesham development. Full details of refuse provision have been shown for both houses and flats, all of which are to Council's standards and are conveniently located to required carry distances for refuse collection.
- 2.12 In overall terms, officers consider that the proposed details are consistent with the standards approved elsewhere on the Aylesham development, will integrate satisfactorily within the street scene and are compliant with the SPG and Design Code.

### Highway Matters

- 2.13 Although a number of concerns have been raised about increased traffic generation, a transport assessment accompanied the original application which considered the likely impact of overall traffic levels generated by what was then proposed to be an additional 1210 dwellings throughout the development as a whole. Subject to certain improvements at junctions, the local highway network was considered to be able to absorb the additional traffic. That assessment was recently updated in connection with the recent outline permission 19/00821 where overall numbers of dwellings was increased by 150 to 1360. The assessment

showed that actual levels were likely to be slightly less than originally predicted. Both Highways England and KCC as Highway Authority accepted those conclusions which were also agreed by members in approving the latest outline permission under 19/00821. Those assessments included the current phase.

- 2.14 Notwithstanding the above, a condition on the outline permission requires the submission of an updated traffic survey at nearby villages in order to assess impacts of traffic generation off site. That survey was due to take place in 2020 but was delayed by the pandemic because traffic levels would not have been representative. Accordingly, condition 10 on 19/00821 agreed by members in August 2020, allowed for a revised timing to be agreed whereby the survey and any mitigation required would be carried out prior to any further occupation of residential units. An updated survey of surrounding villages was carried out in September 2021 and the report is currently awaited. However, the outcome will be known well before completion of this phase, and therefore in advance of any further traffic generation. Officers consider that is a reasonable approach given the circumstances.
- 2.15 Turning to detailed matters, a total of 64 spaces are provided for the 40 units which is compliant with KCC parking standards for the mix of housing units proposed. Additionally, 12 visitor spaces will be provided throughout the scheme and marked as such to ensure they are used for that purpose. The spaces are all considered to be well related to the properties they serve. The cycle route from the station will be connected via a link at the eastern end of the site. Similarly, pedestrian connectivity to the adjoining parts of Aylesham will be provided with links to the existing jittys and connections to the adjoining footpath system.

#### Affordable Housing

- 2.16 The original approved SPG required that the development provide 20% of the total number of dwellings as affordable dwellings. Policy DM5 of the Core Strategy would now increase that figure to 30%, but the development to date has been built in accordance with a 20% provision target since that forms the basis of the approved outline permission and supporting documents. The principle has also been that the design of the buildings would not differ from that of the market housing with the same house types and materials being used. As such, the affordable housing areas would be indistinguishable from the market housing.
- 2.17 As part of the recently approved outline permission under 19/00821, the overall % of affordable housing was increased to 22% throughout the scheme, resulting in a total of 300 affordable homes being provided. The approved strategy indicated where affordable housing would be located on the remaining phases with the proportion of housing for parcels 4,5 & 6 being located on parcels 5 & 6 only. Those units are shown on application no 20/00879. Accordingly, as set out above, there is no specific provision for affordable housing on this particular parcel, but compliance with the overall provision will still be consistent with that approved under 19/00821.

#### Residential amenity

- 2.18 All the new properties will be provided with adequate private gardens, whilst access to the central open space is directly opposite. In terms of building relationships, spacing between the new properties and existing properties in Burgess Road to the rear are satisfactory with no immediate overlooking despite concerns raised in the representations.

## Ecology

- 2.19 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment.
- 2.20 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.
- 2.21 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.22 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.23 The above results were presented to NE in the summer of this year. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.24 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The current position is that a further report is anticipated shortly which will then be discussed in further



detail with NE. The strong expectation is that NE will then be finally in a position to withdraw its standing objection.

- 2.25 The current application, along with many other housing proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the positive indications from the recent meeting with NE, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved.
- 2.26 The only other 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 For proposed housing developments in excess of 14 dwellings (such as this application in relation to the proposed increase in 150 dwellings) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.31 Having had regard to the proposed mitigation measures, it is considered that the proposal, in respect of the impact on birdlife (but excluding the nutrient issue referred to above) 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

- 2.32 With regard to drainage issues, a detailed flood risk assessment was approved as part of the outline permission which noted that the area is in Flood Zone 1 and has a low annual probability of flooding from fluvial sources. Since the houses will be

set slightly above ambient ground levels, no flood mitigation measures are proposed. Previous surface water discharges have been from shallow soakaways and deep bore soakaways, and this is proposed for this phase, together with a continuation of existing SUDs methods, including storage of storm water. The arrangements are satisfactory in principle and Members will note that the KCC as lead flood authority, raises no objections subject to further investigations which will be determined as part of the discharge of conditions. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.

- 2.33 A gas main was revealed to be running along the northern boundary of the site, but following detailed discussions with Southern Gas, an easement has been agreed and there will be no encroachment of that by either residential buildings or their gardens. The private access road will run over the top of the main which would allow for easy maintenance should that ever be required.
- 2.34 Although concerns have been expressed in representations regarding increased strain on infrastructure generally, it needs to be borne in mind that this has already been assessed in principle as part of the approval of the outline permission. In that context, the permission and the accompanying Section 106 Agreement provides for significant contributions towards such infrastructure as public transport, improvements to primary schools, open space, new play parks, additional new formal sports provision, allotments, woodland areas, health facilities and social care. Some of that has already been delivered, with further infrastructure to follow to accompany each phase of development. The current detailed phase should therefore be seen in that context.
- 2.35 Following members desire to see provision made for vehicle electric charging points, the developers have now agreed to accept a condition for further details to be submitted prior to any occupation of the relevant dwellings.

### **Approval of conditions**

- 2.36 As part of the submission, a number of conditions imposed as part of the outline permission have been submitted for approval at this stage. These are as follows:

**Condition 2 – Detailed Layout** – Acceptable and considered as part of the overall submission.

**Condition 6 – Schedule of accommodation** - Acceptable and considered as part of the overall submission.

**Condition 7 – Affordable housing** - none proposed on this phase as set out above.

**Condition 10 – Timing of traffic survey (part discharge).** As indicated in the report, this relates to potential impact upon adjoining villages rather than within Aylesham itself. The proposed revised timing of the survey in September 2021 was considered to be reasonable given the delays caused by the pandemic. The results of the survey, together with any potential future mitigation required, will still be available before any significant numbers of new dwellings, and therefore additional traffic generation, are first occupied.

