

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

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

16 March 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 24 March 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](mailto:democraticservices@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

## Planning Committee Membership:

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

## AGENDA

### 1 **APOLOGIES**

To receive any apologies for absence.

### 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3      **DECLARATIONS OF INTEREST** (Page 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 24 February 2022 (to follow).

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

5      **APPLICATION NO DOV/21/01314 - SIR ROGER MANWOOD'S SCHOOL, MANWOOD ROAD, SANDWICH** (Pages 11-25)

Construction of a sports pitch, erection of a two-storey pavilion, new vehicle access, additional 20 car parking spaces, fencing, lighting, drainage and ancillary works

To consider the attached report of the Planning and Development Manager.

6      **APPLICATION NOS DOV/20/01566 & DOV/20/01567 - WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE** (Pages 26-42)

DOV/20/01566 – Planning Application: Change of use to and conversion into 3 dwelling-houses with associated parking; first-floor extension to one side with double-hipped roof and associated external/internal alterations

DOV/20/01567 – Listed Building Consent Application: Alterations to facilitate conversion to 3 residential units

To consider the attached report of the Planning and Development Manager.

7      **APPLICATION NO DOV/21/00511 - 82-86 THE STREET, ASH** (Pages 43-60)

Erection of a single storey extension, entrance porches, dormer windows and rooflights to facilitate the change of use and conversion of 2 buildings to form 4 dwellings with the erection of 1 link-attached dwelling; erection of entrance gates with associated parking and gardens (demolition of existing 3 extensions and entrance porch)

To consider the attached report of the Planning and Development Manager.

8      **APPLICATION NO DOV/21/01309 - ROSE NURSERY, DOVER ROAD, SANDWICH** (Pages 61-77)

Outline application for the erection of 7 self-build plots (all matters reserved)

To consider the attached report of the Planning and Development Manager.

9      **APPLICATION NO DOV/21/00274 - LAND AT ARCHERS LOW FARM, SANDOWN ROAD, SANDWICH** (Pages 78-114)

**Erection of 44 dwellings with associated access, parking, open space, landscaping, drainage and infrastructure**

To consider the attached report of the Planning and Development Manager.

10 **APPLICATION NO DOV/20/00155 - 8 THE STREET, ASH** (Pages 115-130)

**Erection of 6 dwellings and works to the existing building to form a 7th dwelling, with associated parking and landscaping**

To consider the attached report of the Planning and Development Manager.

11 **APPLICATION NO DOV/21/01618 - 44 MILLAIS ROAD, DOVER** (Pages 131-137)

**Erection of a detached dwelling with associated parking (existing garage to be demolished)**

To consider the attached report of the Planning and Development Manager.

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

12 **APPEALS AND INFORMAL HEARINGS**

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

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

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

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- 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.
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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.

