

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
e-mail: democraticservices@dover.gov.uk

12 January 2022

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 20 January 2022 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", 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 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 9 December 2021 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6-10)

5 **APPLICATION NO DOV/21/01408 - THREE WAYS, HOLLANDS HILL, MARTIN MILL** (Pages 11-24)

Erection of detached dwelling and creation of parking

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

6 **APPLICATION NOS DOV 21/01159 & DOV/21/01160 - CANTERBURY GATE HOUSE, ASH ROAD, SANDWICH** (Pages 25-30)

DOV/21/01159 (Planning Application) - Erection of a single storey rear extension and rear porch (existing porch to be demolished)

DOV/21/01160 (Listed Building Consent) - Erection of a single storey rear extension and replacement of a rear porch

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

7 **APPLICATION NO DOV/21/00799 - 269 TELEGRAPH ROAD, DEAL** (Pages 31-35)

Erection of two-storey side and rear extensions, front porch; insertion of 2 windows to first-floor side elevation and widening of existing driveway with detached garage (existing garage to be demolished) – 269 Telegraph Road, Deal

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

8 **APPLICATION NO DOV/20/01508 - LAND TO THE SOUTH-WEST OF VILLAGE HALL, COXHILL, SHEPHERDSWELL** (Pages 36-53)

Erection of 13 dwellings, 10 of which are proposed as affordable rent (rural exceptions housing) with associated parking and new access road

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

9 **APPLICATION NO DOV/21/01264 - WHITE CLIFF COTTAGE, THE FRONT, ST MARGARET'S BAY** (Pages 54-59)

Conversion of detached garage to ancillary annexe accommodation including the erection of side dormer window, extension of first-floor terrace and alterations to windows and doors

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **APPEALS AND INFORMAL HEARINGS**

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

11 **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. 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

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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

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.

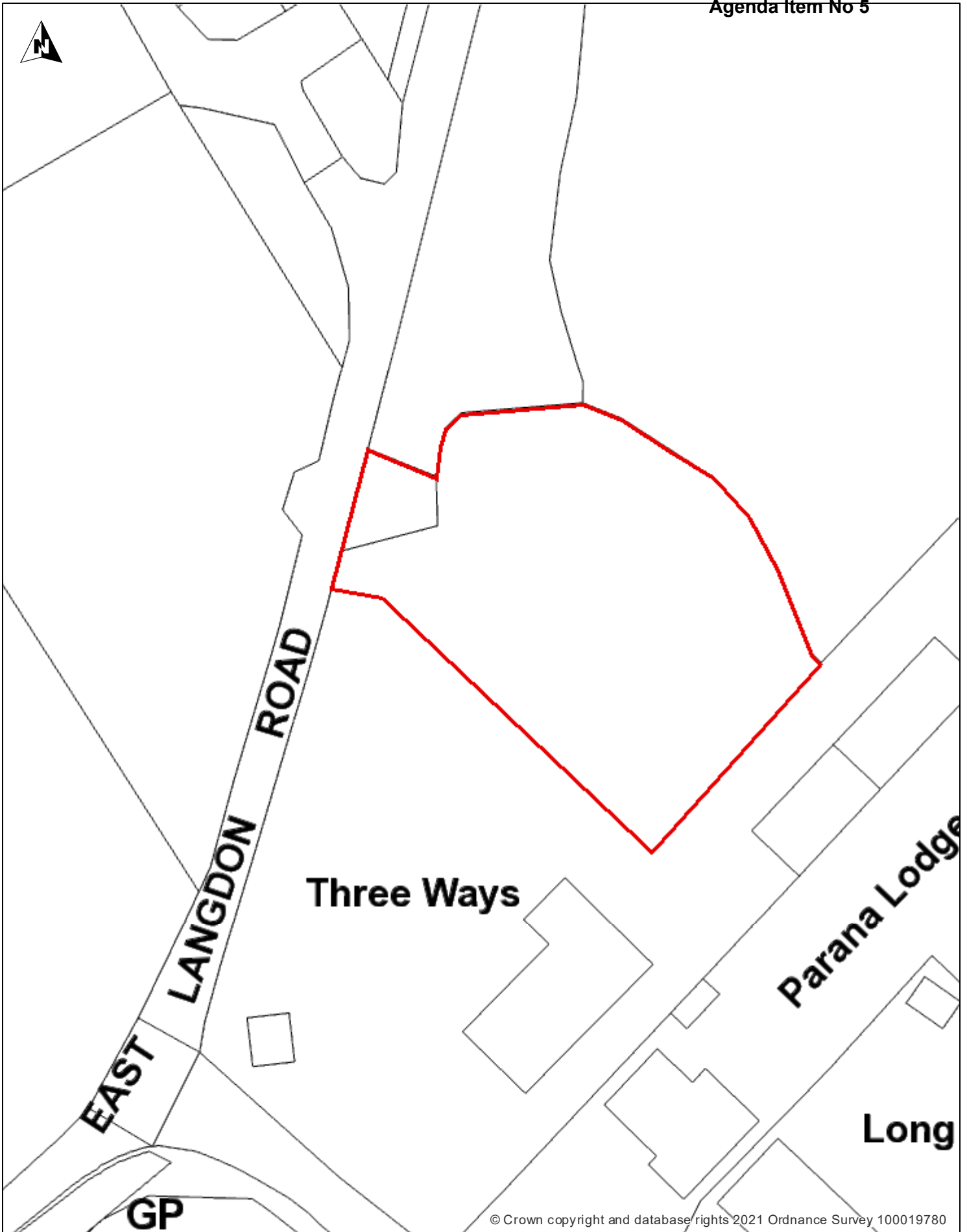
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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



© Crown copyright and database rights 2021 Ordnance Survey 100019780

21/01408

Three Ways
Hollands Hill, Martin Mill
CT15 5LB

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/21/01408 – Erection of detached dwelling and creation of parking - Three Ways, Hollands Hill, Martin Mill

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

a) Summary of Recommendation

Planning permission 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

DM15 – Protection of the Countryside

DM16 – Landscape Character

Dover District Local Plan 2002

Saved Policy TR9

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 60 – 62, 86, 79, 110 - 112, 120, 123, 130 - 135, 167, 168, 174, 180

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Self-build and Custom Housebuilding Act 2015 (as amended)

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. Land to the northeast of the site (some 5.08ha) was submitted as part of the call for sites. It is identified in the HELAA as LAN002. It was not taken forward to the next stage of assessment and was considered unsuitable due to unacceptable landscape impact, unachievable access and development here would have a poor relationship to the settlement and would not be in keeping with the character of the village. It should be noted however that the site, whilst adjacent, does not fall within the area submitted for consideration for allocation.

c) **Relevant Planning History**

Various applications including:

DOV/04/00061 – Removal of Condition (i) to CH/6/52/117, (to allow continued occupation of the dwelling without compliance with an agricultural occupancy condition) – Refused

DOV/04/00533 – Certificate of Lawful use in respect of the continued occupation of Three Ways without compliance with condition (1) of planning application

CH/6/52/117 – Condition not approved

DOV/04/01149 - Certificate of Lawful Use in respect of the Continued Occupation of Three Ways without Compliance with Condition 1 of Planning Application

CH/6/52/117 – Granted

DOV/06/00492 – Erection of single storey rear extension (existing conservatory to be demolished) – Granted

DOV/07/00227 – Erection of single storey rear extension – Granted

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

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

Langdon Parish Council – Recommend refusal: considers this proposal to be a speculative application outside of the confines that is not required to address the existing need of any business or activity in the countryside. As noted in the applicant's own Planning Statement, Policy DM1 "states that development will not be permitted outside of the settlement boundaries as defined in CS Policy CP1, unless specifically justified by other development plan policies." The Planning Statement fails to demonstrate any specific local rural need for a new dwelling at Three Ways. The development would result in sporadic development beyond settlement confines and remote from any urban or village centre (DM1). The application is described as a "self-build" project but there is no details within the Planning statement. The parish council notes that applicant is listed as Foster & Payne Construction Ltd c/o the estate agent, Finns, which is does not fit the expected self-build profile. It is not possible to determine that the proposed access can achieve acceptable highway visibility standards on to East Langdon Road. Objection.

Southern Water (SW) – The submitted site plan (drawing no. 445/02) shows easement to public foul sewer which is acceptable to SW. SW requires a formal application for a connection to the public foul sewer to be made by the applicant or developer (information on how to do this would be included as an informative if permission is granted). The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. 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.

KCC County Archaeology – No response received.

DDC Waste Officer – No response received.

Public Representations: Six members of the Public have written in objection to the proposals (5 of which, together with the Parish Council objection were received within the advertisement period requiring the application to be determined by the Planning Committee). Their comments are available to view in full in the online planning file and are 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.

- type/need for housing – not an affordable development for locals. Although there is need for development in the area, the councils plans have highlighted an area for future development which satisfies the need for development; queries if 1 detached property also satisfies need for development. Queries if site is appropriate.
- Three Ways is not residential, owner has moved away/emigrated and it is rented out as AirBnB sleeping up to 16 people. Detrimental impact on amenity from use of Three Ways, concerns that further buildings with residents will add to detrimental impact.
- self build - application is to self build the house which seems to be at odds with the fact that the site already has a house. Understand the provision for self-build is to assist owners of land that are in need a home for their use and as such the owners of the land, already have a house on the site which could be used as a residence. Application is by a construction company on behalf of the owner. Concerns there are false intentions for the application.
- Application refers to approved application DOV/21/00090 which is for a local who already uses the land for both business and leisure (self-build and local need). Application also refers to the permission for 40 dwellings nearby in East Langdon which officially has not yet been approved. Concerns that owner of the land previously expressed a desire to build on fields adjoining the site along East Langdon Road (LAN002) on Local Plan currently described as 'Unsuitable'. Green belt land. Concerns that this is first in a series of planning applications to fill in the whole plot as owners plot stretches right along the road.

- Concerns that neighbours not directly notified of application – site notice on the Holland’s Hill gate set back from the road and at the time of looking, blown onto its’ blank reverse side, could find no notice on East Langdon Road gate – concerned that neighbours could only find out about developments when construction begins. Concern that closing date for comments was before next Parish Council meeting.
- Greenfield site which I believe has been subject to previous planning applications which have been refused for good reason
- Concerns development would ruin natural beauty. Concerns that drawings show a bog standard design. Concerns if proposal is complementary and sustainable addition to housing supply.
- Access/Highways – will further increase heavy use of Langdon Road which serves the local school, playing fields and routes to the holiday camp and station. Parents already have a potentially dangerous walk to the school. No pavements for pedestrians. Road has 40mph speed limit. Langdon Road is very narrow. Unsuitable roads for increased traffic. Road is already in poor condition. Flooding causes premature deterioration of the road resulting in potholes and a collapse of the edges particularly on the side adjoining three ways land. More traffic and run off from site will speed this process. Animal access has morphed into a driveway. Concerns that another animal access 20m further along could result in a further application at some stage. Inappropriate parking in Langdon Road and Hollands Hill as a result of AirBnB use of Three Ways (also comments on loud music being played late into the night). Construction of more houses along this road will exacerbate the traffic problems already experienced. Area that the house is to be built on is adjacent to gateway used to access fields behind Parana Lodge – unclear how this would impact continuing to bring stock or supplies onto fields. Unclear whether proposal would affect historically used access to neighbouring adjoining small-holding, an access which has been in use since neighbouring property was built
- Flood risk – road is narrow and susceptible to flooding. Any more hardstanding will significantly increase surface water run off exacerbating the flooding issues experienced during heavy rain.