**Condition 21 – Landscaping** - Acceptable and considered as part of the overall submission.

**Conditions 24 & 25 – Tree retention** – Acceptable – no existing trees on this parcel.

### Overall Conclusions

- 2.37 The submitted application complies with the outline planning permission, whilst the detail of the scheme responds to the requirements contained with the Aylesham Masterplan SPG and the subsequently approved Design Code. Furthermore, it is considered that the development would provide an acceptable quality built environment and standard of residential amenity, both to existing and future residents.
- 2.38 Whilst local concerns regarding the loss of open space are fully acknowledged, such a loss was agreed as part of the original masterplan and has been approved for successive outline permissions since, including the recently approved 19/00821. The principle therefore is firmly established. Notwithstanding that, the provision of informal open space throughout the Aylesham development area will still be in excess of current Council standards and the remaining undeveloped part of Abercrombie Gardens East, which in itself will continue to be a substantial size, and will be laid out to be more visually attractive whilst still affording space for dog walking and informal play.
- 2.39 In summary, officers consider that the proposed detailed submission does not give rise to any planning objections or a departure from the previously agreed approach towards new development at Aylesham in terms of principles and quality of development. In that respect there is no conflict with Development Plan policy or national planning guidance and permission is recommend accordingly.
- 2.40 The above assumes that the nutrient issue at Stodmarsh lakes is satisfactorily resolved and that Natural England withdraws its standing objection. Whilst officers are confident that will be the case as referred to above, the application would be reported back to members for reconsideration should any outstanding issues or ongoing objection from Natural England remain.

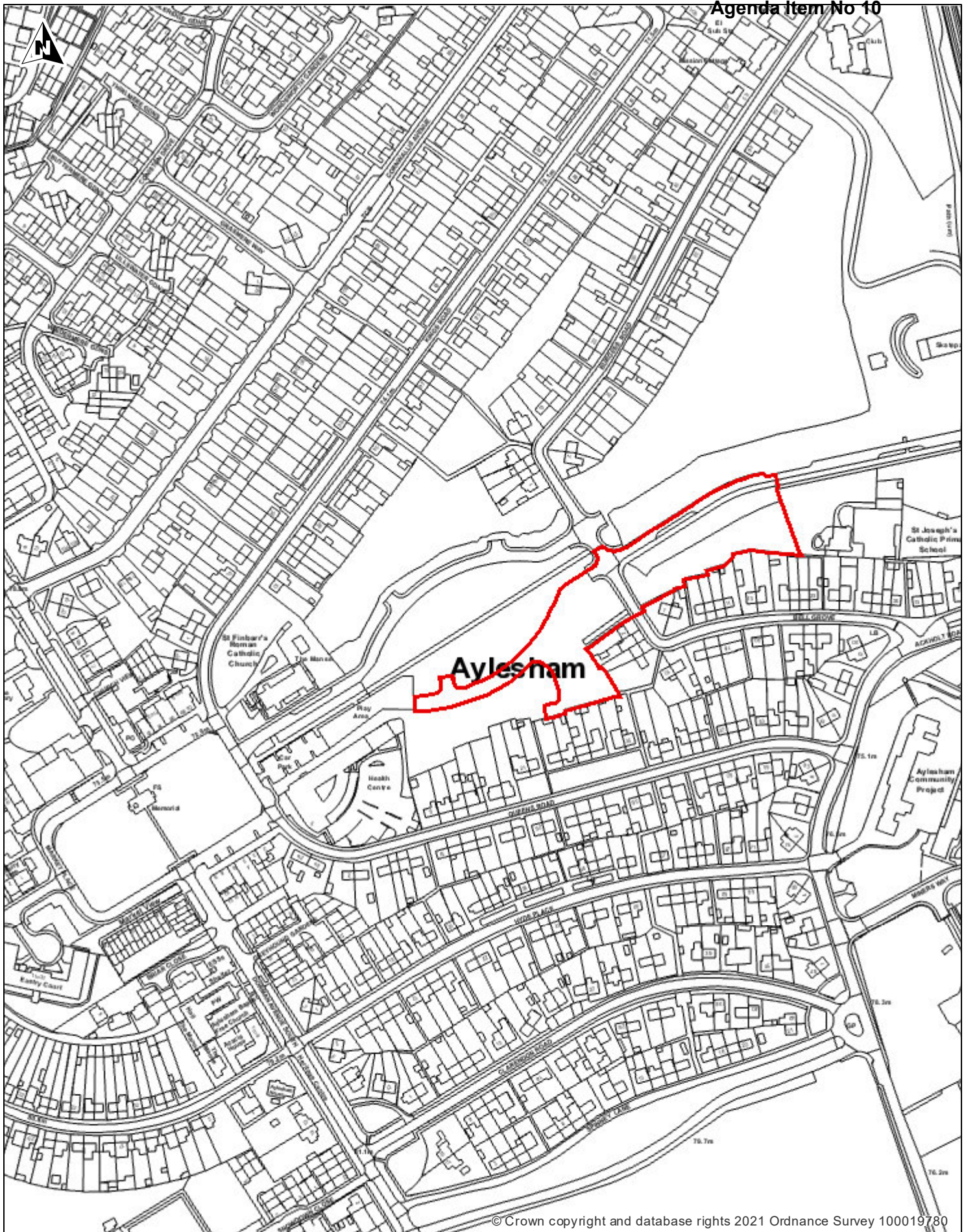
### g) Recommendation

- I Reserved Matters and discharge of conditions be GRANTED SUBJECT TO:
- (i) The local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved.
- (ii) additional conditions to include: -
- (1) Approved plans; (2) details of vehicle electric charging points.
- II Powers to be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters covered in recommendation I (i) above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by Planning Committee.

### Case Officer

Kim Bennett





20/00879

Phase 2B Parcels 5 & 6

Land For Aylesham Village Expansion North Of Dorman Avenue North  
Aylesham

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/20/00879 – Approval of reserved matters relating to layout, scale, appearance, access and landscaping for 32 residential dwellings on phase 2B parcels 5 and 6, including residential access road 2B.7, together with details for conditions 2,6,7(part discharge),10 (part discharge),16,21,23 and 25 pursuant to outline planning permission 19/00821**

**Address: Phase 2B Parcels 5 & 6, Aylesham Village Expansion, Aylesham**

**Reason for report:** Number of public representations

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP4 - Developments of 10 or more dwellings should provide an appropriate mix of housing mix and design. Density will be determined through the design process but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM5 - Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM12 - Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.
- DM13 - Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM25 - Proposals that result in the loss of open space will not be permitted unless certain criteria are met.

**Land Allocations Local Plan**

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



### Dover District Local Plan 2002 (Saved Policies)

- AY1 – Land is allocated for up to 1000 dwellings, petrol filling station, formal playing fields and associated children's play, employment land, a primary school and food retail.
- AY2 – An outline proposal for the strategic expansion of Aylesham should cover the whole development area and be accompanied by and based on a master plan.
- AY3 – Proposals for residential development in the development area will be permitted provided: the overall net density shall be at a minimum of 30 dwellings per hectare; at least 15 percent of all dwellings are for affordable housing; provision is made for children's play; and the development has variety in design, is energy efficient and avoids standard estate layouts.
- AY7 – Sets out requirements for structural landscaping and long term management of all open space.
- AY8 – Land is allocated to meet additional primary school provision.
- AY10 – Proposals will not be permitted unless they include provision for a spinal footpath and cycle network, extending where practicable into the existing settlement.

### Aylesham SPG 2005

- A supplementary planning guidance document aims to guide and inform the physical aspects of the development to bring about high quality cohesive place that will be perceived as a carefully considered whole rather than an isolated village expansion.
- The SPG defines a masterplan and the preliminary design code for a number of opportunity sites in the village. The document does depart from some of the policies set out in the Dover District Local Plan (2002 saved policies), but these changes are given reasoned justification. The proposals contained within this application are considered to be in line with the masterplan strategies.