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

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

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

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

**Other Significant Interest (OSI)**

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

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

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

**Note to the Code:**

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

## **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

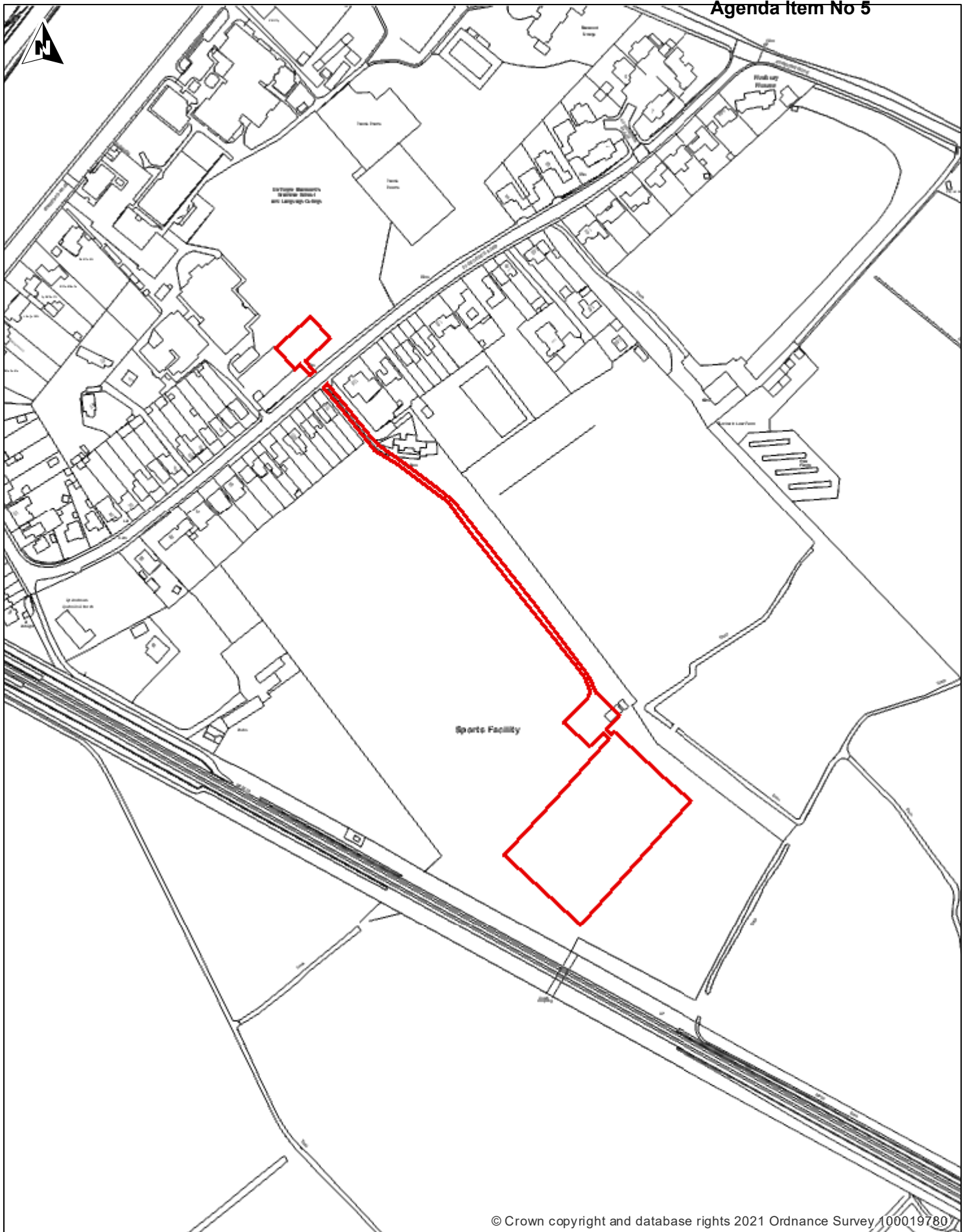


## PUBLIC SPEAKING AT PLANNING COMMITTEE

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

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



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21/01314

Sir Roger Manwoods School  
Manwood Road, Sandwich  
CT13 9JX

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/21/01314 – Construction of a sports pitch, erection of a two-storey pavilion, new vehicle access, additional 20 car parking spaces, fencing, lighting, drainage and ancillary works - Sir Roger Manwood's School, Manwood Road, Sandwich**

Reason for referral – number of contrary views

- b) **Summary of Recommendation**

Planning permission be granted subject to conditions.