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

- 1.1 The site relates to the garden of a detached dwelling, located on the northeast side of Hollands Hill, to the southeast of East Langdon Road. The existing dwelling is one and a half storeys in height, finished in brick and render and is well screened from the public highway behind tall hedgerow and planting, with views of the dwelling limited to directly in front of the vehicular accesses. The site is outside of the settlement confines, however is within a cluster of dwellings fronting Hollands Hill, with another small group of dwellings to the north of the site, fronting East Langdon Road. It is bounded by Parana Lodge to the southeast and to the northeast is a grassed field.
- 1.2 This application seeks permission for the erection of a detached dwelling and creation of parking. The dwelling would be sited approximately 20m to the north of the existing dwelling (Three Ways), at a slightly lower ground level and would be 1 ½ storeys in height. It would contain a living room, kitchen/dining/family room and utility at ground floor level with three bedrooms and an additional bedroom/study at first floor level. The dwelling would be finished in painted render, timber cladding and red brick, with a clay tiled roof and dormer windows. The existing vehicular access from East Langdon Road would be utilised and two parking spaces would be provided within

the site. A 1.8m high timber close boarded fence would be installed to provide a garden for the dwelling.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the countryside and landscape area
- 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 outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines (the nearest of which being East Langdon). The nature of the road connection between the site and East Langdon (partly absent of a footway) is such that occupants of the development would most likely to be reliant on the use of the car to travel in order to reach all of the necessary day to day facilities and services. The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in a limited adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.6 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside

and no significant adverse impact on the landscape. Consequently, the development would not conflict with DM16.

- 2.7 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy, but would accord with DM16. It is considered that these policies are also the most important policies for determining the application.
- 2.8 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).
- 2.9 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.
- 2.10 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 and, as a result of this, should carry only limited weight.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Given the particular characteristics of this application and this site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives of the NPPF. Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intension of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.
- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the sites appearance within open countryside does

afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.

- 2.13 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the DPD and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.14 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.
- 2.15 It is considered that policies DM1, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on the Countryside and Landscape Area

- 2.16 The site is outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. The proposals would result in the erection of a 1 ½ storey detached dwelling, finished in red brick at ground floor level, with sections of painted render below the eaves level and on the flank elevations at first floor level. The dwelling would have a pitched, clay tiled roof, with a 1 ½ storey projection to the rear (southeast) with a gable roof with lower ridge height. The dwelling would also have a 1 ½ storey projection to the southeast side which would be finished in timber cladding, would be set back from the main front (northwest) elevation, and would have a lower ridge and eaves height. The proposed design of the dwelling is similar to that of a recently approved scheme (DOV/21/00090 – Bluebell Meadows – currently under construction) for a dwelling to the northwest of the site on the opposite side of East Langdon Road. In order to ensure a high quality finish and in the interests of visual amenity, it is considered appropriate to suggest a condition is imposed requiring details of materials (to be used in the construction of the exterior of the dwelling) and their finishes, are submitted for approval. Subject to

this, it is considered that the design of the dwelling would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area in accordance with Paragraph 130 of the NPPF.

- 2.17 Whilst the proposal would be visible from the public highway, albeit views would be restricted by the tall hedgerow to the southwest and west site boundaries, due to the siting of the dwelling within a valley, it is considered there would be limited views of the dwelling from the wider countryside. Notwithstanding this, the development would also be seen within the context of the existing cluster of development along Hollands Hill and further north on East Langdon Road. Subject to the suggested condition discussed above, it is considered that the development would preserve the intrinsic character and scenic beauty of the countryside, in accordance with Policy DM15 and Paragraph 174 of the NPPF.
- 2.18 In respect of the impact on landscape character, due to the location of the site being set within a valley, and due to the screening from the wider area provided by the undulating landscape, boundary planting and other nearby development, the proposals are considered unlikely to result in substantial harm to the character of the landscape, and would accord with Policy DM16.

Impact on Residential Amenity

- 2.19 The proposed dwelling would be sited to the north of Three Ways and to the northwest of other nearby dwellings fronting Hollands Hill, and would be set at a lower ground level than these properties. Due to the direction of the sunpath and distance from these properties, and other properties to the northwest of the site (fronting East Langdon Road), it is considered the development would result in no unacceptable overshadowing or loss of light to neighbouring residential amenity.
- 2.20 In respect of privacy, the dwelling would feature a number of windows at ground and first floor level on the rear (southeast) and flank (southwest) elevations. These windows would predominantly overlook the proposed garden of the dwelling and driveway and garages to the southeast. Additional screen planting would be installed to the southwest of the proposed 1.8m timber close boarded fence that would form the garden boundary for the new dwelling. In respect of windows on the front (northwest) elevation of the dwelling, these would overlook the front garden of the dwelling, boundary planting and highway beyond and it is considered that due to the separation distance to nearby dwellings to the northwest, the development would result in no harm to privacy. Notwithstanding this, in the interests of visual and residential amenity, it is considered appropriate to suggest a condition is imposed requiring further details of hard and soft landscaping, clarifying the proposed planting within the site and boundary treatments, to ensure these are appropriate and would preserve the rural character and appearance of the site and surroundings.
- 2.21 For the reasons set out above, and due to the siting, scale and design of the dwelling, it is considered that the development would not result in an overbearing impact on the amenities of nearby residents and would accord with the amenity objectives of Paragraph 130 of the NPPF. Concerns have been raised in public representations in respect of potential noise and disturbance from the use of the dwelling, with reference made to the existing use of Three Ways as holiday accommodation/rental. This could be dealt with through Environmental Health legislation. The creation of a dwelling in this location, which would utilise an existing vehicular access, is not considered to result in unacceptable noise or disturbance to nearby residents.

- 2.22 In respect of the amenity of the proposed occupants, the dwelling would contain four bedrooms (one possibly used as a study), with well sized living, kitchen and dining rooms at ground floor level with access to a private enclosed garden. Two parking spaces would be provided, with sufficient room within the site for the turning of vehicles, and there would be no change to the existing access. No details of secured bicycle storage or refuse storage have been provided and as such, it is considered appropriate to suggest these details be submitted by way of condition, in the interests of visual amenity. Subject to this, it is considered the development would provide a high standard of amenity for existing and future users, in accordance with Paragraph 130(f) of the NPPF.

Other Material Considerations

Impact on Travel

- 2.23 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. The nearest village is East Langdon and the site is approximately 378m from the defined settlement confines (where new residential development would be acceptable in principle) (although it should be noted that the draft plan, although holding very little weight, includes a 4.68ha suggested allocation LAN003 for 40 dwellings to the northeast of the existing confines boundary, infilling the gap between this and the Langdon Playing Fields which, if adopted into the plan, would extend the confines). Nonetheless, the village would be accessed via a rural, unlit road which is not conducive to walking or cycling (albeit it is on a cycle route under Saved Policy TR9) and has no dedicated footways. The village contains a limited range of facilities, including a Post Office and Primary School. These facilities (together with other facilities in the nearby Hamlet of Martin to the north which has a Public House with restaurant and bus stops and Martin Mill where there is a seasonal shop at the holiday park) would not provide all of the day to day essentials required by occupants of the proposed dwelling. A bus service does run from the village (passing the site and stopping further along East Langdon Road in Martin), providing some limited return services towards Deal (via the village of Ringwoud) and Dover (via Guston), as well as surrounding villages. Within a 10 minute walk of the site is Martin Mill Train Station which has regular services to Dover, Deal and other Towns, as well as London (Charring Cross). Given the service provided and lack of footways, it is considered that the occupants of the proposed dwelling would be more likely to use the private car to gain access to neighbouring towns and the surrounding areas. As such, it is considered that the proposal would be contrary to Policy DM11 of the Core Strategy, in that it would generate travel outside the rural settlement confines which is not justified by other development plan policies. Further, it is considered that the sustainability of travel to and from the site is in tension with the NPPF in some respects (for example, the location does not promote sustainable transport or prioritise pedestrian and cycle movements). However, it is considered that the location of the site, relatively close to a number of facilities and services (albeit not a full range of day to day facilities and services), could provide some assistance in providing further assistance to local services and the vitality of rural services (NPPF paragraph 79). Some weight should be provided in favour of the development in this respect which provides some counterbalance to the otherwise unsustainable nature of the site's location.
- 2.24 It is important to note that, above, reference has been made to paragraph 79. In doing so, it has been concluded that the site is not 'isolated' for the purpose of assessing this rural housing application.

Impact on Parking

- 2.25 The proposed dwelling would contain four bedrooms and two parking spaces would be provided to the northeast of the dwelling, as well as turning space enabling access and egress to the site in forward gears. As such, the development would accord with the parking requirements set out in Policy DM13. As the site is located outside of the settlement confines (where there is limited public transport), and in order to provide sustainable transport in line with the objectives of Paragraph 112 of the NPPF, it is considered appropriate to impose a condition requiring electric vehicle cable ducting to be laid to serve the proposed development. The existing vehicular access would be utilised and the number of vehicle movements generated from the proposed use of the site are considered unlikely to result in an unacceptable impact on highway safety (as set out in Paragraph 111 of the NPPF).

Impact on Flood Risk/Drainage

- 2.26 The site is located in flood zone 1 which has the lowest risk from flooding and as such, the sequential and exceptions test are not required. Furthermore, due to the size of the site; less than 1 hectare, a flood risk assessment is not required. The site is within Groundwater Source Protection Zone 3, and as such, Policy DM17 is not relevant to the assessment of the application. The application form states that surface water would be disposed of to a sustainable drainage system and soakaway and that foul sewage would be disposed of to the mains sewer. Concerns have been raised in public representations in respect of highway flooding and Southern Water advise that further details should be submitted in respect of sustainable drainage systems, although raise no objection. Subject to the imposition of a condition requiring further details to be submitted in respect of the proposed surface water drainage, in order to reduce the impact of the development on flooding and manage run-off flow rates, the development is considered acceptable in this regard.

Impact on Archaeology

- 2.27 The site is in a general area of archaeological potential and whilst KCC Archaeology has been consulted, no response has been received. As such, it is considered appropriate to suggest a condition is imposed dealing with any unexpected archaeology that may be found during construction. Subject to this, the development is considered acceptable in this regard.

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

- 2.28 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.
- 2.29 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 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.
- 2.33 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.

Planning Balance

- 2.34 The principle of the development is contrary to the development plan in respect of Policies DM1 and DM11 (however accords with Policies DM15, save for the loss of countryside, and DM16). As discussed in the principle of development section of this report, it is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.35 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. As considered in the above report, the development would generate travel outside of the rural settlement confines contrary to Policy DM11. Whilst there are a number of services and facilities within the nearby Village of East Langdon and Hamlet of Martin and surrounding settlements, which can be reached on foot, by bicycle or by public transport, it is acknowledged that occupants of the dwelling may be more likely to use the private motor vehicle to reach a wider range of services, which weighs against the scheme. However, it is considered that the location of the site, relatively close to a number of facilities and services (albeit not a full range of day to day facilities and services), could provide some assistance in providing further custom to local services and the vitality of rural services in accordance with Paragraph 79 of the NPPF, which weighs in favour of the scheme.
- 2.36 This application is for a self-build dwelling and the applicant is registered on the Dover District Self Build Register. The provision of such dwellings are supported by the NPPF (paragraphs 60-62), which advises that the provision of self-build (and other) types of housing should be reflected in planning policies. The councils current policies do not reflect this. Planning Guidance confirms that "The registers that relate to the area of a local planning authority – and the duty to have regard to them – needs to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom

housebuilding”. Regard should be had to the application proposal to provide one self-build plot. The definition of self-build is “Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act”. Whilst regard has been for the councils duties in respect of self-build housing, the provision of one self-build plot to one individual on the register it is not considered to be determinative in this instance and therefore it is not proposed to secure the provision of this dwelling as a self-build plot, should permission be granted.