### Aylesham Design Code

- The Design Code is a guide for developers, setting out best practice, and codes for the delivery of the vision for Aylesham. It builds on the Aylesham masterplan document adopted in 2004 and published in 2005 which set out to: 'regenerate and expand the village to provide a seamless integration of new and existing uses, creating a strong and vibrant community centred on walkable, interconnected and sustainable neighbourhoods.'
- In pursuit of the above, the Design Code provides an illustrative masterplan from which developers could plan individual parcels of land. Detailed advice was provided for in each development area including such issues as: analysis of character areas; building typologies; street types; detailed design approach; landscaping and open space and environmental standards.
- Current phases of the development to date have largely followed the approved design code, subject to minor variations to allow for specific site conditions.

### National Planning Policy Framework (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting permission 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.
- Paragraph 60 states that the Government’s objective is to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 99 states that existing open space should not be built upon unless: an assessment has clearly shown the open space to be surplus to requirements; loss would be replaced by equivalent or better provision in terms of quantity and quality; development is for alternative sports and recreation provision which outweighs loss.
- Paragraph 111 – states that development should only be refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- Paragraph 126 states that the creation of well designed buildings and places is fundamental to what the planning and development process should achieve.
- Paragraph 130 sets out the principles to achieve high quality design, including: developments that will function well and add to the overall quality of the area; visually attractive; sympathetic to local character and history; establish a strong sense of place; optimise the potential of the site; and create places that are safe, inclusive and accessible.

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

The site has an extensive planning history relating to the various phases of the Aylesham Village Expansion, including numerous amendments to previous consents. The following applications are those which are considered to be materially relevant to the current application:

DOV/07/01081 granted in 2012 – A) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off-site highway works: and

B) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works, including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village.

Since the original grant of permission, a number of applications to vary the conditions were submitted including 14/01206, 14/00338, 14/00759, 13/00120 and 15/00068. Each time conditions are amended, a new outline permission is created but in the meantime, the original permission has been part implemented through the approval of Reserved Matters for the various early phases. This is important in that the original permission remains extant and therefore is capable of being fully implemented should the developer so desire (subject to approval of reserved matters) notwithstanding whether there have been any changes in government or local development plan policy in the meantime.

A further application to vary the conditions of the previous outline permission was submitted under reference no 19/00821. This related to an overall increase in numbers of dwellings across the site from 1210 to 1360, together with variations to certain areas and a review of the planning conditions in the light of substantial areas of the scheme having been completed. The application was considered at the Council's Planning Committee in June 2020 and was approved subject to the completion of a Section 106 Agreement. That Agreement was subsequently completed in August and the planning permission formally issued on 14 August 2020.

e) **Consultee and Third Party Responses**

Public Representations – 124 responses have been received objecting to the application, for reasons which may be summarised as follows:

- Loss of open space which is much used by local residents
- National Policy is geared to protection of open space
- Need analysis of open space requirements
- Open space important for mental well-being and community feel, particularly at present
- Too much building in Aylesham – loss of village feel
- Strain on local services, particularly health services and local schools
- Increased pressure on emergency services
- Unsafe for children to walk to local schools
- Will overload infrastructure – flooding issues
- Too dense and out of character
- Should all be two storeys
- Loss of views and overlooking. Loss of privacy
- Loss of rear access and no opportunity for new parking at rear
- Increased traffic in area – congestion and impact on primary school
- Insufficient parking – parking problems in area at present
- Loss of landing space for air ambulance
- Lack of public transport in village
- Will increase crime in area
- Lack of secondary school for the new development
- Loss of wildlife in area



Aylesham Parish Council – objects to the proposal on the grounds of: loss of views and visual impact; overbearing and out of scale compared to existing development; overlooking of adjoining school; increase in traffic close to a primary school; lack of infrastructure within the village; not in keeping with the original Abercrombie design in that Burgess Road and Bell Grove would no longer represent the shape of pit head gear; roads not wide enough; loss of green space which is contrary to NPPF advice; concerns over dated sewerage pipes.

A District Councillor objects on the grounds of loss of open space which would be contrary to the NPPF, and requested the application be referred to Committee.

I letter was received in support of the application.

### **Technical Representations**

Kent Police Crime Prevention Officer – Notes that the layout has been adopted with regard to crime prevention through environmental design but there are not enough details submitted to demonstrate that.

Southern Water – Is concerned about proposed tree planting in the vicinity of public drains.

Kent County Council Lead Flood Authority – No objections to proposals for surface water discharge which it is noted will be similar to other phases.

Environmental Health – No objections.

Environment Agency – No comments.

KCC Archaeology – geophysical survey insufficient to address requirements of the archaeological condition and further evaluation required through trial trenching.

KCC Highways – A number of technical comments were made on the initial submission relating to such matters as cycleway connections, visibility splays, speed restraints, vehicle tracking and parking provision. Following receipt of revised plans KCC is satisfied with levels and siting of parking provision and raises no objections.

- f)
1. **The Site and the Proposal**
    - 1.1 The application site comprises part of the Aylesham Village expansion area which includes the existing village of Aylesham itself, together with the new development areas which mainly lie on adjoining land to the north of the original village. However, this particular phase comprises an irregular linear shaped area of land located to the north of Bell Grove and to the south of Abercrombie Garden East. It presently comprises informal open space as part of a larger area of such space which extends north and south of Abercrombie Garden East, west to the Market Place and east to the railway station.
    - 1.2 The proposal is a Reserved Matters submission, pursuant to the outline permission which granted the principle of residential development on this area of land. The details essentially comprise matters relating to the design, layout, access roads, parking and landscaping.
    - 1.3 The proposal comprises a total of 32 residential units including 11 x 3 bed units, 15 x 2 bed units and 6 x 1 bed units. A new electricity substation is also proposed at the western end of the site. The scale of development is primarily 2 storeys but

with a 3 storey apartment block at the eastern end of the site. 10 affordable housing units are proposed in accordance with the provisions of the outline permission granted under 19/00821. The layout comprises frontage blocks to the existing road leading to the railway station and either side of Bell Grove, arranged in a mixture of semi-detached and terraced forms. A new section of road extending west towards Market Place also forms part of the proposal which will serve a future phase. At the rear, provision is made through parking courts and private access ways to serve existing vehicular and pedestrian access points to the rear of some properties in Bell Grove which over the years have acquired user rights across the open space area. A total of 45 parking spaces will be provided for the 32 units, comprising a mixture of on site and communal parking areas. This also provides for visitor parking. Cycle storage in a separate building is shown for the apartment block.