- c) **Planning Policy and Guidance**

#### Legislation

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

#### Development Plan

The statutory development plan comprises:

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

Relevant policies of the Core Strategy include:

- CP5: Sustainable Construction Standards
- DM1: Settlement Boundaries
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision
- DM15: Protection of Countryside
- DM16: Landscape Character
- DM25: Open Space

Relevant Saved policies of the Local Plan 2002 include:

- ER6: Light pollution
- OS6: Proposals for indoor sports and recreational facilities
- OS7: Proposals for outdoor sports and recreational facilities
- AY2: Ensuring community benefits
- AY7: Open space and landscaping

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

#### Other Material Considerations

*National Planning Policy Framework*

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

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

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

Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93 says that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 95 says that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning

authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 98 says that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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

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

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

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

Paragraph 130 says that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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

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

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

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

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

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

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

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

#### *Other Material Considerations:*

- Kent Design Guide (2005)
- National Design Guide (2019)

d) **Relevant Planning History**

There is substantial planning history relating to the site. The schedule below shows extracts from that history, and identifies planning applications relating to sporting facilities at the site:

Reference	Description of development	Decision	Date of decision
16/01263	Removal of Condition 3 of Planning Permission 97/00626 to Allow Non-School Related Use Outside of Normal School Hours (Application Under Section 73).	Approved	07.02.2017
97/01219	Extension of Existing Tennis Courts to Provide a Multiplay Area with Synthetic Grass Surface.	Approved	21.01.1998
97/00626	Erection of a Single Storey Sports Hall Adjoining the Existing Gymnasium Together with Alterations and an Extension to the Existing Building (Amended Scheme).	Approved	10.02.1998
97/00604	Provision of new Multiplay/Playground Area with an All Macadam Surface Bordered on Three Sides by 2.75m Chain Link Fencing.	Approved	21.10.1997
95/00650	Relocation of Existing Rifle Range.	Approved	05.12.1995

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

**Sandwich Town Council**

*“Sandwich Town Council Planning Committee met on 13th October 2021 and resolved to recommend approval of this planning application.*

*Sandwich Town Council would also like it noted that the plans were not clear as to exactly where the pavilion would be sited. Please advise. Sandwich Town Council also note that there are trees on this site which could potentially be worthy of a consideration for a TPO (Tree protection Order). Most notably, T50 (English Oak) and T52 (Copper Beech) with Tree quality assessment category A and E.R.C.Y of 40+ years.*

*The overall plan regarding tree protection looks pretty good. The RPA encroachment and Infrastructure requirements/service installations should be insufficient to threaten the trees providing the recommendations stated in the ARBORICULTURAL METHOD STATEMENT AND TREE PROTECTION PLAN (Pre-development tree Report) are enforced and adhered to. Again, please advise”.*

**KCC Highways**



Further to my previous comments the applicant has submitted further information clarifying the existing parking arrangements at the school for match days.

Whilst this confirms that there will be sufficient parking within the school grounds, a Traffic Management Plan should be drawn up that can be sent out to anyone attending matches here and can inform all players and supporters of the parking arrangements at this location. I am content to apply a suitably worded condition for this, should the Local Planning Authority be minded to approve this application.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - a. Routing of construction and delivery vehicles to / from site
  - b. Parking and turning areas for construction and delivery vehicles and site personnel
  - c. Timing of deliveries
  - d. Provision of wheel washing facilities
  - e. Temporary traffic management / signage
- Completion and maintenance of the access shown on the submitted plans H-01 Rev P2 prior to the use of the site commencing.
- Provision and maintenance of the visibility splays shown on the submitted plans H-01 Rev P2 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 2metres x 2metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the Electric Vehicle charging facilities shown on the submitted plans H-01 Rev P2 prior to the use of the site commencing. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- Provision and permanent retention of the vehicle parking spaces, signs and alligator teeth shown on the submitted plans H-01 Rev P2 prior to the use of the site commencing.

- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of a Traffic Management Plan prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

#### DDC Environmental Protection:

No objection.

#### Environment Agency

Application is covered by Flood Risk Standing Advice.