- 2.37 For the reasons set out in the report, it is considered that the design of the proposed dwelling would be visually attractive, sympathetic to the local character of the rural area 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 design, scale and siting of the dwelling would preserve the character and scenic beauty of the countryside and would be unlikely to result in significant harm to the wider landscape character, in accordance with Policies DM15 and DM16. The impact on residential amenity and other material considerations has been addressed above is considered to be in accordance with the objectives of the NPPF.
- 2.38 Overall, whilst this is a very finely balanced assessment, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at 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. Due to the design and appearance of the proposed dwelling, and for the reasons outlined in this report, the development is considered to preserve the character and appearance of the countryside and wider landscape area. Furthermore, the development is considered unlikely to result in undue harm to residential amenity. The development would generate additional travel outside of the settlement confines, contrary to Policy DM11. However, in light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of this report, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

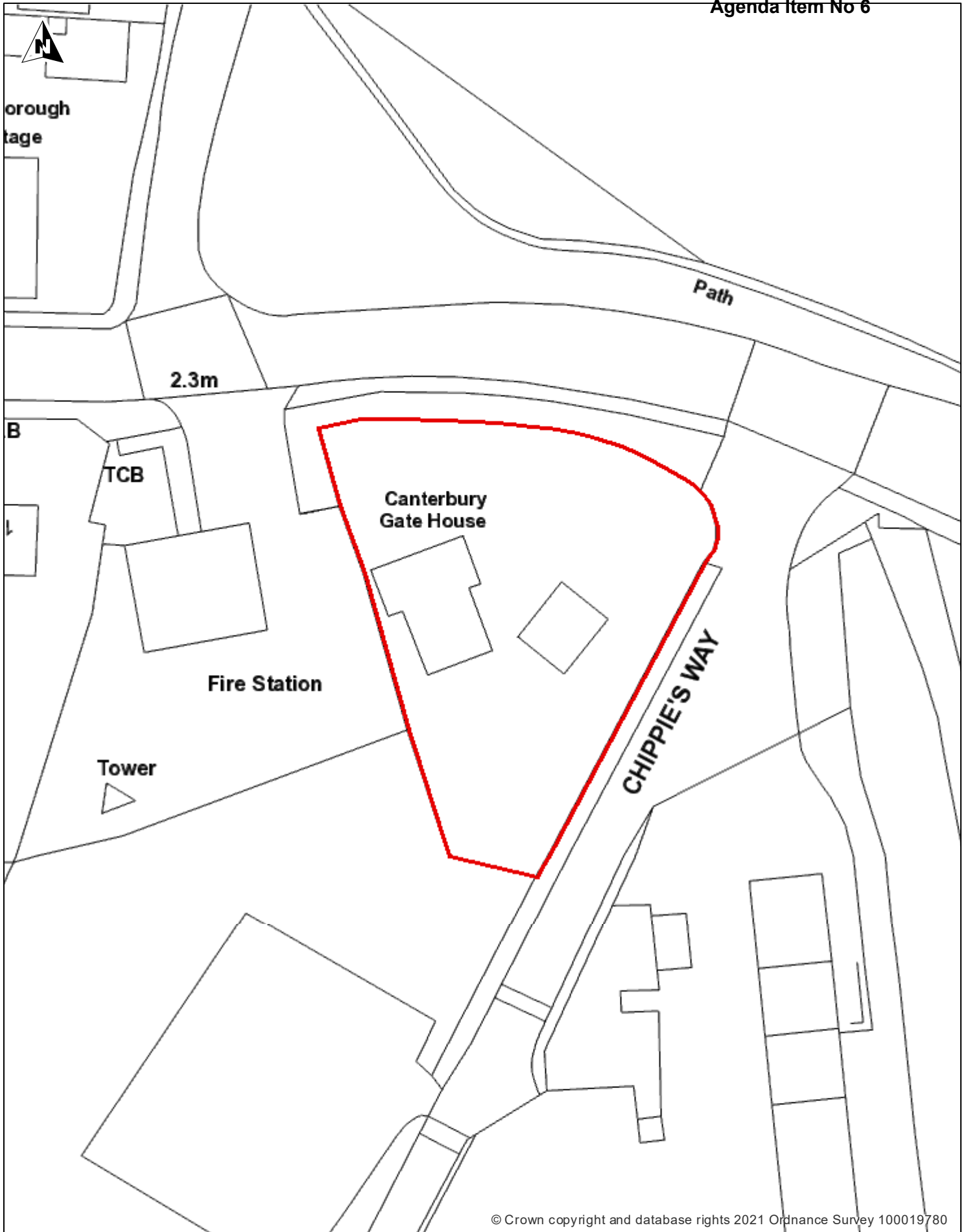
g) Recommendation

- I PERMISSION BE GRANTED subject to conditions:
- (1) Standard time condition, (2) list of approved plans (3) samples of materials (4) details of soft and hard landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting (5) provision and retention of the parking area with drainage measures installed (6) details of surface water disposal (7) cables for EV charging points (8) details of refuse/recycling storage (9) details of bicycle storage (10) unexpected archaeology
- II Southern Water Response and contact information be provided as an 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



21/01159 & 21/01160
Canterbury Gate House
Ash Road, Sandwich
CT13 9HZ

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/21/01159: Planning Application - Erection of a single storey rear extension and rear porch (existing porch to be demolished)**

DOV/21/01160: Listed Building Consent - Erection of a single storey rear extension and replacement of a rear porch

Canterbury Gate House, Ash Road, Sandwich

Reason for report – Number of third-party supporting representations on the planning application (7).

- b) **Summary of Recommendation**

Planning permission and Listed Building Consent be refused

- c) **Planning Policy and Guidance**

Dover District Core Strategy (2010)

DM1 – Settlement boundaries

DM15 – Protection of the countryside

DM16 – Landscape character

Regulation 18 draft Dover District Local Plan

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

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 130, 134, 174,199 and 202

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66(1) – Listed buildings

- d) **Relevant Planning History**

DOV/09/01134 – Erection of a two-storey extension with a glazed link and brick wall (existing garage and porch to be demolished). Granted.

DOV/09/01133 – Erection of a two-storey extension with glazed link and brick wall (existing garage and porch to be demolished). Granted.

DOV/00/00714 – Internal and external alterations. Granted.

DOV/88/01204 – The erection of a porch. Granted.

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

Sandwich Town Council – Approve the application.

KCC Archaeology – No comments received.

DDC Heritage - Unable to support the principle of the extension. The reasons for this have been summarised below:

- The proposed extension would be detrimental to the character and appearance of the building. The planform of the extension and its siting is of concern and it is at odds with and created a complicated form to the simple historic L shaped planform of the listed building.
- There are design issues which make the proposal an inappropriate addition which is not a natural evolution of the building: the part pitched/part flat roof form, triangular glazed lantern, exposed timber framing and aluminium door design appears completely unfamiliar to this building; the extensive glazing between the frame is also contrary to the modest proportioned windows on the listed building; although the design specifically limits contact with the main C18th part of the building and is attached to a later C20th addition, the size, bulk and design creates a dominant feature in this context and draws the eye away from the main historic rear façade of the building.
- The result is a structure that does not sit comfortably with the listed building and would cause harm to its character and appearance. With this building I cannot find a suitable solution for further extension and would comment that a significant 2 storey rear addition has previously been added that provides additional accommodation (including existing kitchen, WC and first floor bathrooms).
- The principle of replacing the rear porch could be supported as it is a modern addition under a previous permission (DOV/88/01204). There are however design issues which make it inappropriate, as the proposed steep pitched tiled roof, exposed timber framing and large paned glazing set within it are again unfamiliar and do not relate to this building.
- A utility room although desirable is not an essential space within this listed building and therefore could potentially be incorporated into the existing rear 'snug' or first floor bathrooms with no alterations to the planform or layout of the building.

Third Party Representations – 6 letters received supporting the planning application with the following summarised comments:

- The plans are sympathetic for this listed property. They will improve and maximise the character and practicality of the house.
- Good enhancement to the house.
- Support the upgrade of listed properties while retaining their original character.

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

- 1.1. The application relates to a detached two-storey dwelling Grade II listed building on the south side of Ash Road. The property is finished in red brick to the front of the property with the side and rear elevations being finished in whitewash. The property has white timber windows and a tiled roof. The doorway on the front elevation has fluted pilasters with a pediment segmental fanlight and a six-panel moulded door.
- 1.2. The site lies within the settlement boundaries of Sandwich. Canterbury Gatehouse is bounded by the KCC Sandwich highway depot to the east, and Sandwich fire station to the east. The area comprises a mixture of single storey and two storey dwellings which are both detached and semi-detached.
- 1.3. The principal elevation of the dwelling faces Ash Road. There is a driveway

located to the east of the property, sufficient for approximately two cars. There is also a garage which is sited to the east of the property.

- 1.4. The application is for the erection of a single storey rear extension and replacement of the rear porch. The proposed rear extension would be in an L-shape and would measure a maximum of 5m wide and 8m deep, with an eaves height of 2.2m and a maximum roof height of 3m. This would also include a roof lantern with a maximum height of 3.4m metres. The rear porch would have a maximum width of 1.8m with a maximum depth of 1.5m, an eaves height of 2m and a pitched roof height of 2.9m.
- 1.5. Both the rear extension and the porch would have a traditional oak frame structure. The proposed materials would be red brick to the external walls on the west side of the extension and red brick plinth walls to the south and east with oak posts above. The proposed roof would have clay tiles up to the rubber membrane flat roof with the glass lantern. The external doors would be grey powder coated aluminium French doors.

2. Main Issues

2.1 The main issues to consider are:

- Principle of development
- Heritage and design considerations
- Residential amenity
- Other matters

Assessment

Principle of Development

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

Heritage and Design Considerations

2.3 This application concerns works to a Grade II listed building. The main aim of the proposal is to create additional accommodation to form an enlarged kitchen and utility space within a single storey oak framed rear extension on the south elevation. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant listed building consent for any works the local planning authority of the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

2.4 The listed building is formed as an C18th L shaped compact planform composed of well-proportioned spaces. The formal rooms at ground floor level, include two front living rooms and a rear dining room. A kitchen and WC are within a C20th rear addition and there is also a rear 'snug' within the C18th rear range. It is considered that the compact layout is a key aspect of the special interest of the listed building and the historic planform, although part altered under previous consents (DOV/00/00714), it is still intact and clearly legible.

2.5 The planform of the proposed extension is of concern as it is at odds with and

adds a complicated form to, the simple historic L shaped planform of the listed building. Its siting would interrupt the regularity of the building and appears tacked on as a poorly considered addition that would harm the existing plan form.

- 2.6 The design and appearance of the existing house is predominantly characterised by its brickwork and modest, domestic proportioned window and door openings. The proposed extension design does not relate to this character and makes a bold, dominant statement, with extensive use of large glazing, introducing exposed timber framing to the existing material palette and a part pitched roof, incorporating a flat top with glazed lantern design. This would appear incongruous in this context and with its bulk would draw the eye away from the main listed building. The result is a structure that does not sit comfortably and would have a detrimental impact on the significance of the listed building. The works would also result in space within the existing listed building being made redundant rather than an integral part of the residential accommodation. As existing the listed building has a well-proportioned kitchen and a separate dining room.
- 2.7 The proposed materials include the use of brick work and a part tiled roof, they are acceptable, but their appropriateness does not outweigh the harm identified by the size, design and siting of the proposed extension.
- 2.8 The principle of replacing the rear porch is acceptable in principle, as it is a modern addition approved under a previous permission (DOV/88/01204). There are however design issues which make it inappropriate, as the proposed steep pitched tiled roof, exposed timber framing and large paned glazing set within it, are unfamiliar and do not relate to this listed building.
- 2.9 Paragraph 202 of the NPPF states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that no overriding public benefits have been presented demonstrating that the proposed extension is necessary for the continued preservation of the listed building; rather it is considered that the benefits are of a private nature. Consequently, it is considered that the less than substantial harm caused by the proposal is not outweighed by the benefits.

Residential Amenity

- 2.10 The nearest buildings to the host dwelling relate to the KCC depot and Sandwich fire service, which are located to the west and east. Neither of these properties are habitable buildings. As the nearest residential property to Canterbury Gate House is located a significant distance away it can be considered that there would be no impacts to the amenities of any neighbouring properties to an undue degree by the proposed rear extension and porch replacement.

3. Conclusion

- 3.1 The proposed extension by reason of design, bulk and siting would not represent a sympathetic addition to the listed building but would rather result in an incongruous addition that would cause detrimental harm to the architectural and historic character and appearance of the listed building for which no overriding justification has been demonstrated, and as such would be contrary the National Planning Policy Framework. I therefore recommend that planning permission and

listed building consent be refused.