## 2 **Main Issues**

### 2.1 The main issues are:

- The principle of the development and loss of open space
- Conformity with the SPG and Aylesham Design Code
- Highway matters
- Affordable Housing
- Residential amenity
- Ecology
- Other Matters
- Discharge of conditions

### Assessment

#### Principle and loss of open space

- 2.2 In terms of housing supply, whilst the Council is currently able to demonstrate a five-year supply with regard to allocations and permissions, its actual rate of housing delivery is below the Government's Housing Delivery Test. Given that construction is well advanced and that some of the future phases at least are likely to continue at current rates, any boost to both supply and actual delivery is to be welcomed. This is consistent with advice within the NPPF which says that proposals should make efficient use of land, taking into account the need for development and market conditions.
- 2.3 The principle of building housing on the north and south side of what is now known as Abercrombie Gardens East and West, was established at the initial master planning stage of the Aylesham development, the rationale being that rear gardens facing onto that space gave the area a somewhat untidy and unfinished appearance. This has been accentuated over the years by unauthorised rear vehicular access points, which over time have gradually acquired user rights, together with isolated pockets of fly tipping. Accordingly, the approved masterplan made provision for lines of new dwellings either side of the gardens, incorporating the existing access arrangements, and providing for a new curved terraced and funnel shaped appearance to the form of Abercrombie Gardens on either side. The approved design code then set out parameters as to how the new development should address those spaces.
- 2.4 The above principles were embodied in the initial outline planning permission granted in 2012, and have been included in successive outline permissions since, including the recently approved outline permission granted by members in June of

2020 (19/00821). The approved Design Statement as part of that application, clearly showed housing on the current site and the Reserved Matters application before members is entirely consistent with that in terms of its land take and boundaries. Accordingly, as members will appreciate, the principle of residential development on this site is firmly established by the outline permission and cannot be challenged at this stage. The matters for consideration for this application are therefore detailed ones which have been reserved, namely: access, appearance, layout, scale and landscaping.

- 2.5 Notwithstanding the above, officers fully acknowledge that the loss of open space is a sensitive one locally and concern about that particular issue was highlighted in most of the representations received. However, the areas concerned are either side of the main central area of open space, the latter of which will remain and is a substantial area in size at 4.58 hectares (11.3 acres). A detailed layout for the central area has also been recently approved which incorporates landscaping, a central pathway, and seating areas, making it much more attractive to use than it presently is. A substantial amount of informal open space will therefore continue to be made available for walking, dog walking and other informal activities, and to a much higher standard than before.
- 2.6 Additionally, when compared to current Council standards, the amount of informal open space throughout the Aylesham area will still be substantial. In that respect, Policy DM27 of the 2015 Housing Allocations Plan requires 2.2 hectares per 1000 population of accessible green space. On that basis and allowing for the whole of the Aylesham development to be completed, including the areas either side of Abercrombie Gardens, there would be a surplus of 2.96 hectares when judged against the standard. It should also be borne in mind that apart from informal open space, the development will deliver a woodland area, new allotments, three play parks and enhancement of formal sports facilities at the Welfare Sports Ground. Whilst therefore there is an understandable concern about loss of open space, it would not be fair to say that there will be insufficient areas provided for both the existing and new residents of Aylesham as far as both formal and informal open space is concerned.
- 2.7 The NPPF acknowledges that access to high quality open space is important for the health and well-being of communities. It recommends therefore that policies should be based on robust assessments of need for open space. That assessment forms the evidence upon which Policy DM27 above is based. Although the NPPF goes on to say that existing open space should not be built on, one of the exceptions is where such space is surplus to requirements. In the context of compliance with open space policy, that is the situation here, notwithstanding the longstanding commitment towards development on the current site. In officers view therefore there is no conflict with NPPF guidance.
- 2.8 For a combination of the above reasons, officers are strongly of the view that the principle of residential development on the site is not at issue and the Reserved Matter submission is compliant with Development Plan policy and the NPPF.

#### Conformity with the SPG and Aylesham Design Code

- 2.9 The proposed mix of size and type of housing units, including the affordable units, will provide a variety of housing choices and is generally consistent with Policy CP4 and the SPG. Density is consistent with that approved at the outline stage which allowed for a slightly higher density on this site in order to be consistent with the surrounding area. Storey heights are also consistent with those approved at the outline stage, with the development being primarily two storey apart for the proposed 3 storey block at the eastern end of the site. The latter was identified in

outline permission 19/00821 as being a suitable location in order to provide a strong visual key and to form a 'book end' to the development.

- 2.10 In layout terms, the development adopts the approved approach elsewhere in the Aylesham development, of a series of perimeter blocks which directly address the road frontages, and in this case the open space area. Street scene interest is provided by a mix of architectural styles and forms, pedestrian entrances to provide active frontages, including return frontages, and with parking areas generally located to the rear of properties. The architectural detailing is similar to the Aylesham vernacular and as adopted elsewhere and set out in the design code. Accordingly, a generally traditional built form is proposed with local features such as vertically proportioned windows, eaves detail, brick courses to cills and window heads and brick walls to road frontages. The previously agreed palette of materials will also be adopted including a mix of grey and red roofing tiles with profiles matching surrounding areas, and predominantly red and yellow stock bricks to elevations interspersed with some rendered elements.
- 2.11 The main frontage road will connect with the existing road leading to the station to the south east, and for a future phase to the north west. Leading off these will be private drives giving access to communal parking areas at the rear as well as the established rear accesses from existing housing which have become established over time as referred to earlier. The layout is considered acceptable in that respect. Full landscaping details have been provided with a mixture of new tree planting and shrub planting being provided which is consistent with standards and choice of species approved elsewhere on the Aylesham development. Full details of refuse provision have been shown for both houses and flats, all of which are to Council's standards and are conveniently located to required carry distances for refuse collection.
- 2.12 In overall terms, officers consider that the proposed details are consistent with the standards approved elsewhere on the Aylesham development, will integrate satisfactorily within the street scene and are compliant with the SPG and Design Code.

#### Highway Matters

- 2.13 Although a number of concerns have been raised about increased traffic generation, a transport assessment accompanied the original application which considered the likely impact of overall traffic levels generated by what was then proposed to be an additional 1210 dwellings throughout the development as a whole. Subject to certain improvements at junctions, the local highway network was considered to be able to absorb the additional traffic. That assessment was recently updated in connection with the recent outline permission where overall numbers of dwellings was increased by 150 to 1360. The assessment showed that actual levels were likely to be slightly less than originally predicted. Both Highways England and KCC as Highway Authority accepted those conclusions which were also agreed by members in approving the latest outline permission under 19/00821. Those assessments included the current phase.
- 2.14 Notwithstanding the above, a condition on the outline permission requires the submission of an updated traffic survey at nearby villages in order to assess impacts of traffic generation off site. That survey was due to take place in 2020 but was delayed by the pandemic because traffic levels would not have been representative. Accordingly, condition 10 on 19/00821 agreed by members earlier in June 2020, allowed for a revised timing to be agreed whereby the survey and any mitigation required would be carried out prior to any further occupation of residential units. An updated survey of surrounding villages was carried out in

September 2021 and the report is currently awaited. However, the outcome will be known well before completion of this phase, and therefore in advance of any further traffic generation. Officers consider that is a reasonable approach given the circumstances.