#### Southern Water

*“The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation. It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer”.*

#### Sport England (England Hockey)

##### *Pavilion*

EH would ideally want to see individual shower cubicles within the changing room areas

##### *Lighting*

EH would recommend a minimum of 350 lux

##### *AGP*

EH would advise that only the main hockey marking are cut into the carpet and all other markings are painted on. EH would recommend for the high level of footfall that the 5m dash lines around the 'D' are not included as part of the hockey specification due to the integrity of the carpet. Even painting them on is only a requirement for elite hockey fields.

##### *Other*

As mentioned above, EH would be keen to see a formal community use agreement to provide security for the club and a commitment to protect the surface for hockey for many years to come.

*[N.B. The proposed pavilion design meets these requirements].*

#### Public Representations

A total of 129 representations relating to the proposed development have been

received. 95 of those are in support of the application, and 33 are opposed to the application. Representations received are summarised below:

#### Support

- The scheme would benefit the area and is overdue.
- The school has long needed improved sports facilities.
- The location is more sustainable for the school, and will prevent the need for travel off-site.
- This would be good for the local community.
- It is good to see the school looking to raise funds through commercial opportunities.
- A refreshed sports pavilion is long-overdue.
- The hockey pitch would be usable all through the year.
- The impacts on neighbours and local wildlife would be negligible.
- Existing trees would screen the view of the new facilities.
- The scheme is good for physical and mental health.

#### Objection

- The existing pavilion should be refurbished.
- The school does not need a bar.
- There would be harm to privacy of existing neighbours.
- There would be increased traffic in and out of school times.
- There would be harm caused to wildlife.
- Existing facilities should be upgraded instead.
- The facilities are not needed.
- Access to the site, between houses, would cause noise and disturbance.
- There would be light pollution.
- The facilities should not be hired out of hours.
- There would not be enough parking provided.
- Not enough cycle parking is proposed.
- The scheme would be visually obtrusive and would cause harm to the landscape.
- There would be noise and disturbance for existing residents.
- The pavilion will attract lots of visitors.
- There could be security problems with events.
- The construction phase would be disruptive.
- Two trees should not be removed.

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

#### The Site

- 1.1 Sir Roger Manwood's School is a Converter Academy School providing education for children between the ages of 11 and 19. The school campus is located on the north side of St George's Road. There is a small car park at the southern part of the campus adjacent to open space that serves the education use of the site (20 spaces). The land to the north of St George's Road is within the Settlement Boundary.
- 1.2 The site also includes land to the south of St George's Road. This is used as playing fields by the school, with a narrow access taken between houses that front the road. There is an existing pavilion building in the northeast corner of that part of the site,

which is in a poor state of repair. This part of the application site is outside of the Settlement Boundary.

- 1.3 The southern portion of the existing sports fields are designated as falling within Flood Zones 2 and 3. There are a number of mature trees around and within the playing fields.
- 1.4 Both parts of the site are on land designated as Open Space.

#### Proposed Development

- 1.5 Full planning permission is sought for the construction of a sports pitch, the erection of a two-storey pavilion, a new vehicle access (to act as an 'exit-only' point from the proposed extended car park serving the main campus), 20 additional car parking spaces, fencing, lighting, drainage and ancillary works.
- 1.6 The primary purpose of the development is for use by the school as an enhancement to its sports offer for pupils. The facilities would be available also for hire outside of school hours. A Community Use Agreement would be secured by condition. This would manage access to the facilities for members of the public and community groups, so as to ensure that the health benefits of the facilities were available to as wider group of people as possible.
- 1.7 The components that make up the development proposal are described below:

#### *Car park extension*

- 1.8 There is an existing car park on the main School site to the north of St George's Road which has capacity for 20 cars. The proposal includes an extension to the car park to provide an increased total capacity of 40 spaces. Users of the new hockey pitch and pavilion would be encouraged to use public transport, walk, cycle and car share but any users of the pitch and pavilion who do travel to the site by car would be able to park within the newly extended car park on the main School site.