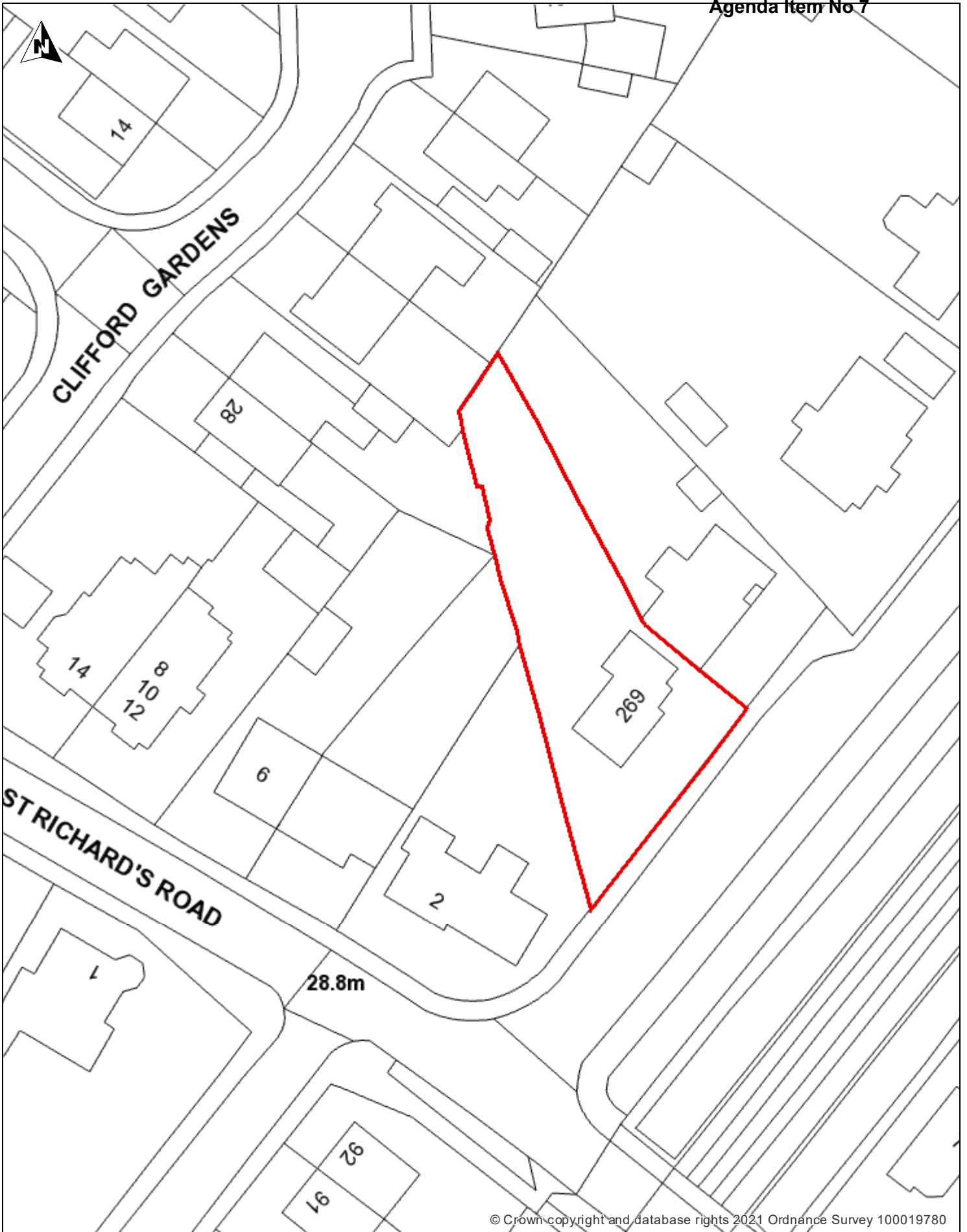
g)

Recommendation

- I. Planning permission under DOV/21/01159 be refused for the following reason:
- II. Listed Building Consent under DOV/21/01160 be refused for the following reason:
 1. The proposed extension by reason of design, bulk and siting would not represent a sympathetic addition to the listed building but would rather result in an incongruous addition that would cause detrimental harm to the architectural and historic character and appearance of the listed building for which no overriding justification has been demonstrated, and as such would be contrary to paragraphs 199 and 202 of the National Planning Policy Framework.

Case Officer

Alice Pitts



© Crown copyright and database rights 2021 Ordnance Survey 100019780

21/00799
269 Telegraph Road
Deal
CT14 9EJ

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/21/00799 – Erection of two-storey side and rear extensions, front porch; insertion of 2 windows to first-floor side elevation and widening of existing driveway with detached garage (existing garage to be demolished) – 269 Telegraph Road, Deal**

Reason for Report: Thirteen contrary views

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy

- DM1

Regulation 18 draft Dover District Local Plan

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

National Planning Policy Framework (2021) (NPPF)

- Paragraphs 2, 7, 8, 11, 130

Kent Design Guide

National Design Guide

- d) **Relevant Planning History**

No Planning history.

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

Deal Town Council – Object until further clarification has been received on the impact the proposal will have on the neighbouring properties.

KCC Archaeology – No comments received

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

- Not appropriate for the area
- Noise from construction should be limited
- Will negatively impact neighbour
- Garage is too big and unnecessary
- Overdevelopment of site
- Will affect the value of neighbouring houses
- Garage will cause noise disturbance
- Construction will be dangerous due to the traffic on the corner
- Unattractive design

In addition, 6 letters of support were received, raising the following points:

- Good to see existing properties expanded to accommodate families
- Sun path prevents any issues of overshadowing
- Design is considerate of neighbours and won't impact them
- Other similar developments nearby have been approved
- In keeping with Telegraph Road, all properties are different
- Comments raised in objection are not planning concerns

f)

1. The Site and Proposal

1.1 The application relates to a detached two storey dwellinghouse on the northwest of Telegraph Road which lies within the settlement confines of Deal. This property is finished in brick with a tiled roof and has a parking area located to the south and southeast of the dwellinghouse.

The area comprises of properties of differing design and size, with the railway line running parallel to Telegraph road, to the southeast of the application site.

1.2 The application is for the erection of two storey side extension, a two-storey rear extension, front porch, insertion of two windows at first floor level on the northeast elevation, widening of existing driveway and a detached garage.

1.3 This application is a second submission by the applicants. This application includes a flat roof to the garage rather than a pitched roof following concerns raised by the neighbours. Within the previous application alterations were also sought by the case officer to reduce the bulk at the side of the property which is adjacent to 2 St Richards Road.

2. Main Issues

2.1 The main issues for consideration are considered to be:

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

Assessment

The Principle of the Development

2.2 The site is located within the settlement confines and the development therefore accords with Policy DM1, subject to impact on visual and residential amenity and other material considerations.

Character and Appearance

2.3 The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130).

2.4 When viewed within the immediate context of Telegraph Road, there is no architectural uniformity. Although the neighbouring property was originally built in a similar style to the application site, alterations to both properties over time has

created two unique properties. The proposed materials of brickwork and a tiled roof would match the main dwellinghouse.

- 2.5 Some of the proposals would be visible from the public highway and immediate areas due to its position on Telegraph Road. The design and use of matching materials would allow the proposals to be viewed as part of the main dwellinghouse and therefore would not become visually prominent within the street scene. The addition of a garage to the front of the property, while forward of the principal elevation of the property, would not look out of context within the street scene as a whole. The plot is adjacent to 2 St Richards Road, which projects towards the southeast.
- 2.6 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It has a limited impact on the visual amenity of the area and is in accordance with paragraph 130 of the NPPF.

Residential Amenity

- 2.7 The nearest properties to the application site are 2 St Richards Road located to the southwest and 267 Telegraph Road located to the northeast. The properties sit at a similar ground level to the application site. The proposals, while large in size, would not result in any overshadowing to the neighbouring property, 2 St Richards Road due to the direction of the sun path. The side extension is set off the boundary by approximately 2.5 metres, 12 metres from the rear elevation of 2 St Richards Road. The existing garage is set at approximately 3.2 metres away from the boundary. There will be no windows set within the side elevation of the proposed side or rear extensions. Therefore, there will be no overlooking or loss of privacy to 2 St Richards Road as a result of the proposals. A condition has been added to prevent any additional openings. 267 Telegraph will only have views of the rear extension. Again, while large in size, due to the angles of the rear gardens, the rear extension is set away from the boundary shared by the two properties. The proposed windows set within the northeast elevation would serve a bathroom and an ensuite and would therefore be obscured glazing. There are no other windows proposed in the northeast elevation, and it is therefore considered that there will be no loss of privacy to the neighbouring property as a result of the proposals. A condition has been added to prevent any additional openings. Due to the orientation of the site, there may be some overshadowing to the rear garden of 267 Telegraph Road in the latter half of the day. However, this is not considered sufficient to warrant a refusal of planning application.
- 2.8 Third parties have raised points which require consideration. Firstly, it is noted that the area is a residential area and construction 7 days a week may cause disruption. A condition has therefore been included to prevent construction on a Sunday. Secondly, a number of the third-party objections included loss of view and the impact on the value of neighbouring properties. These are not material considerations.

3. Conclusion

- 3.1 The proposals, due to their design, size and appearance, would not be out of keeping with the immediate character of street scene and surrounding area. The proposals will be viewed as one dwelling and would not create a negative impact within the area. Furthermore, for the reasons outlined above, while the proposals will have some limited visual impact on adjoining properties, the conclusion is that this impact does not cause harm sufficient to justify the refusal of the application. Consequently, the proposals would not conflict with the overarching aims and

objectives of the NPPF and it is recommended that planning permission should be approved.

g)

Recommendation

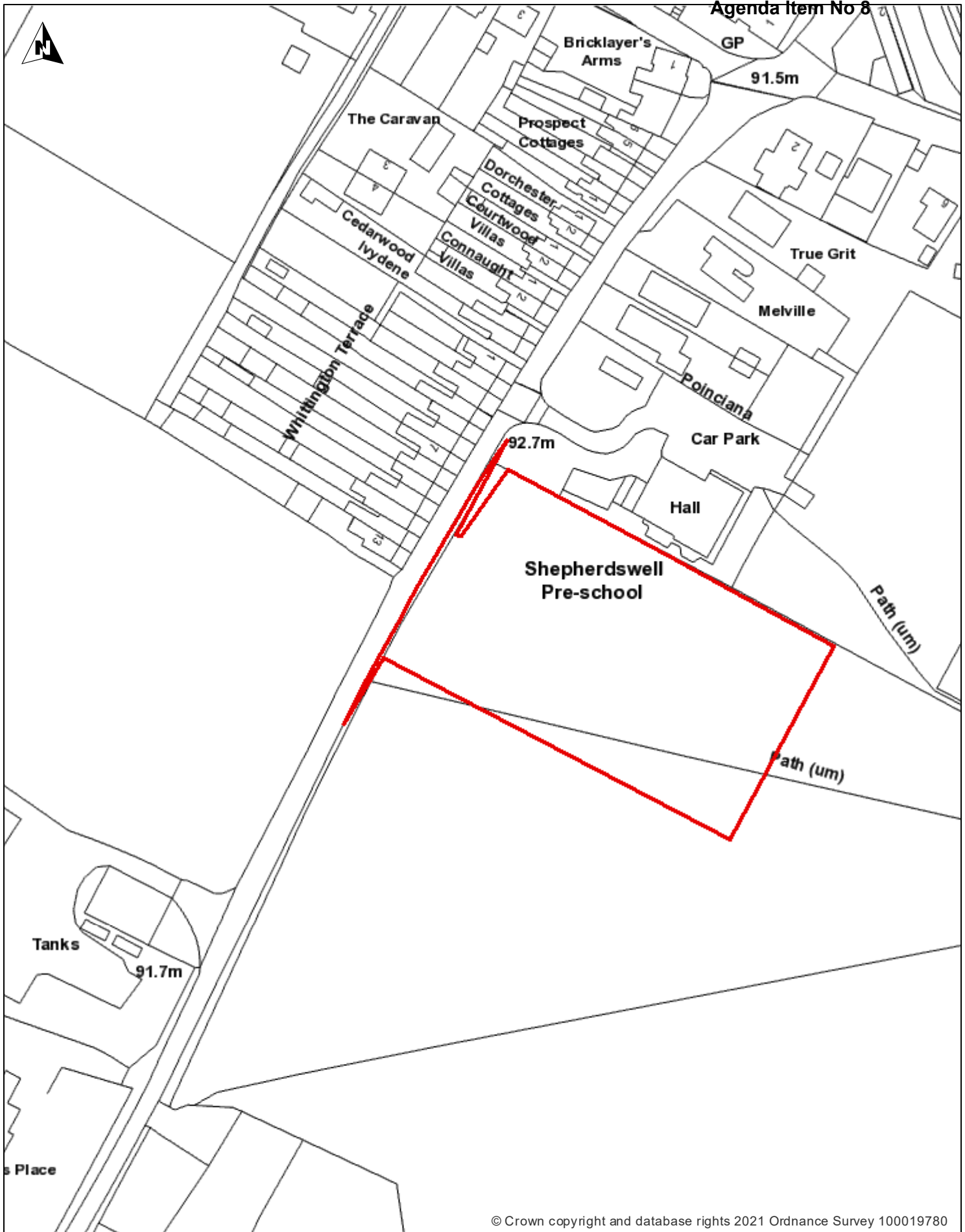
I Planning permission be GRANTED, subject to the imposition of the following conditions:

(1) 3-year time limit for commencement; (2) Compliance with the approved plans;
(3) No openings on south-west or north-east elevation; (4) No construction on Sundays.

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

Case Officer

Amber Tonkin



© Crown copyright and database rights 2021 Ordnance Survey 100019780

20/01508
Land To The South West Of Village Hall
Coxhill
Shepherdswell

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/20/01508 – Erection of 13 dwellings, of which 10 are proposed as affordable rent (rural exceptions housing) with associated parking and new access road - Land to the south-west of the village hall, Coxhill, Shepherdswell**

Reason for report: Number of representations

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policies and Guidance**

Development Plan

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

Core Strategy Policies

- CP1 Settlement Hierarchy. Staple is a Village; identified as a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- CP6 – Development which generates a demand for infrastructure
- DM1 – Settlement Boundaries
- DM6 – Rural Exception Housing
- DM11 – Location of Development and Managing Travel Demand
- DM13 – Parking standards
- DM15 - Development in countryside
- DM16 - Character of the landscape

Draft Local Plan Reg 18

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

National Planning Policy Framework 2021 (NPPF)

Paragraphs 2, 8, 11, 12, 47, 177 Chapters 5, 9, 12 and 15

- Paragraph 78 - In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

Other Material Considerations

- Planning Policy Guidance

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

d) **Relevant Planning History**

None relevant.

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

Shepherdsweil-with-Coldred Parish Council: It was resolved to support this application, however there needs to be care both pedestrian and vehicle access to the site to/from the already dangerous Coxhill Rd and the possibility of headlights shining into the houses opposite should be considered.+ Water run-off also needs to be prevented in the design as well regard for the already struggling sewage system. Consideration needs to be addressed about the cars that currently park along the road towards the village hall.

Housing Development Manager: Confirms a need for affordable housing in this location and the proposal is welcomed. The Housing Needs Survey demonstrates the need. Confirms that evidence is required to demonstrate that the open market units are necessary and justified due to viability issues.

Principal Ecologist: - Accepts the findings of the ecological report and badger survey. Seeks biodiversity gain and suggests condition to secure this to include the badger foraging route.

Natural England: No comments refer to standing advice

Environment Agency: No comments refer to standing advice

KCC Highways:

Initial comments: Placed a holding objection on the development due to a number of issues that needed resolving (see below)

1. Pedestrian access to/from the site will be via the existing 'virtual' footway in Coxhill and via Public Footpath ER81 connecting to Moorland Road and Church Hill. The virtual footway in Coxhill is not ideal but there have been no recorded personal injury crashes in this section of Coxhill in the 5 years to the end of 2019, and footpath ER81 could provide an alternative pedestrian route between the site and the primary school and nearest bus stops to the west of the site. Footpath ER81 should therefore be improved to provide an all-weather surface between the site and Moorland Road.
2. The visibility splays shown at the access are acceptable, however it appears visibility to the north is likely to be obstructed by cars parked on the east side of Coxhill. This parking will also obstruct visibility for pedestrians crossing east to west at the proposed crossing point just to the north of the access. Measures to protect the visibility splays and provide alternative parking arrangements therefore need to be considered by the applicant.
3. The refuse vehicle swept paths submitted appear to show it overhanging outside the highway on the west side of Coxhill when exiting, this manoeuvre also potentially being obstructed by the existing hedge. Swept paths for such a vehicle turning right in and right out of the access have also not been submitted.
4. The width of carriageway in Coxhill at the access point is approximately 4.1 metres and will need to be widened to 4.8 metres to enable two vehicles to pass.
5. There appears to be a lack of visibility for pedestrians crossing the access road on the PROW, to drivers entering the site, due to the proposed retaining walls.
6. A safety audit and designer's response is required for any highway alterations.

7. The application form indicates that the streets within the site are to be adopted. They should therefore be in accordance with Kent Design and the following additional information/amendments are required:

- The proposed extent of adoption should be identified. It should be noted that the street beyond the pedestrian access to plots 4/5/12 will not be adopted and the access to plots 6-11 should be via a private drive served off a vehicle crossing at the end of the adoptable section.
- The gradients of the proposed adoptable streets should be clarified and be in accordance with Kent Design
- A footway should be provided along the southern side of the street from the PROW up to the end of the adoptable section outside plot 12.
- The footway outside plot 2 should extend to the visitor lay-by spaces.
A 0.5 metre-wide service margin is required across the northern end of the road serving plot 3.
- A pedestrian connection should be made between footpath ER81 and the end of the road serving plot 3.

8. The amount of car parking proposed is acceptable without the garages being counted as providing such parking. Parking spaces should be minimum 5 metres long (6 metres in front of garages) x 2.5 metres wide, increased to 2.7 metres where bounded on one side by walls/fences/landscaping or 2.9 metres where bounded by such obstructions on both sides. Lay-by spaces should be minimum 6 metres long x 2 metres wide, increased to 2.5 metres where not abutting a footway. A note should be added to the plans confirming these dimensions have been satisfied.

Final comments:

1. The trip rates associated with the site are anticipated to be 6-7 trips in the peak hours, which is unlikely to have as severe impact on the highway network.

2. Pedestrian access – It is understood that previous concerns were raised regarding the lack of footway links to the village. Public Right of Way ER81 has been shown diverted around the site, with a connection to the site. This provides an alternative route between the site, the school and the nearest bus stops. Connections to the existing ER81 and improvements to provide an all weather surface between the site and Moorlands Road. PROW colleagues have commented that the grant of planning permission does not entitle the developer to obstruct the Public Right of Way. The development must not be started until such a time that the Order for its diversion has been confirmed and the new route provided. The diversion of the PROW should be subject to a suitable Condition to ensure that no development shall take place until the Order is considered acceptable.

This will also include the provision of tactile paving, as highlighted in the Stage 1 Road Safety Audit. However, this can be resolved through a separate S278 Agreement, should consent be granted.

3. Parking restrictions on Coxhill are required to protect visibility, due to the narrow nature of the highway. The Traffic Regulation Order should cover the length of the splay to the north and 10 metres to the south. This would equate to 7 parking spaces to the north. A parking survey indicates that only a small number of vehicles park in this location, but without full restrictions, parked vehicles are likely to be more concentrated. The TRO can be Conditioned and actioned by way of best endeavours.

4. The radii has been increased and swept path drawings illustrate that refuse freighters can navigate sufficiently.

5. I understand that the gradient of 1:15 is proposed for the adoptable shared surface within the site. This is for a distance of approximately 30-40 metres, which has been agreed as appropriate by KCC Agreements Manager. Further details will be required on a

plan to establish the gradients and whether they are acceptable as part of the S278 submission.

6. The proposed parking is in excess of the required standards. This includes 6 visitor spaces to displace those previously parked on Coxhill. While the full TRO will encompass approximately 9 parking spaces, it is considered that not all of the extent of the highway in these locations is parked. Therefore, having consideration for the previously submitted parking survey, 6 spaces are considered acceptable.

Subject to conditions KCC Highways are satisfied that the holding objection can be lifted.

KCC PRoW: ER80 and ER81 are both directly affected. Initially objected due to significant loss of amenity and public enjoyment.

Final comments: 'I note from the amended proposed site plan that the proposal is to divert the Public Right of Way ER81 and Part ER80 around the perimeter of the site. My comments remain the same that:

The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Rights of Way, must not be started - until such time as the Order necessary for its diversion has been confirmed, and the new route provided.

The successful making and confirmation of an Order should not be assumed.

If you are mindful to approve the application, I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

In order to avoid delays, the diversion or extinguishment of the right of way should be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the path network as soon as possible. It is important that your Authority are in a position to make the necessary Orders at the point at which consent is given.

The temporary closure of the right of way to enable development work to progress prior to confirmation of a permanent Diversion Order will not be considered.

KCC Lead Local Flood Authority – Agree in principle to the proposed development. The proposed drainage strategy utilises piped networks and permeable paving to underground geocellular attenuation systems. There is the possibility of using an above ground attenuation feature with underground attenuation if required at the entrance to the development which we would appreciate to encourage a biodiversity net gain for the development.

Southern Water: No objections, suggest informatives.

NHS: state they are not seeking contributions

Public Representations: 98 letters of objection received; 32 letters of support.

The reasons for objection are summarised as follows:

- Coxhill Road narrow, difficult to negotiate, already congested, limited visibility, extra traffic will exacerbate an existing problem – the busiest road in the village
- Insufficient parking to be provided on site – more cars will be parked on Coxhill Road. Loss of parking for residents of Whittington Terrace. Exacerbated by PC plans to prevent parking at village hall for non-hall users
- An accident black spot will be created from a dangerous new access, no visibility if approaching from the A2, poor sight lines

- Lack of footpaths along Coxhill Road – dangerous for pedestrians as road used as a rat run between A2 and A257 where speeds exceed the 30mph limit (speed watch recordings of 50mph cited)
- Coxhill Road needs traffic calming, the village hall already has a dangerously located access – this will make things worse
- Flooding of gully opposite the site entrance will be exacerbated by water run-off from the site due to elevated and sloping nature of the site
- Light pollution from street lights and car headlights when leaving the site
- Interference with bats flight path/activity/ feeding
- Loss of hedgerow habitat – protected by Hedgerow Regs
- Loss of a view and privacy to residents of Whittington Terrace – adverse impact on quality of life
- Unacceptable to development a greenfield site beyond the curtilage of the village, will set a precedent
- Impact on PRow ER80, ER81, ER82
- Wrong location
- Local facilities will be overstretched, lack of infrastructure
- Contrary to Rural Exceptions Policy DM6 by including 3 dwellings for private sale and having Adverse impact on landscape, historic environment, natural environment, highway system
- Contrary to HELAA findings (SHE012) where site flagged red as unsuitable for development
- Contrary to Shepherdswell Parish Plan Objective H1
- This should not be the best site because it was the cheapest and only one affordable – should consider Coldred or Westcourt Lane – more discussions should take place with other landowners
- Loss of agricultural land

The comments in support of the application are summarised as follows:

- Much needed local housing to allow local people to remain in village
- In accordance with the findings of the Housing Needs Survey
- Will facilitate older generation to downsize and younger low-income families to remain
- Much needed rental properties
- Well designed, sympathetic to location, excellent location on edge of village
- Will support local facilities and amenities
- Development will help secure the future of the primary school
- Trust should be applauded – social justice allowing young people to remain in the village
- Welcome new footpath

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

The Site

- 1.1 The application site is approximately 0.31ha in size and is situated in the Parish of Shepherdswell-with-Coldred. The site is located to the east side of the settlement, outside the village boundary but opposite to it. The site is described as managed arable land and comprises grade 3 agricultural land as identified in Fig 3.4 of the DDC Landscape Assessment 2020.