- 2.15 Turning to detailed matters, a total of 45 spaces are provided for the 32 units which is compliant with KCC parking standards for the mix of housing units proposed. This includes 9 visitor spaces spread throughout the scheme and marked as such to ensure they are used for that purpose. The spaces are all considered to be well related to the properties they serve, albeit that they are located to the rear of units in the eastern part of the site in parking courts to the rear. However, in order to ensure they are used as proposed, the section of road to the frontage of that part of the site will have double yellow lines. The cycle route from the station will be connected along the front of the site before turning through 90 degrees to connect with the path running down the central area of open space. Similarly, pedestrian connectivity to the adjoining parts of Aylesham will be provided with links to the existing jittys and connections to the adjoining footpath system.

#### Affordable housing

- 2.16 The original approved SPG required that the development provide 20% of the total number of dwellings as affordable dwellings. Policy DM5 of the Core Strategy would now increase that figure to 30%, but the development to date has been built in accordance with a 20% provision target since that forms the basis of the approved outline permission and supporting documents. The principle has also been that the design of the buildings would not differ from that of the market housing with the same house types and materials being used. As such, the affordable housing areas would be indistinguishable from the market housing.
- 2.17 As part of the recently approved outline permission under 19/00821, the overall % of affordable housing was increased to 22% throughout the scheme, resulting in a total of 300 affordable homes being provided. The approved strategy indicated where affordable housing would be located on the remaining phases with the current phase accommodating 10 units. The detailed submission complies with that with 6 x 1 bed flats, 2 x 2bed flats and 2 x 3 bed houses being provided at the eastern end of the site in the 3 storey building. As indicated above, the design of that building reflects the style and materials of the adjoining development to ensure that it will be satisfactorily integrated within the scheme. The details of actual tenure type and management arrangements are yet to be agreed and will be the subject of further discussions between the developers, Registered Providers and the Councils Housing officer. Those details will be agreed separately as part of a condition on the outline permission.

#### Residential amenity

- 2.18 All the new properties will be provided with adequate private gardens apart from the apartments. However, the central open space is directly opposite. In terms of building relationships, spacing between the new properties and existing properties in Burgess Road to the rear are satisfactory with no direct overlooking despite concerns raised in the representations. This includes the 3 storey apartment block where the back to back distance from existing properties will be approximately 45 metres. Although in two instances new buildings will be close to existing properties, these will be flank wall to flank wall and no different from such relationships in existing development.
- 2.19 Some concern has been expressed regarding overlooking of the adjoining primary school from the proposed flats. The substantial hedge between the two will be

retained but there would be some scope for overlooking of the western part of school playing field as opposed to the school buildings themselves, which are over 40 metres away. However, that is not an unusual situation where residential properties adjoin schools and indeed a similar relationship already exists between Aylesham Primary School and earlier phases of the development.

- 2.20 On a matter of detail, the layout has now been revised to provide a side pedestrian access for the existing occupiers of No 2 Bell Grove in response to a specific point made in their representation.

### Ecology

- 2.21 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment.
- 2.22 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.
- 2.23 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.24 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.25 The above results were presented to NE in the summer of this year. Notwithstanding the extremely low probability of any connection with Stodmarsh

lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.

- 2.26 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework at their modelling taking that factor into account. The current position is that a further report is anticipated shortly which will then be discussed in further detail with NE. The strong expectation is that NE will then be finally in a position to withdraw its standing objection.
- 2.27 The current application, alongwith many other housing proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the positive indications from the recent meeting with NE, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved.
- 2.28 The only other 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.
- 2.29 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.
- 2.30 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.
- 2.31 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.
- 2.32 For proposed housing developments in excess of 14 dwellings (such as this application in relation to the proposed increase in 150 dwellings) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant secured a payment to fund this mitigation at the outline application stage.
- 2.33 Having had regard to the proposed mitigation measures, it is considered that the proposal, in respect of the impact on birdlife (but excluding the nutrient issue referred to above) 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

- 2.34 With regard to drainage issues, a detailed flood risk assessment was approved as part of the outline permission which noted that the area is in Flood Zone 1 and has a low annual probability of flooding from fluvial sources. Since the houses will be set slightly above ambient ground levels, no flood mitigation measures are proposed. Previous surface water discharges have been from shallow soakaways and deep bore soakaways, and this is proposed for this phase, together with a continuation of existing SUDs methods, including storage of storm water. Foul drainage will be routed into the foul sewerage network by gravity but will require relocation of an existing section of foul sewer which runs across the site. The arrangements are satisfactory in principle and Members will note that the statutory authorities and KCC as lead flood authority, raise no objections. Overall, the development will follow principles already established with preceding phases and no additional issues are anticipated.
- 2.35 Although concerns have been expressed in representations regarding increased strain on infrastructure generally, it needs to be borne in mind that this has already been assessed in principle as part of the approval of the outline permission. In that context, the permission and the accompanying Section 106 Agreement provides for significant contributions towards such infrastructure as public transport, improvements to primary schools, open space, new play parks, additional new formal sports provision, allotments, woodland areas, health facilities and social care. Some of that has already been delivered, with further infrastructure to follow to accompany each phase of development. The current detailed phase should therefore be seen in that context.
- 2.36 Following members desire to see provision made for vehicle electric charging points, the developers have now agreed to accept a condition for further details to be submitted prior to any occupation of the relevant dwellings.

### Approval of conditions

- 2.37 As part of the submission, a number of conditions imposed as part of the outline permission have been submitted for approval at this stage. These are as follows:

**Condition 2 – Detailed Layout** – Acceptable and considered as part of the overall submission.

**Condition 6 – Schedule of accommodation** - Acceptable and considered as part of the overall submission.

**Condition 7 – Affordable housing (partial discharge)** – Numbers and dwelling size in compliance with outline permission and are acceptable. Details of tenure type to be agreed at a later stage to discharge remaining requirement of condition.

**Condition 10 – Timing of traffic survey (part discharge)**. As indicated in the report, this relates to potential impact upon adjoining villages rather than within Aylesham itself. The proposed revised timing of the survey in September 2021 was considered to be reasonable given the delays caused by the pandemic. The results of the survey, together with any potential future mitigation required, will still be available before any significant numbers of new dwellings, and therefore additional traffic generation, are first occupied.



**Condition 16 – Electricity substation** – Acceptable and considered as part of the overall submission.

**Condition 21 – Landscaping** - Acceptable and considered as part of the overall submission.

**Conditions 23 & 25 – Retention of hedgerows and tree constraints** - Acceptable and considered as part of the overall submission.

### Overall Conclusions

- 2.38 The submitted application complies with the outline planning permission, whilst the detail of the scheme responds to the requirements contained with the Aylesham Masterplan SPG and the subsequently approved Design Code. Furthermore, it is considered that the development would provide an acceptable quality built environment and standard of residential amenity, both to existing and future residents.
- 2.39 Whilst local concerns regarding the loss of open space are fully acknowledged, such a loss was agreed as part of the original masterplan and has been approved for successive outline permissions since, including the recently approved 19/00821. The principle therefore is firmly established. Notwithstanding that, the provision of informal open space throughout the Aylesham development area will still be in excess of current Council standards and the remaining undeveloped part of Abercrombie Gardens East, which in itself will continue to be a substantial size, and will be laid out to be more visually attractive whilst still affording space for dog walking and informal play.
- 2.40 In summary, officers consider that the proposed detailed submission does not give rise to any planning objections or a departure from the previously agreed approach towards new development at Aylesham in terms of principles and quality of development. In that respect there is no conflict with Development Plan policy or national planning guidance and permission is recommended accordingly.
- 2.41 The above assumes that the nutrient issue at Stodmarsh lakes is satisfactorily resolved and that Natural England withdraws its standing objection. Whilst officers are confident that will be the case as referred to above, the application would be reported back to members for reconsideration should any outstanding issues or ongoing objection from Natural England remain.

g)

### Recommendation

- I Reserved Matters and discharge of conditions be GRANTED SUBJECT TO:
- (i) The local planning authority, as the ‘competent authority’ for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved.
- (ii) additional conditions to include: -
- (1) Approved plans; (2) Removal of permitted development rights for units 18 and 19 to ensure car ports are retained; (3) details of vehicle electric charging points.