#### *Pavilion*

- 1.9 The proposals include the construction of a two-storey sports pavilion. The pavilion would measure 17.5m x 15.3m and would include:
  - a. Changing Rooms;
  - b. Bathroom Facilities;
  - c. Classroom;
  - d. Gym;
  - e. Bar / kitchen / Served; and
  - f. Social Room.

#### *New pitch and footpath*

- 1.10 The proposals include the construction of a synthetic turf (sand dressed) hockey pitch, located to the south east of the School within the existing school playing fields (to the south of St George's Road). The surface would measure 101.40 metres x 63 metres.

- 1.11 The proposed pitch and pavilion would be accessed via a new 2.4 metres wide footpath which would extend from the lane access with St George's Road and travel adjacent to the north eastern boundary of the site (set to the south of the tree RPAs) and would extend to the pavilion and proposed pitch. The new footpath

#### *Fencing*

- 1.12 It is proposed to enclose the hockey pitch with fencing to protect the surface from inappropriate use and to ensure that balls used on the pitch are retained within the enclosure. The proposed fencing would be 3 metres high along all sides of the pitch, except for the areas around the goal ends (20 metres length), where 5 metres high fencing is proposed.

#### *Lighting*

- 1.13 The hockey pitch is proposed to be illuminated using 15 metres high lighting stanchions and LED lamps.

#### *Construction phase*

- 1.14 The School playing fields are accessed via a bell mouth entrance off St George's Road. The entrance is of a modest width and the existing brick piers and wrought iron gates would not permit access to HGVs which would need to access the site for the proposed works. It is proposed to deconstruct the brick piers and remove the gates and to then temporarily install Tufftrack or similar ground protection surfacing for the duration of the construction phase. Following the construction phase the temporary surfacing will be removed and the brick piers will be re-erected and the gates re-hung.
- 1.15 As well as plans and drawings showing the proposed development, the following documents accompany the application:
- Light Spill Plan;
  - Transport Statement;
  - Travel Plan;
  - Transport Technical Not;
  - 3D drawings;
  - Pre-Development Tree Report;
  - Tree Protection Plan; and
  - Preliminary Ecological Appraisal.

## **2. Main Issues**

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

- principle of development
- residential amenity
- transport and highways
- design and landscape impact
- biodiversity and trees
- drainage and flood risk
- planning balance and conclusions

### **Assessment**

#### **Principle of Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The northern portion of the site, which forms part of the main school campus is within the Settlement Boundary, where new development is supported in principle. Whilst the playing fields, where the new pitch and pavilion building would be located are outside of the Boundary, Policy DM1 accommodates development where it functionally requires an out of settlement location or it is ancillary to existing development or uses. Both of those exceptions apply to the development proposal.
- 2.4 The extension to the car parking area, the pavilion and the new pitch would all be located on designated Open Space. The Framework allows for the loss of Open Space where the benefits associated with a development would clearly outweigh the loss of that space. Policy DM25 accommodates development on open space where it is for education purposes and where it is for development ancillary to the existing use of Open Space.
- 2.5 The proposed facilities would be both for an education use and ancillary to the sports use of the existing Open Space and so the development would be in accordance with Policy DM25.
- 2.6 Turning to the benefits of the proposal, and the requirement of the Framework to balance those against the loss of Open Space, the new facilities would provide a modern, high-quality hockey pitch that could be used all year round. It would represent a significant benefit for the pupils of the school.
- 2.7 Additionally, the facilities would be made available for other local groups and members of the local community, further enhancing the benefits associated with the development.
- 2.8 There would be clear and wideranging health and well-being benefits brought forward by the development.
- 2.9 The pavilion would represent an ancillary structure that would enhance the overall quality and experience of the school's sporting facilities and would bring forward further benefits. Whilst there is an existing small pavilion building at the site, it is in a very poor state of the repair and the applicant has explained that it is not capable of repair.
- 2.10 A small bar area would form part of the pavilion building. This would provide refreshments for spectators during matches.
- 2.11 The extension to the parking area would ensure that off-street parking provision was adequate to meet the needs of the improved facilities at the school.
- 2.12 When taken together with the relatively modest loss of Open Space as a result of the developments, and the absence of planning harm resulting from the proposals (see the remainder of this report), including in terms of the visual impacts of the development, the benefits associated with these proposals would clearly outweigh the loss of the Open Space.
- 2.13 As a consequence, the principle of the proposed development would be acceptable.