- 1.2 The site fronts Coxhill Road – a 30mph speed limit in this location. Opposite the site is Whittington Terrace. There is no footpath outside the site or opposite the application site.
- 1.3 The site is on land elevated from Coxhill Road with a fall to Coxhill Road from east to west. A topographic survey is submitted as an appendix in the drainage strategy, this shows that there is a significant fall across the site, from 100.1m AOD in the southeast corner to 94.2m AOD in the northwest corner.
- 1.4 The site does not fall within any specific designation. To the east and south of the site are fields, to the north is the village hall and to the west a row of residential properties. There are PRow along the northern boundary, to the east, south and west, ER80 and ER81.
- 1.5 The village has a number of facilities and services comprising a Medical Centre, Village Hall – which serves as a post office, a Co-op, Topsy Gardener Pub, Hairdresser/beauty salon, PH and a church.

The Proposal

- 1.6 The application has been submitted by a Community Land Trust and seeks full planning permission for the erection of 13 detached dwellings. Of these, ten of the dwellings are proposed as local needs housing (affordable rented) and the remaining three will be open market and used to cross subsidise the delivery along with grant funding for the local needs dwellings. The application is accompanied by a number of documents including:
 - Detailed plans
 - Perspective landscaping
 - A Design and Access Statement
 - Shepherdswell Heritage Statement
 - Ecological Scoping Survey; Badger Survey
 - Shepherdswell Housing Needs Survey 2013 and 2020
 - Development Viability Assessment
 - Construction Costs
 - Transport Statement
 - Road Safety Audit
 - Foul & SUDS Assessment
 - Statement of Community Involvement
 - Local Needs Housing Site Selection Process
 - HCA Development Appraisal
 - Proposed draft S106 Heads of Terms
- 1.7 The accommodation schedule provides for 2no. 1-bedroom apartments, 2no. two-bedroom apartments, 4no. two-bedroom houses, and 2 no. three bedroom houses for local needs. Also proposed are 2no. two-bedroom bungalows and 1no. 3-bedroom chalet bungalow for private/open market ownership.
- 1.8 The proposed layout shows a new access rising from Coxhill Road with shared surface throughout the site. An area of open space is shown to the front northern side of the access and is described as 'flexible communal open space'. One pair of two bed semi-detached properties is located on the northern of the access opposite the chalet bungalow. The properties are at 90 degrees to Coxhill Road. Parking for Plots 1 & 2 is accessed directly off the internal spine road and will require either

reverting into or out from each bay. Plot 13 is one of the open market dwellings and benefits from a car barn on the eastern side of the property. These dwellings towards the front of the site are set back by between 8-9m from the back of the public highway and are separated by green space which comprises either landscape screening, private side garden land or the community open space. On both sides of this access road landscape screening is proposed in front of the built form which allows for a buffer between the development and the Coxhill Road. The plans need to be viewed in the context of the site levels which are elevated to Coxhill Road and the dwellings in Whittington terrace.

- 1.9 Plots 3,4,5 &6 comprise a two storey apartment block in the central section of the site; each apartment has its own external main entrance at the front or side of the block and a garden area to the rear. The apartment building has been cleverly designed to obscure its appearance as an apartment block, such that it could be viewed as a pair of dwellings in the landscape. Whilst the roofline is continuous, the protrusion at either end provides for some visual relief. This building backs on to the village hall. Parking is provided at either side of the structure. The material palette is a blend of facing brick at ground floor level, horizontal cladding at first floor with a brown roof tile.
- 1.10 Plots 7,8,9 &10 are situated at the rear end of the site with the allotments to the northern side of plot 7 and open countryside to the east at the rear of the gardens. Sited as two pairs of semi's, Plots 7 & 8 are set further forward to 9 &10 which allows for a visual break when viewed from both within and outside the site. The principal elevations of these plots face in a westerly direction looking back across the site. Parking bays are provided at the front/side of the dwellings. Throughout the site parking is provided for all dwellings to meet KCC parking standards and comprise a mix of allocated spaces and visitor spaces. An additional 6 visitor spaces have been provided to off-set the loss of spaces on Coxhill Road to facilitate the visibility splays.
- 1.11 Plots 11 & 12 are the final two open market properties within this proposal. They are inward facing to the site, with their rear garden backing onto the open countryside to the south.

2. Main Issues

- 2.1 The main issues for determination are as follows:
 - The principle of the development
 - Impact on the landscape character and appearance of the locality
 - Impact on Highway Safety
 - Impact on ecology
 - Impact on Heritage Assets
 - Residential amenity
 - Viability Considerations
 - Other material considerations

Assessment

The Principle of Development

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

taken in accordance with the policies in the plan, unless material considerations indicate otherwise.

- 2.3 The site is located outside the existing settlement boundary of Shepherdswell, although it is opposite a terrace of houses and adjacent to the village hall. In such a location Core Strategy Policy DM1 restricts development other than in specific and limited circumstances (justified by other development plan policies) or it functionally requires such a location. The extent to which policy DM6 (Rural Exceptions Housing) justifies this proposal will be explored later in this report.
- 2.4 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of housing growth of the Core Strategy. Therefore, as one of the most important policies for determining the application, the weight to be afforded to Policy DM1 must be considered further in light of paragraph 11 and footnote 8 of the Framework.
- 2.5 Notwithstanding the primacy of the development plan, paragraph 11(d) the Framework states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test (75% or less)), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (known as the 'tilted balance') or where specific policies in the Framework indicate that development should be restricted.
- 2.6 Having regard for the Council's current housing land supply (HLS) position it is currently able to demonstrate a five-year HLS of 5.56 years and the Council has not 'failed' the Housing Delivery Test with its latest measurement being at 80% with a 20% buffer.
- 2.7 However, as Members are aware, the current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that the evidence base underlying Policy DM1 is out-of-date and the blanket ban on development outside the defined urban confines is inconsistent with the Framework which focusses on protecting important elements of the countryside, where they are present, and not all countryside. Moreover, paragraphs 78 and 79 of the Framework on rural housing provide no support for a blanket prohibition on the provision of housing in the countryside, especially on sites close to or adjoining existing settlements. As such, the Policy DM1 should carry only limited weight.
- 2.8 Policy DM6 of the Core Strategy considers Rural Exception Affordable Housing. Whilst this Policy does not directly apply to this proposal (due to cross-subsidy) - the general thrust of the policy can be attributed to the assessment of this scheme. Policy DM6 states:

'Permission for affordable housing schemes in the rural area beyond a settlement's identified confines will be granted provided:

local needs exist and are documented in a comprehensive appraisal of the parish prepared by the applicant and/or Parish Council, and where appropriate, of adjacent parishes; these local needs cannot otherwise be met, the development is of a suitable size and type and will be available at an appropriate cost to meet the identified need – schemes that include cross subsidies between higher priced and affordable housing, or a discounted initial price, will not be permitted; the site is well related in scale and siting to a village and its services; and initial and subsequent occupation is controlled through legal agreements to ensure that the accommodation remains available to meet the purposes for which it was permitted

- 2.9 The NPPF 2021 is the more recent planning policy and guidance, this takes a slightly more flexible approach with regard to meeting rural housing need, specifically it states, 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
- 2.10 It is considered that DM6 is a material consideration but is a dated policy that should therefore be read in conjunction with the NPPF. The local needs evidence shall be considered later in this report.
- 2.11 Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being outside the settlement boundary, is also considered to conflict with Policy DM11.
- 2.12 However, whilst the aim of Policy DM11 and the Framework are similar – to maximise use of sustainable modes of transport – the blanket restriction of Policy DM11 (to prevent development outside of settlement boundaries) does not follow the approach of the Framework, which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded limited weight.
- 2.13 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside, which is broadly consistent with the Framework. However, given that the spatial restriction of Policy DM11 is afforded less weight and the blanket restriction of Policy DM15 to prevent development resulting only in the loss of countryside does not follow provisions of the Framework (as explained above), parts of policy DM15 therefore are not up-to-date. It is thus considered that Policy DM15 should be afforded less than full weight.
- 2.14 Policy DM16 seeks to prevent development that would harm the character of the landscape. Development proposals will only be permitted if in accordance with allocations in the Development Plan and incorporates mitigation. or the development is sited to avoid or reduce harm and mitigate accordingly.
- 2.15 Given how important Policy DM1 and DM16 are, and in view of the tension between policies DM6, DM11 and DM15 and the Framework, it is considered that the 'basket of policies' which are most important for determining applications are out-of-date and should not be given full weight.

2.16 The application must therefore be assessed against paragraph 11 of the Framework which directs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate that development should be restricted.

Impact on the Landscape Character and Appearance of the Locality

2.17 The application site falls within Character Area LCT E (1) of the Dover District Landscape Character Assessment 2020: Open Arable Chalk Farmland with Parkland. The key sensitivities and values of the area are identified as follows:

- Elevated chalk ridges and valleys provide topographical interest and contrast of openness and enclosure in the landscape.
- Ecologically important priority habitat deciduous woodland and ancient woodland is locally designated.
- Historic parklands at Goodnestone, Knowlton and Fredville create locally distinctive historic landscapes.
- Historic links to coal mining at Tilmanstone and Snowdown former collieries and pit villages and the East Kent Railway provide a link to the recent industrial past.
- Small scattered historic settlements and farmsteads with a vernacular of redbrick, flint and Kent peg tiles.
- Narrow, winding rural lanes.
- Recreational value of PRowS including Long Distance North Downs Way and Miners Trail Way.

2.18 Essentially, the pattern and rhythm of the landscape is of undulating land form with narrow roads and far reaching views. The landscape strategy for E1 Shepherdswell Aylesham Parklands LCA is, 'to conserve and enhance the rural character and simple pattern of the rolling arable landscape interspersed with blocks of woodland and parkland'.

2.19 The site falls within the category of Grade 3 "best and most versatile" agricultural land. The precise grade (i.e. whether the land is Grade 3a) could only be determined by a detailed site survey.

2.20 The site extends to 0.57 hectares, which is not deemed a particularly significant loss. The loss needs to be balanced along with all other material considerations but in itself is not deemed a justifiable ground of refusal.

2.21 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition, it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. This application is not submitted on the basis of agricultural need; it is not in accordance with any allocations and is not required to sustain a rural economy but is put forward to support the rural community. On this basis there is some policy (DM6) and NPPF support. It is therefore considered that subject to the detail, the proposal would not be contrary to policy DM15.

2.22 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the

development plan, incorporating any necessary mitigation; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.