- II Powers to be delegated to the Head of Planning, Regeneration and Development to resolve details of any necessary planning conditions and matters covered in recommendation I (i) above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer Kim Bennett

---

<b>Subject:</b>	<b>FEES AND CHARGES 2022/23</b>
<b>Meeting and Date:</b>	<b>Planning Committee (for information) – 9 December 2021 Cabinet – 17 January 2022 (part of larger report)</b>
<b>Report of:</b>	<b>Lois Jarrett, Head of Planning, Regeneration and Development</b>
<b>Portfolio Holder:</b>	<b>Councillor N Kenton, Portfolio Holder for Planning and Environment</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

---

**Purpose of the report:** This report has been prepared in order to bring the levels of fees and charges (F&Cs) for the financial year 2022/23 to Members attention. These revised F&Cs will be included in the budget estimates for 2022/23.

---

**Recommendation:** Planning Committee

That Members note the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

That Members approve the Section 106 Monitoring Fees set out in Appendix 5.4

Cabinet

That Members approve the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Minor adjustments to the local fees and charges to be delegated to the Head of Planning, Regeneration and Development in consultation with the Head of Housing and Finance.

---

## 1. Summary

The constitution specifies that the Council's F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2022/23. The fees and charges for planning are included in Appendices 5.1 and 5.3 for members to note. Members will also note the national fees for planning included in Appendix 5.2.

## 2. Introduction and Background

2.1 The Council's constitution specifies that F&Cs shall be reviewed annually.

2.2 The level of Member approval required is dependent upon the types of F&Cs raised and therefore reports have to be submitted to:

- Licensing Committee
- Regulatory Committee
- Planning Committee
- Cabinet

2.3 In order to meet this requirement the following reports are produced for setting the Planning fees:

- Planning Committee – Report to the meeting on 9 December 2021 of all F&Cs relevant to the Planning Committee.
- Cabinet – Report to the meeting on 17 January 2022 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.

2.4 Members are reminded that a framework of broad guidelines to be considered in formulating proposals for F&Cs is in place. This includes a checklist which has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Appendix 1.

2.5 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Appendix 5.1

#### Detail and Narrative

These give a brief summary of the type of service being provided.

#### Set by Government

This indicates whether a charge is statutory or not. If a charge is statutory then it is effectively set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

#### 2021/22 Charge Inc VAT

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, car parking for example, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, having regard to relevant considerations including market level, where appropriate. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

#### 2022/23 Proposed Charge Inc VAT

This is the recommended charge for 2022/23 and will, subject to Members' approval, be included in the 2022/23 budget.

#### 2022/23 Total Expected Income ex VAT

This gives a broad indication as to how much income DDC is expected to receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. The more significant income streams (generating over £3k) have been highlighted in **bold** type.

In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

### Comments (inc Reason for the Change in Charges)

This provides Members with a brief explanation for the change. This will often be due to inflation or “catch up” inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance is still awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level, Member’s approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

In summary all of the fees and charges are prosed to remain at the same level as the current year. This is because either the sums received are very small (for example copying charges are reducing due to the availability of increased on-line information) or there was a significant increase last year (for example pre-application charges to bring them into line with the rest of the County). The main change therefore is to the forecast for application fees (nationally set) to £900, 000 due to the increase in work.

## **3. Basis for Setting of Fees**

3.1 Members should take into account the following matters referred when noting the fees and charges included in Appendices 5.1-5.3:

- The statutory basis for levying the charges.
- All relevant legal requirements and government guidance.
- The cost of providing the service.
- The need to maximise income at a time of grant cuts and council tax capping so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
- Comparable charges at neighbouring authorities.
- What the market can bear.
- The matters referred to in the checklist of issues to consider (at Appendix 1)

## **4. Climate Change and Environmental Implications**

There are no climate change implications.

## **5. Resource Implications**

See Appendices.

## **6. Corporate Implications**

Comment from the Strategic Director of Corporate Resources (linked to the MTFP): Finance have been involved in the production of this report and have no further comment to make (AT).

- 6.1 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.2 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
7. **Appendices**
- Appendix 1 – Fees and Charges checklist
  - Appendix 5.1 – Schedule of recommended F&Cs
  - Appendix 5.2 - A Guide to National Fees for Planning Applications in England
  - Appendix 5.3 – Pre-application Planning Fees
  - Appendix 5.4 - Section 106 Monitoring Fees

Contact Officer: Lois Jarrett, Head of Planning, Regeneration and Development.

**Fees and Charges Checklist****Corporate and Service Objectives**

Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives?

**Users of the Service**

Is there sufficient understanding of our service users and their needs and wishes?

Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed?

Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation.

Ensure that you consider the potential climate change and environmental issues and where necessary consider and document any issues and mitigation.

**Comparison with other providers**

Is there a complete picture of competition and providers of similar services – including other Local Authorities?

**Consultation**

Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements?

Is wider community consultation appropriate for any of your charges? Has it been undertaken?

**Performance Management**

Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success?

**Financial Considerations**

Is the charge at a level to fully recover all costs or if is subsidised - why?

Have we considered all services for which we can / should charge a fee?

Are there any fees that we charge, that have not been included in the schedule?

Are we being radical in our approach to charging and are our charges cost effective?

**Corporate Income Policy**

Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.

**Legal Considerations and Other Guidance**

Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account?

**Customer Access Review**

Consider whether the CAR for your service includes any issues for specific fees.

				2021/22	2021/22		2021/22	2022/23	2022/23	2022/23		
	Detail	Narrative	Set by Govt? Y/N	Charges inc VAT	Units / Comments	Vatable? Y/N	Total Expected Income ex VAT	Proposed Charges inc VAT	Units / Comments	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income and other information
<b>Planning - R Walton - L Jarrett - Cllr Kenton</b>												
1	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	N	£5.00		Y	£750.00	£5.00		£500.00	0%	
2	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.10	A4	N		£0.10			0%	
3	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.20	A3	N		£0.20			0%	
4	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£5.00	Over A3	N		£5.00			0%	
5	General	Research on Planning Histories, Permitted Development Rights and Use classes	N	£35.00	Per request	Y		£35.00			0%	
6	General	Planning Application Fees (see Appendix 5.2 - A Guide to the Fees for Planning Applications in England)	Y			N	£840,000			£900,000	#DIV/0!	Fee income this year has exceeded target.
7	General	Pre-application advice (see Appendix 5.3)	N			Y	£75,000			£75,000	#DIV/0!	Fees were increased substantially last year.
8	General	Details pursuant to conditions. (see Appendix 5.2 page 9)	Y	?		Y	£20,000	?		£10,000	#VALUE!	
9	General	Advice on compliance of conditions information (see Appendix 5.2)	N	£116.00		Y		£116.00			0%	
10	General	S.106 Monitoring Fee	N	£280 (per trigger) or negotiated for more complex cases		Y	£6,900	£236		£7,000	#VALUE!	Initial fee proposed was £280, however I have changed this to £236 as per my conversations with Katherine Messenger (Aiden Tanton)
11	General	Registration & renewal fee for Self-Build Register	N			Y	N/A				#DIV/0!	