### Residential Amenity

- 2.14 The pitch would be located a significant distance from the nearest residential buildings fronting St George's Road. Whilst residents may be aware of activity at the pitch, and access to the pitch and pavilion would pass between existing, amenity impacts associated with the use of the pitch would be very limited.
- 2.15 Details have been provided to demonstrate that light spill associated with the LED floodlighting would not be problematic. The floodlighting would not be used at all between March and mid-August. Between November and the end of February, it would not be used after 10pm Monday to Friday, 8pm on Saturdays and 4.30pm on Sundays and Bank Holidays.
- 2.16 Activity at the pavilion would be controlled by its hours of use, which would be limited to 8am to 10.30pm between April and September (the cricket season) and 8am and 6pm between October and March. These are normal day time hours, appropriate for a building of this type of use in this location.
- 2.17 Whilst there would inevitably be a degree of disturbance during the construction phase of the development, these impacts would be temporary and would be mitigated in part through compliance with a Construction Management Plan that would be secured by condition.
- 2.18 The Council's Environmental Health Officer has raised no objections to the proposals. The scheme would protect living conditions at neighbouring properties and would be compatible with policies of the Framework, and Policy ER6 of the Local Plan.

### Transport and Highways

- 2.19 The school is currently served by a car park which has a single point of access/exit from St George's Road. The proposal is to extend the car park by a further 20 spaces, to create a total of 40 spaces.
- 2.20 The applicant has engaged with the Local Highways Authority and provided sufficient evidence to demonstrate that the extended provision would be adequate to meet the needs of the development, subject to adherence to measures set out in the submitted Travel Plan, and a Traffic Management Plan, which would be secured by condition.
- 2.21 Electric vehicle charging points would be provided in the extended car parking, and new cycle parking facilities would be provided adjacent to the proposed pavilion, so as to improve options for sustainable modes of travel to and from the site.
- 2.22 Subject to all of these measures, there would be no significant impact on the safe and free flow of traffic, in compliance with policies DM11, DM12 and DM13, as well as transport provisions of the NPPF.

### Design and Landscape Impact

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

- 2.24 The proposed pavilion would be of a high-quality, modern, and functional design that would add visual interest to the appearance of the site. Quality materials would be secured by condition.
- 2.25 The introduction of a two-storey building in this location would clearly change the appearance of this part of the site, however. The proposed playing pitch would include tall fencing (up to 5m in height) and floodlighting columns of up to 15m in height. Given the currently undeveloped appearance of that part of the southern portion of the site, these urban introductions would not be insignificant. However, existing tree screening would substantially reduce the visual impacts of these features in mid and long-views, and they would be characteristic of an outdoor sports use, appropriate at a site that is currently used as playing fields.
- 2.26 The design of the scheme would be of a high-quality and there would not overriding landscape impacts that would justify the refusal of the planning application. The design and layout of the pavilion and the pitch would meet Sport England requirements.

#### Ecology and Trees

- 2.27 The planning application is supported by an Ecological Assessment that shows that there would be no harmful impacts on existing biodiversity at the site, providing that the hours of use of the floodlighting was properly managed. Those hours would be controlled by planning condition to ensure that no harm arose as a consequence of their use.
- 2.28.1 An Arboricultural Report has also been provided, which shows that high-quality trees at the site would be retained, and their root protection areas protected during and post construction, including by the proposed footpath that would run adjacent to the eastern edge of the southern portion of the site.