- 2.23 The relevant landscape character assessment recognises the undulating landform of the locality. In this instance, the application site rises away from the settlement. Nearby public rights of way (PRoW) afford views across the land. This proposal has been designed to take account of the landform and its edge of rural setting and seeks to provide views through the site. The additional landscape buffer around the periphery of the site helps to mitigate the built form and blend it into the backdrop of existing built form on two sides of the application site.
- 2.24 The application site itself is presently undeveloped and therefore does contribute to the wider open countryside and affords views across the landscape. It would not be possible to develop the site without altering the landscape character and appearance of the locality, however, the detail of the scheme is crucial in determining the level of harm that the proposal would give rise to and whether this is outweighed by the benefits.
- 2.25 The new dwellings, if permitted, would be visible from the immediate locality and approaching the site from Coxhill Road to the south and also from the PRoW network which is to all sides of the application site. The site will be particularly visible when looking down the valley from the PRoW to the east and also from the closer proximity of that which is to be diverted around the site. The land rises to the south east where again views back across the field to the development site, which are currently of the lower mass of the village hall, will be defined by the more significant built form of the development proposal. This being said, the proposal would draw the eye to the settlement boundary sooner when approaching from the south but would not appear as isolated development due to its relationship with the existing dwellings opposite the site and the built form to the northern side. A key aspect for this development is the scope to provide a landscape and ecological buffer from the development to the open countryside, thereby helping to mitigate the impact on the landscape character of the area and integrate the development into the local area.
- 2.26 The proposals show a landscape buffer of 5m width on the eastern and southern field boundaries. A detailed planting scheme would be required as part of a planning condition. 1.2m high stock proof fencing is shown as the boundary between the site and the open countryside. A great deal of time has been spent on the detailed design of the proposal in terms of ensuring safe and acceptable highway arrangements and seeking to mitigate against the development eroding the rural character and appearance of this location.
- 2.27 The delivery and maintenance of this landscape buffer is considered crucial to ensuring an acceptable landscape impact from the development. Planning conditions would be necessary to ensure early delivery of the landscape buffer and details would be required of a management plan to ensure the long-term maintenance by an appropriate management group.
- 2.28 Accordingly, the development is considered to be acceptable in terms of its impact on the character and its effect on the countryside subject to securing the relevant details through planning conditions.

Heritage Impact

- 2.29 A Heritage Assessment has been submitted and identifies the locality of Heritage Assets to the north and south of the site. There are 8 grade II listed assets identified along Coxhill Road. This initially seems a fairly significant number that could potentially be impacted by the development proposal, however, consideration needs to be given as to whether, in heritage terms, the proposed development respects the setting of these heritage assets and whether views are retained or impacted from the application site.
- 2.30 The site formed part of a larger area that was assessed as a potential housing site through the local plan process. The local plan (HELAA) assessment rejected this larger site due to the number of units proposed (20) which was considered to have a harmful impact on the rural setting of the listed buildings when viewed from the PROW running from the village hall car park towards the allotments. The HELAA site, as mentioned, was larger and extended further south to the grade II listed Oast. The current scheme is for a lower number of units and a smaller site area. It includes a perimeter buffer/ecological corridor around the edge of the site together with a rerouted PROW. The previous concerns are mitigated by the changes to the scale and siting of the proposal. The proposal will still allow a view from the PROW and therefore the heritage assets will still be visible within the rural context.
- 2.31 Clearly it is not possible to develop any site without changing the localised views. In this instance, an assessment of harm has been undertaken, and balanced against whether there are compelling reasons that would give rise to benefits that would outweigh this harm. The proposal has been discussed with the Principal Heritage Officer. The current proposal due to the reduced site area, rerouted PROW and scaled back level of development is not considered to give rise to Heritage harm/concerns.

Highways

- 2.32 The proposed development is for thirteen additional dwellings together with a new access off Coxhill Road to service the development. The KCC Highway Authority has provided detailed comments throughout the course of the application to ensure that the proposal would not result in a severe impact to highway and pedestrian safety.
- 2.33 Extensive objections have been received from residents raising concern over the width of Coxhill Road in this locality. Residents have made reference to issues with parking and generally this being a hazardous spot for a development to be serviced. A Transport Statement was submitted with the application and the applicant would be required to enter into a S278 Agreement for the off-site highway works.
- 2.34 In itself, the likely volume of traffic generation from the thirteen dwellings would not be likely to cause a severe impact on the highway network. However, other concerns regarding the lack of a footpath, road width and visibility splays are issues that require careful consideration.
- 2.35 The applicant has taken advice from the KCC Highway Officer and the plans have been amended on more than one occasion. Tracking plans have been provided, visibility splays adjusted and proposals put forward to widen the road to 4.8m and provide double yellow lines outside the application site. In response to residents concerns over loss of existing on street parking, extra spaces have been provided within the site – 29 in total, 7 of which are visitor spaces. 2.36 The matter of parking no longer being permitted at the village hall unless attending the venue, is not for consideration under this application.

- 2.36 To enhance accessibility to the site, it is proposed to provide a footpath link out of the site and a new crossing point. The impacted PRow will be rerouted around the application site. The site is considered to be in a reasonably sustainable location and will form a natural extension to the built form on this side of Coxhill Road.
- 2.37 Whilst the number of objections is noted relating to highway concerns, the application has been scrutinised by the KCC Highway Officer and the advice is clearly, that subject to safeguarding conditions, the application is acceptable. In the absence of any compelling highway evidence to the contrary, it would not be appropriate to deviate from this position. Accordingly, there is no objection to this application on highway grounds.

SuDS/Drainage

- 2.38 A Foul and SuDS Drainage Assessment has been undertaken by GTA and submitted with the application. The report has been considered by the statutory consultees and the KCC Lead Local Flood Authority has agreed in principle to the proposed development. The proposed drainage strategy utilises piped networks and permeable paving to underground geocellular attenuation systems. Drainage is an issue that is referenced in the third party comments submitted in response to the application and therefore it is critical that none of the statutory consultees raise concern over this element of the application. KCC have stated that there is the possibility of using an above ground attenuation feature with underground attenuation if required at the entrance to the development which it is stated would encourage a biodiversity net gain for the development. The final details of drainage is a matter that can be dealt with by planning condition due to the general acceptance of the assessment and details that have been submitted with the application.

Impact on Ecology

- 2.39 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 2.40 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
- 2.41 The application was accompanied by an ecological scoping report. The application site is highly managed arable land with limited botanical interest. There is a hawthorn dominant hedgerow that runs along the western boundary parallel with Coxhill Road; the ecological report advises that this has limited potential to support reptiles and/or dormice.

- 2.42 The conclusions from the report were that there is limited botanical interest on the site. A badger latrine was found within the development site and a detailed survey was required in relation to badgers. No evidence of other protected species was found. Recommendations were made with regard to avoiding the bird nesting season for site clearance and use of low level lighting to maintain any bat usage of the site for commuting.
- 2.43 No badger setts were found near to the proposed development site. However, there was evidence of badgers using the site to forage, having corridor routes and territorial latrines within the proposed development area.
- 2.44 The report sets out a number of recommendations in relation to provision of a corridor to continue badger activity around the site in order to maintain the existing population. The suggestion of a wildlife corridor was discussed early in the consideration of this planning application and with the additional site area on the east and southern boundary, this facilitates the re-routing of the PRow and the corridor routes to maintain wildlife.
- 2.45 In light of the above considerations, there are no objections on the grounds of ecology subject to stringent measures being put in place to ensure protection and enhancement of biodiversity and protected species.

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

- 2.46 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.
- 2.47 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.
- 2.48 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.
- 2.49 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.
- 2.50 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.

- 2.51 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.

Residential Amenity

- 2.52 Concern has been raised that the development would give rise to overlooking and light pollution to the residential amenity of the properties opposite the site at Whittington Terrace.
- 2.53 The proposed development is on the eastern side of Coxhill Road with the access opposite Whittington Terrace. The land rises from Coxhill Road and sections were sought that demonstrated the levels between existing and proposed dwellings. It is noted that the proposed dwellings will be taller than those existing, however they will be set several metres back into the site and have their principal elevations facing into the site. It is not considered that there will be overlooking from the proposed dwellings due to the combined distance, siting and design of the dwellings.
- 2.54 Cars leaving the site in the dark will be using an access directly opposite Whittington Terrace. There will be a degree of additional lighting momentarily that does not currently exist. However, in terms of severity and frequency, it is not considered that the 13 dwellings would generate a level of light that is significant beyond that expected within a settlement with a route directly onto the A2.
- 2.55 The change of use from the existing site to proposed will alter the outlook and activity level of the site to what is presently the case; however, this in itself is not a reason to refuse planning permission.

Local Needs Housing

- 2.56 In February 2020 a Housing Needs Survey was undertaken to help identify the local housing needs for the Parish of Shepherdswell and Coldred. A previous survey had been undertaken in 2013 however, a more up to date survey was required in order to help inform the need for this current application.
- 2.57 The need was identified for up to 12 affordable homes – 3 single persons, 2 couples and 7 families. Fifteen homes were also sought by older households wishing to downsize and of those survey 3 required an ‘affordable’ property. A site search was undertaken and a number of sites were considered. As a result the application site was suggested as the most suitable and ultimately the only deliverable site subject to the submission of a detailed scheme.
- 2.58 The need for affordable homes for rent has been welcomed by the Housing Manager.

Viability Assessment

- 2.59 In support of this application, the applicants have submitted a Development Viability Assessment (February 2021) to demonstrate that the three open market units are required to cross-subsidise the local needs housing. This report has been independently assessed by Dixon Searle (Viability Consultants) in order to provide

DDC Officer's with 'an independent check of, and opinion on, the planning applicant's viability information and stated position in this case.

- 2.60 The independent report confirms that the overall approach to assessing viability of the proposed development is appropriate. In relation to the costs that have been applied to the scheme, if anything, Dixon Searle consider that some of these may have been underestimated but either way, it is considered that the scheme is dependent on the cross-subsidy funding together with grant funding.
- 2.61 It is therefore the case that whilst the grant funding level could fluctuate, the deliverability of this scheme is dependent on both the cross-subsidy and other funding as without these the scheme would not be viable.
- 2.62 In light of the independent advice received, it is considered that there is no dispute regarding the need for the three market units to help secure the delivery of the local needs housing.
- 2.63 Draft Heads of Terms have been submitted which propose a cascade approach to ensuring the affordable homes go to the local community. KCC sought contributions in relation to the 3 open market units and a number of infrastructure costs. In this instance the 3 open market bungalows are put forward for 'downsizing' accommodation and not as family homes. Due to the clear viability issue having been demonstrated and the independent viability assessment suggesting that the scheme could bear only a small level of contribution, then the limited payments sought by KCC towards Community Learning, Youth Service, Library Book Stock, Social Care and Waste (totalling £1,016.16) appears justified.

3 Conclusion/Planning Balance

- 3.1 The proposal is for full planning permission for 13 dwellings of which 10 will be local needs housing. The site is close to the settlement boundary of Shepherdswell. There are dwellings opposite the site to the west and built form adjacent on the northern side.
- 3.2 Whilst the character of this rural landscape will change, it is considered that efforts have been made to design a scheme that can be mitigated in the location.
- 3.3 It is acknowledged that the categorisation of the settlement of Shepherdswell as a local centre means that, in principle, development of a suitable scale to reinforce its role as a provider of services to the local community may be acceptable – (albeit the application site is not strictly within the village). The proposal has been considered against Policies DM1, DM11, DM15 & DM16 of the Dover District Core Strategy which resist new development outside of existing settlement boundaries to ensure the highest level of protection is given to landscape protection; however where the impact is mitigated, the design sympathetic to the location and other material considerations apply (DM6, NPPF para 77) then planning permission can be justified.
- 3.4 The impact on the Heritage Assets that are less than 1000m to the application site have been given careful consideration, particularly in relation to Chapter 16 of the NPPF. The proposal is considered to cause less than substantial harm to the significance of these designated heritage assets and the public benefits of providing the rural needs housing is considered to outweigh this harm.

- 3.5 Overall the development is consistent with the aims and objectives of the NPPF. The report recognises that the proposal would deliver a form of affordable housing for which a local need has been identified. This benefit is considered to exceptionally warrant consideration of housing in this location. While the development would adjoin open countryside and therefore raise legitimate concerns about landscape impact, the provision of a robust landscape buffer which would be managed/maintained over the lifetime of the development, and provide screening, would help to mitigate harm. On balance and when weighed against the housing benefits being delivered, it is considered that this buffer, in the circumstances of this case, would be an acceptable approach to address the landscape concerns. No objections have been raised to the proposal by KCC Highways or any other consultee.
- 3.6 Accordingly, it is considered that this application is acceptable, and as such it is recommended that planning permission be approved subject to the applicant entering into a legal agreement to secure the rural needs housing.