# A Guide to the Fees for Planning Applications in England

**These fees apply from 17 January 2018 onwards.**

This document is based upon [‘The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012’ \(as amended\)](#)

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

Outline Applications		
£462 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£462 per 0.1 hectare
£11,432 + £138 for each 0.1 in excess of 2.5 hectares to a maximum of £150,000	More than 2.5 hectares	£11,432 + £138 per 0.1 hectare

Householder Applications		
Alterations/extensions to a <b>single dwellinghouse</b> , including works within boundary	Single dwellinghouse	£206

Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent)		
Alterations/extensions to <b>two or more dwellinghouses</b> , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£407
<b>New dwellinghouses</b> (up to and including 50)	New dwellinghouses (not more than 50)	£462 per dwellinghouse
<b>New dwellinghouses</b> (for <i>more</i> than 50) £22,859 + £138 per additional dwellinghouse in excess of 50 up to a maximum fee of £300,000	New dwellinghouses (more than 50)	£22,859 + £138 per additional dwellinghouse

Continued on next page...

<b>Full Applications</b> (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
<b>Erection of buildings</b> (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£234
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£462
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£462 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£22,859 + £138 for each additional 75 sq m in excess of 3,750 sq m to a maximum of £300,000
<b>The erection of buildings</b> (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£462
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£462 for first 540 sq m + £462 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£22,859 + £138 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £300,000

Continued on next page...

<b>Full Applications</b> (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
<b>Erection of glasshouses</b> (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m	£2,580
<b>Erection/alterations/replacement of plant and machinery</b>		
Site area	Not more than 5 hectares	£462 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£22,859 + additional £138 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £300,000

<b>Applications other than Building Works</b>		
<b>Car parks, service roads or other accesses</b>	For existing uses	£234
<b>Waste</b> (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + £138 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £78,000
<b>Operations connected with exploratory drilling for oil or natural gas</b>		
Site area	Not more than 7.5 hectares	£508 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£38,070 + additional £151 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £300,000

Continued on next page...

<b>Applications other than Building Works continued...</b>		
<b>Operations (other than exploratory drilling) for the winning and working of oil or natural gas</b>		
Site area	Not more than 15 hectares	£257 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£38,520 + additional £151 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
<b>Other operations (winning and working of minerals) excluding oil and natural gas</b>		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + additional £138 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
<b>Other operations (not coming within any of the above categories)</b>		
Site area	Any site area	£234 for each 0.1 hectare (or part thereof) up to a maximum of £2,028

<b>Lawful Development Certificate</b>	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£234
Proposed use or operation	Half the normal planning fee.

Continued on next page...

<b>Prior Approval</b>	
Agricultural and Forestry buildings & operations or demolition of buildings	£96
Communications (previously referred to as 'Telecommunications Code Systems Operators')	£462
Proposed Change of Use to State Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£206
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£96
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£206
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£96
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£96

Continued on next page...

<b>Prior Approval continued...</b>	
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£96
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£96
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop	£96
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use	£96
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt	£96

<b>Reserved Matters</b>	
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £462 due

Continued on next page...

<b>Approval/Variation/discharge of condition</b>	
Application for removal or variation of a condition following grant of planning permission	£234
Request for confirmation that one or more planning conditions have been complied with	£34 per request for Householder otherwise £116 per request

<b>Change of Use</b> of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellinghouses	Not more than 50 dwellinghouses	£462 for each
Number of dwellinghouses	More than 50 dwellinghouses	£22,859 + £138 for each in excess of 50 up to a maximum of £300,000
<b>Other Changes of Use</b> of a building or land		£462

<b>Advertising</b>	
Relating to the business on the premises	£132
Advance signs which are not situated on or visible from the site, directing the public to a business	£132
Other advertisements	£462

<b>Application for a Non-material Amendment Following a Grant of Planning Permission</b>	
Applications in respect of householder developments	£34
Applications in respect of other developments	£234

<b>Application for Permission in Principle</b> (valid from 1 June 2018)	
Site area	£402 for each 0.1 hectare (or part thereof)

Continued on next page...

## Concessions

**Please note:** Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

### Exemptions from payment

An application solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing:

- Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or
- Facilities designed to secure that person's greater safety, health or comfort.

An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted.

Listed Building Consent

Planning permission for relevant demolition in a Conservation Area

Works to Trees covered by a Tree Preservation Order or in a Conservation Area  
Hedgerow Removal

If the application is the first revision of an application for development of the same character or description on the same site by the same applicant:

- For a withdrawn application: Within 12 months of the date the application was received
- For a determined application: Within 12 months of the date the application was granted, refused or an appeal dismissed
- For an application where an appeal was made on the grounds of non-determination: Within 12 months of the period when the giving of notice of a decision on the earlier valid application expired

If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation

If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person

If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question

If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Continued on next page...



## **Concessions continued...**

**Please note:** Not all concessions are valid for all application types. Upon receipt of your application, the local authority will check the fee is correct and if the concession is applicable.

## **Exemptions from payment continued...**

If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area

If the application is for a Certificate of Lawfulness of Proposed Works to a listed building

Prior Approval for a Proposed Larger Home Extension

## **Reductions to payments**

If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £462

If the application is being made on behalf of a parish or community council then the fee is 50%

If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%

In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £462

If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%

If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others

Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.

If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.

The fee should go to the authority that contains the larger part of the application site.

## **ENDS**

## Pre-application Advice

### Why seek advice?

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent planning permission being granted.

Basic, free of charge advice on the planning process is available by visiting the main Council Offices at Whitfield or over the telephone. Useful guidance can also be found on the [Planning Portal](#). If you would prefer a specific review of your proposals and detailed guidance on the application process, we recommend that you obtain formal pre-application advice. This is a charged-for service and is available for any scale of development. We are happy to provide advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans.

Seeking our advice gives you an opportunity to understand how local and national policies will be applied to your development. We will identify at an early stage where there is a need for specialist input, for example about:

- Heritage assets (including listed buildings and conservation areas)
- trees
- landscape
- noise
- transport
- contaminated land
- ecology
- flood risk
- archaeology

We will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more smoothly and may lead to a reduction in time spent by your professional advisors in preparing proposals. Amendments or alternative forms of development may be suggested if a proposal is unlikely to be acceptable.

You can use the service just once or you may find it beneficial to obtain advice throughout the evolution of your scheme.