#### Drainage and Flood Risk

- 2.29 Part of the southern portion of the site is within Flood Zones 2 and 3. The proposed pitch and pavilion are appropriate land uses in such areas, and the Environment Agency has raised no objection to the proposals. New drainage features would be provided for the pavilion and the pitch.

### **3. Conclusion**

- 3.1.1 These development proposals would bring forward with them substantial benefits for the school, its pupils and the wider community. There is support at all levels of planning policy for the provision of facilities that improve physical and mental health, such as these. That there would be a Community Use Agreement associated with the facilities further weighs in favour of the scheme.
- 3.2.1 There will be a change for some residents adjacent to the site on St George's Road, but impacts would not cause harm to living conditions. The Local Highways Authority is satisfied with the proposed transport arrangements and there would be no harm to biodiversity or trees at the site.
- 3.2.2 It is therefore recommended that planning permission be granted as set out below

#### **g) Recommendation**

I            That PLANNING PERMISSION BE GRANTED subject to conditions to include:



- 1) Standard time limit
- 2) Approved plans

*Pre Commencement*

- 3) Details of materials of pavilion
- 4) Community Use Agreement

*Highways conditions*

- 5) Construction Management Plan
- 6) Completion and maintenance of the access
- 7) Provision and maintenance of the visibility splays shown
- 8) Provision and maintenance of pedestrian visibility splays
- 9) Use of a bound surface for the first 5 metres of the access
- 10) Provision of measures to prevent the discharge of surface water onto the highway.
- 11) Provision and permanent retention of the Electric Vehicle charging facilities
- 12) Provision and permanent retention of the vehicle parking spaces, signs and alligator teeth
- 13) Provision and permanent retention of secure, covered cycle parking facilities
- 14) Provision and permanent retention of a Traffic Management Plan
- 15) Compliance with Travel Plan