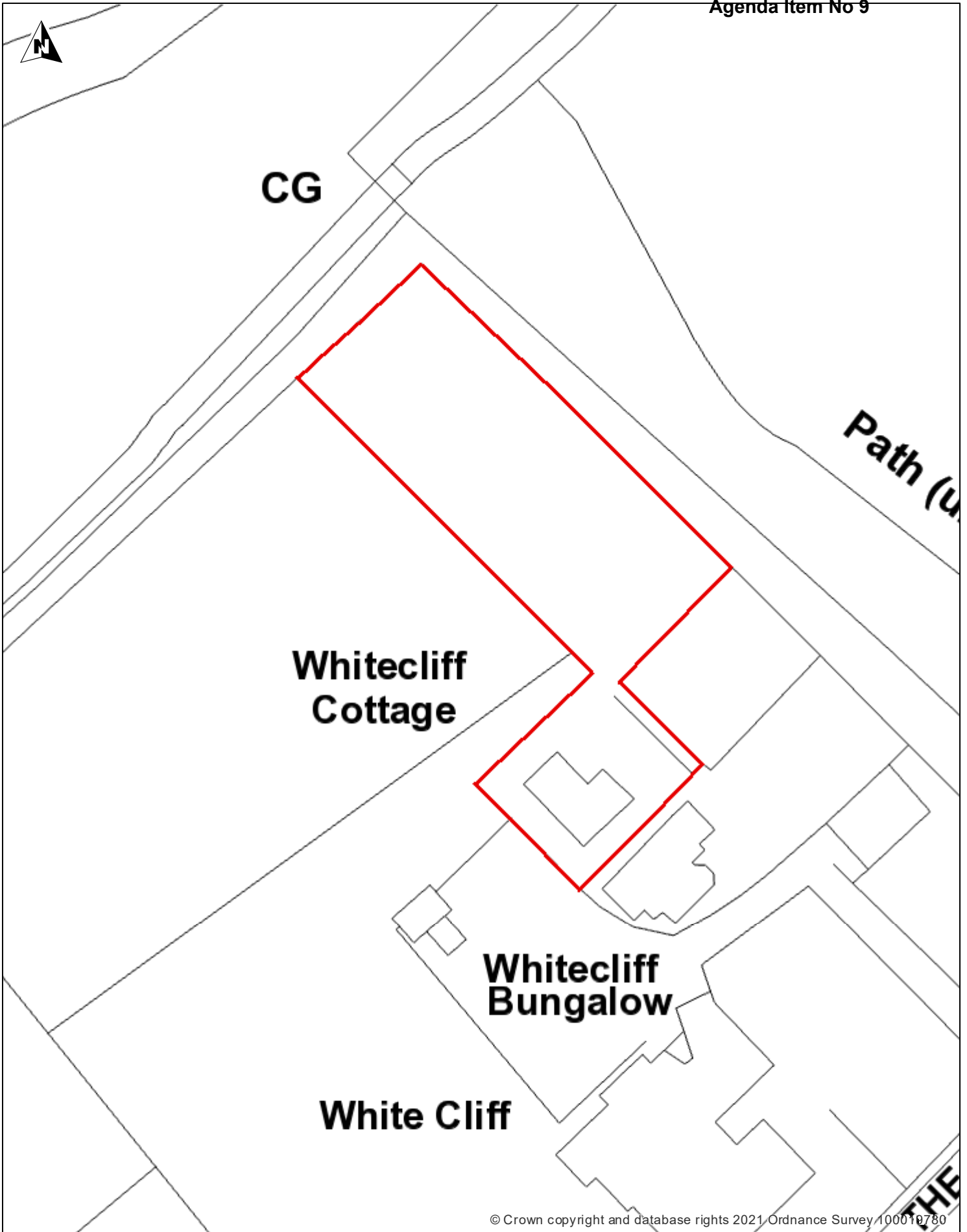
(g)

Recommendation

- I PERMISSION BE GRANTED subject to a S106 Agreement to secure 10 local needs houses and matters covered in this report and subject to and the following conditions:
- 1) Standard time limit
 - 2) Drawing nos
 - 3) Material samples
 - 4) Joinery details
 - 5) Boundary treatment
 - 6) Site levels
 - 7) Ecological mitigation & enhancement scheme
 - 8) Landscaping scheme
 - 9) Landscape buffer including timetable for delivery and details of maintenance by way of a management group /company - also to include management of open space
 - 10) PRow details/delivery
 - 11) Construction Management Plan
 - 12) Drainage
 - 13) EV charging points
 - 14) Parking spaces/garage retention
 - 15) Highways – visibility splays, 278 agreement
 - 16) PD rights removed – boundary treatment, alterations to roof
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle the S106 Agreement and any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks



© Crown copyright and database rights 2021, Ordnance Survey 100010780

21/01264
Whitecliff Cottage
The Front, St Margarets Bay
CT15 6HR

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/21/01264 – Conversion of detached garage to ancillary annexe accommodation including the erection of side dormer window, extension of first-floor terrace and alterations to windows and doors - White Cliff Cottage, The Front, St Margaret’s Bay**

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

- b) **Summary of Recommendation**

Planning permission be granted, subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

DM1, DM11, DM13, DM15, DM16

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 130, 174, 176, 180

Draft Dover District Local Plan

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

The Kent Design Guide (KDG)

- d) **Relevant Planning History**

DOV/21/00507 - Erection of a raised summer house (part retrospective) Granted

DOV/04/00855 - Erection of two storey rear extension – Granted

DOV/99/00018 - Proposed detached double garage – Granted

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

KCC PROW: Have no comments to make.

Natural England: This application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. DDC has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

St Margaret’s Parish Council – Objects - This proposal would harm the setting, being in the AONB and adjacent to the SSSI. The Parish Council is discouraging traffic from this area and the application, if granted, would set a precedent - the site is significantly outside the village confines.

Third Party Representations:

13 objections have been received. Material considerations are summarised below. Matters such as impact on an individual's property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- Out of keeping with the area.
- Would be the only residential accommodation in this area of woodland on the South Foreland
- Use as holiday accommodation would result in increased traffic.
- Damage to Beach Road Path and SSSI
- Impact on ecology/wildlife
- Increased vehicle parking
- There is restricted access to this area
- Harmful visual impact in AONB and
- Increase in light pollution.
- The conversion will be completely self-contained and could be used as a dwelling.

Officer comment: A number of objections refer to the conversion being used as a holiday let or a dwellinghouse. However, Members are advised that the application is for a residential annexe not a holiday let or a dwellinghouse.

1. The Site and Proposal

The Site

- 1.1 The application site comprises a detached two-storey residential garage located within the residential curtilage of a property known as White Cliffe Cottage, located within the rural AONB and a SSSI. The site is located within a small cluster of residential dwellings located within the South Foreland Valley between The Front and Beach Road. Vehicle access to the application site is afforded from Beach Road while the neighbouring properties have access from The Front.
- 1.2 The application site is an irregular shaped plot and the existing garage is located towards north boundary adjacent to Beach Road while the house is approx. 45m to the south and adjacent to a property known as White Cliffe Bungalow. The main garden area for the house is the front garden located between the garage and house. There are a number of mature trees within the site and along the boundary and the immediate area has a woodland character.
- 1.3 This section of Beach Road is an unmade track running east to west parallel to The Front. PROW ER38/7 runs along the Saxon Shore Way to the south of the site.

The Proposal

- 1.4 The proposal is for the conversion of an existing detached garage to ancillary annexe accommodation including the erection of side/rear dormer window, the extension of a first-floor terrace and alterations to the existing windows and doors. The existing garage is a two-storey building with parking at ground floor level with a first floor storage/workshop within the roof space above. Access to the first floor level is via an external stepped/raised access platform at the rear and side of the garage.
- 1.5 The proposals comprise ground floor kitchen/dining/living accommodation and a shower room with new internal stairs to the first floor level which presumably would be used as a bedroom or workspace. The existing external raised access platform would be extended to create a raised decking area on the northeast elevation. The proposed

dormer window would be located on the rear elevation facing towards the garden. The existing garage doors would be replaced with bifold doors with a replacement window above. The existing window and door on the southern elevation would be replaced with two windows.

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the annexe conversion
- Design and visual amenity
- Impact on rural locality and AONB
- Impact on Residential Amenity
- Highway Considerations

Assessment

2.2 The application site is located outside of the settlement confines and therefore within the countryside for planning purposes. However, the proposed annexe conversion would be located within an existing residential curtilage and would be ancillary to the main residential dwelling and would therefore comply with policy DM1 of the CS subject to other material considerations.

2.3 The external alterations comprise a new dormer window which would be located on the rear elevation of the building and would face towards the application garden away from Beach Road. There would be no increase in the overall height of the building and the dormer extension would be set below the ridge and in from the side of the roof. As such the dormer window would not be significantly visible outside the application site. The first floor terrace extension would infill a gap between the building and the existing raised platform/terrace access and would not be readily discernible as a result. The replacement of the garage doors with bifold doors would create a more residential/domestic appearance, however these works are at ground level and would have a limited visual impact outside the application site, due to the mature boundary vegetation screening. In addition, the proposals would be wholly located within the existing residential curtilage and there would be no encroachment into the open countryside and AONB. Overall, the proposed external alterations would not result in any significant detrimental visual harm and by virtue of the scale, siting, design and tree screening around the site, it is considered that the proposals would conserve the character of the AONB.

2.4 The conversion includes the provision of new windows, including a dormer and glazed bifold doors. As such the conversion works would result in some increase in light pollution in the SSSI and AONB. However, this is a small scale building located within an established residential garden and the mature boundary trees/vegetation would screen the majority of the building from public views. As such any increase in light pollution would be minimal and would not have a significantly detrimental impact on the rural location or AONB. It is also noted that the building already has a first floor window and the new bifold doors and ground floor openings would constitute permitted development and do not require planning permission.

2.5 Given the separation distances involved the conversion of the garage to ancillary living accommodation would not result in any significant adverse neighbour amenity.

2.6 The conversion of the garage would result in the removal of two garage parking spaces. However, the site plan indicates that there would be three on-site/driveway parking spaces adjacent the building which would not be affected by the proposed

conversion works. Three on-site parking spaces for the application property would be in accordance with policy DM13 and there would be no change to the existing vehicle access arrangements. No objections are raised in terms of parking or vehicle access.

- 2.7 A number of objections have been raised regarding an increase in vehicle movements. However, as the annexe conversion would be ancillary to the existing residential property in accordance with policy DM1, there would be no significant increase in vehicle movements to and from the site. In addition, the condition of the Beach Road access track is not a material planning consideration for this type of ancillary residential development.
- 2.8 Several objectors have referred to the annexe as a holiday let or a new separate dwelling. Members are advised that the application description is for an ancillary residential annexe and the application should be determined accordingly. Notwithstanding this the living accommodation proposed for the conversion would constitute a small self-contained unit and the building is located at the opposite end of the site to the main house and therefore benefits from a degree of separation from the main house. As such, the converted annexe could be seen as tantamount to a new dwelling in the countryside and would conflict with CS policies as this would be an inappropriate and unsustainable location for a new dwelling in the AONB. Further, the internal floor area would not be a sufficient size for an independent dwelling. As such, it is considered necessary to secure the ancillary residential use of the annexe by condition.

Appropriate Assessment

- 2.9 The Natural England have made comments regarding the potential net increase in residential accommodation and impacts to the coastal Special Protection Area(s) and Ramsar Site(s). However, as the proposal is for ancillary residential accommodation, rather than new / additional residential accommodation the Council are of the view that there would be no significant impact on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.10 Notwithstanding this, detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.11 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.12 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.13 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

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

3. Conclusion

- 3.1 Overall, it is therefore considered that the proposed annexe conversion would not result in any significant adverse harm to existing residential amenities, highway safety or the visual amenity of the rural locality and the proposal would conserve the character of the AONB. As such, the proposal would comply with Paragraphs 130, 174 and 176 of the NPPF and Policies DM1, DM15 and DM16 of the CS and is recommended for approval.

g) Recommendation

- I. Planning permission be GRANTED, subject to the following conditions:
- 1 Time;
 - 2 Approved plans;
 - 3 Annexe accommodation only and tied to existing.

Case Officer

Andrew Jolly