### Our charges

We have established a menu of charging to reflect the size and complexity of particular schemes. Hopefully your scheme will fit into these categories, but if not, do contact us for a quote.

Charge	Written £	Written + Meeting £
Householder	140	200
1-4 dwellings	400	650
1-4 dwellings follow up advice*	200	350

5-9 dwellings	700	1000
5-9 dwellings follow up advice*	350	600
10-49 dwellings	-	3000
10-49 dwellings follow up advice*	500	1200
50+ dwellings	-	5000
50+ dwellings follow up advice*	1000	2500
Commercial up to 250m <sup>2</sup>	175	320
Commercial up to 500m <sup>2</sup>	300	500
Follow up advice*	100	200
Commercial up to 1000m <sup>2</sup>	-	1200
Follow up advice*	200	400
Commercial over 1000m <sup>2</sup>	-	1200+500 per 500m <sup>2</sup>
Follow up advice*	400	600
Listed Building Advice	220	350
Charities and Parish Councils	Half the applicable fee (NB. Non-residential floorspace is based on the Commercial fee rate)	
Highways	Kent Highways <a href="mailto:DevelopmentPlanningEast@kent.gov.uk">DevelopmentPlanningEast@kent.gov.uk</a>	
Surface Water/Suds	KCC Coastal/River <a href="mailto:suds@kent.gov.uk">suds@kent.gov.uk</a>	
Flooding/Water quality	Environment Agency <a href="#">Pre-application Enquiry Form</a>	

\* This additional fee is applicable only if you require a formal review. It is not chargeable for matters of clarification

We also need the following information for schemes of 10 dwellings and above:

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development

### Listed building advice

If you are considering carrying out works to a listed building you may wish to seek advice from the Heritage team before submission of a listed building consent application. If your question is brief and requires a general response you can telephone for free of charge advice. However, if your query requires research, a site visit or a written response from the Heritage team a fee will apply. In order for the Officer to provide an appropriate and informed response you will need to provide the following information:

- Written details of the address
- Description of the works proposed. You may also be requested to submit an initial Heritage Statement.
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details both of the existing Listed Building and the proposal alterations (to a recognised scale)
- Photographs of the Listed Building as relevant to your query
- Contact details including phone number and email address

There are exemptions to the fee for Listed Building pre-application advice for queries regarding alterations proposed to respond to disability issues such as access, for parish or town councils and for works that are classed as an emergency. Please contact us to discuss.

Listed building consent is free of charge.

### What the costs cover

Our fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

### How long for a response

Where your enquiry seeks written advice only, we will do our best to reply within 20 working days. If such an enquiry is deemed to require a meeting and/or site visit prior to a response being given, you will be contacted and asked to provide an additional fee in-line with our charges. Once the additional fee has been received your enquiry will be processed.

If you have paid for a meeting, the case officer will arrange a suitable date depending on the complexity of the scheme and the amount of work that will be needed beforehand. We will aim to provide a written follow-up of the meeting within 15 working days of the meeting taking place. If your enquiry is of a complex nature, more time may be needed and we will advise you of when you may expect a reply.

### How to apply

Please email [preappadvice@dover.gov.uk](mailto:preappadvice@dover.gov.uk)

Telephone: 01304 872486

Pre-application advice cannot guarantee the final formal decision that will be made on your application. For instance: It's possible, after the advertising of the application, other material planning considerations will emerge that couldn't be anticipated at the pre-application stage e.g. as a consequence of statutory consultee views; new policy considerations can also come into play e.g.

changes in Government planning guidance since the advice was given; and ultimately, while officers can provide advice, in some cases the final decision on an application will be made by the Planning Committee. That said, any pre-application advice that has been provided will be carefully considered when reaching a decision.

## Section 106 Monitoring Fees

### 1. Summary

- 1.1 The introduction of new CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements.
- 1.2 Monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. It is recommended that Dover District Council introduce a proportionate.
- 1.3 Government guidance on Planning Obligations, including guidance on monitoring fees, can be found at <https://www.gov.uk/guidance/planning-obligations>.

### 2. Considerations

- 2.1 Dover District Council wishes to ensure the charging is both reasonable and relevant to the level of work required for monitoring Section 106 agreements. Accordingly, initial research has been undertaken to attempt to attribute a true cost as per expected monitoring time to inform what would be a reasonable fee.
- 2.2 The council employs a dedicated monitoring officer who processes all Section 106 agreements. This work begins as soon as they are signed and involves monitoring each obligations of the applicant to ensure that they are fulfilled at the relevant trigger point and then the Council's undertaking of their covenants within the agreement.
- 2.3 Individual agreements throughout the previous financial year have been assessed to see what the overall monitoring fee would be in relation to each trigger event. This found that officer time equivalent to approx. £9,000 p/a was spent on monitoring obligations. When considered against number of triggers generating payment (38), an average cost of £236 per trigger event generating a payment emerges<sup>1</sup>.
- 2.4 To further inform this research, a number of Local Authorities in Kent and the South East were contacted. For those which currently charge, the majority use a fixed rate for each trigger event. This ranged from £242-£750 per trigger. Some authorities however charged a fee based on the percentage of the overall value of the agreement. This was generally set at 5%, with one authority capping this at £10,000.

### 3. Recommendation

- 3.1 It is recommended that Dover District Council introduce a Section 106 monitoring fee of £236 per trigger event requiring a payment to be made. This fee is the minimum applied to any legal agreement clause as even the most simple of agreements require monitoring and the maintenance of a proper audit trail in respect of the collection and expenditure of the contributions received.
- 3.2 Whilst this fee is comparatively low when compared to other nearby local authorities, it is considered such a fee represents the current evidentially reasonable and proportionate fee. Further, by setting a comparatively low fee, it is considered this strikes the appropriate balance between ensuring the council costs are largely recovered though without becoming a sufficient additional burden for those wishing to bring forward development within the district.
- 3.3 As the fee is to cover officer time from the moment the agreement is signed, it is recommend that the fee should usually be paid on completion of the agreement.

---

<sup>1</sup> This does not currently include time where a bespoke monitoring fee had been negotiated or time spent on non-monetary contributions. Similarly this does not currently include time spent by other officers of the Council on related tasks. This aspect will remain under review.

- 3.4 Notwithstanding the above, it is recognised that the more complex Section 106 agreements are likely to generate additional monitoring burdens and resource implications. The appropriate monitoring fee for these will continue to be negotiated on a case by case basis.
- 3.5 To ensure the charging is both reasonable and relevant to the level of work required for monitoring Section 106 agreements, officer's time spent on monitoring will continue to be recorded with the charge to be modified each year to ensure fair and consistent monitoring fees are in place.

<b>Officer Recommendation:</b>	<p>The Council set monitoring costs on all agreements as follows:</p> <ul style="list-style-type: none"> <li>• £236 per trigger event requiring a payment to made as set out in the S106 agreement to be paid on completion of the agreement; or</li> <li>• On complex major applications where there are multiple obligations, some or all of which require monitoring for an extended period, the monitoring fee will be negotiated and agreed during the determination of the application.</li> </ul>
--------------------------------	--