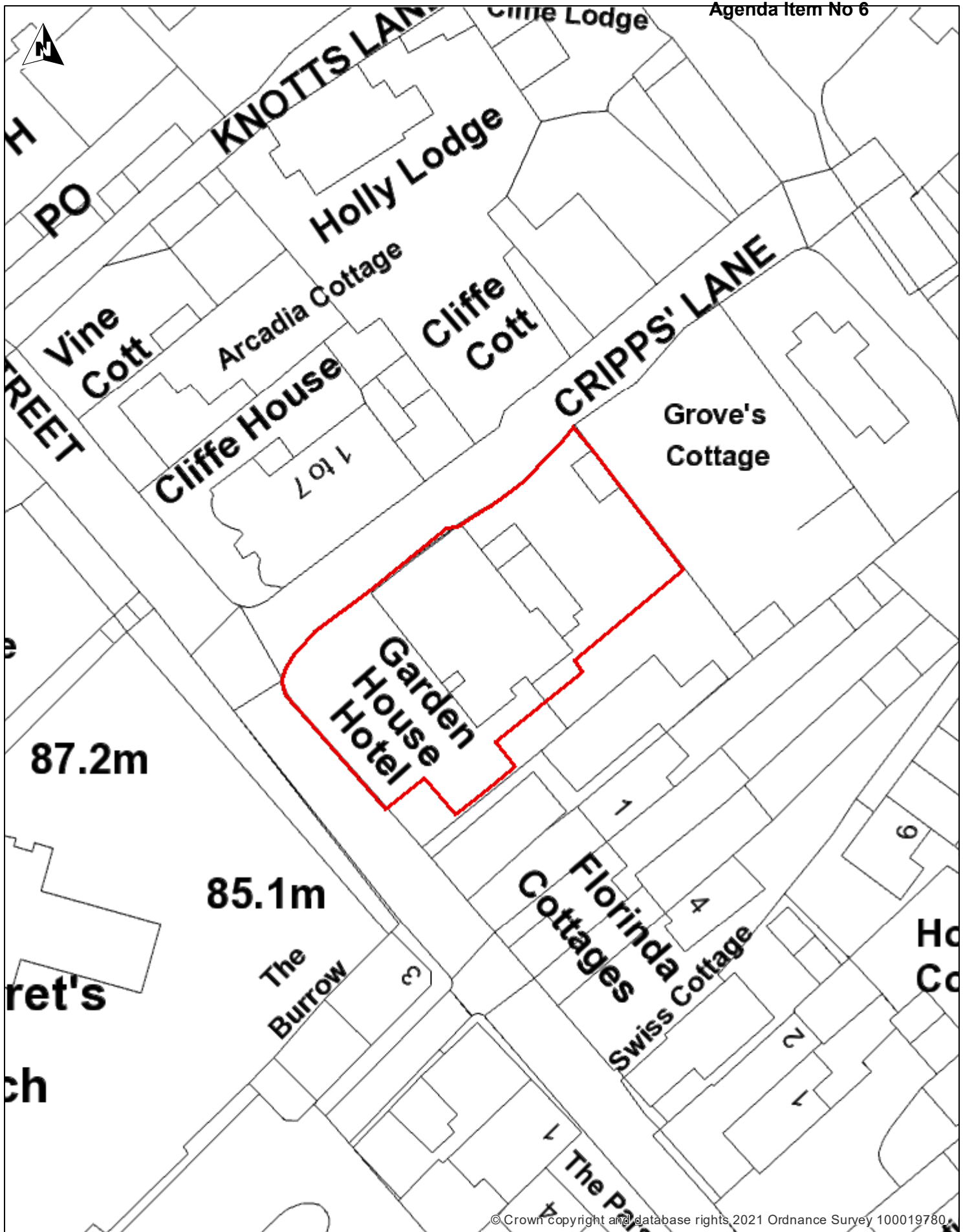
*Compliance conditions*

- 16) Hours of use of flood lighting
- 17) Hours of operation of pavilion
- 18) Repair of St George's Road piers and gates post completion

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

Case Officer

Andrew Somerville



20/01566 & 20/01567  
The White Cliffs Hotel  
High Street, St Margarets At Cliffe  
CT15 6AT

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/20/01566 – Planning Application: Change of use to and conversion into 3 dwelling-houses with associated parking; first-floor extension to one side with double-hipped roof and associated external/internal alterations**

**DOV/20/01567 – Listed Building Consent Application: Alterations to facilitate conversion to 3 residential units**

**White Cliffs Hotel, High Street, St Margaret's-at-Cliffe**

Reason for report: Number of contrary views

b) **Summary of Recommendation**

Planning permission be granted for application reference DOV/20/01566, subject to conditions.

Listed building consent be granted for application reference DOV/20/01567, subject to conditions.

c) **Planning Policies and Guidance**

Legislation

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

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Development Plan

The statutory development plan comprises:

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

Relevant policies of the Core Strategy include:

- CP2: Provision for Jobs and Homes
- CP4: Housing Quality, Mix, Density and Design
- CP5: Sustainable Construction Standards
- CP6: Infrastructure
- DM2: Protection of Employment Land and Buildings
- DM4: Re Use or Conversion of Rural Buildings
- DM11: Location of Development and Managing Travel Demand

- DM13: Parking Provision

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

#### Other Material Considerations

##### *National Planning Policy Framework*

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

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

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

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

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

Paragraph 81 requires planning policies and decisions to create the conditions in which businesses can invest, expand and adapt. In support of a prosperous rural economy, planning should allow the sustainable growth and expansion of all types of business in rural areas; and the retention and development of accessible local services and community facilities.

Paragraph 93 – planning should provide the social, recreational and cultural facilities/services the community needs. Decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all

users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

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

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

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

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

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

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

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

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

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

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

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

02/01101 & 02/01102      Erection of single storey kitchen extension to inn; external alterations to ancillary buildings; extension/alterations to ancillary building to create two self-catering units; and revisions to forecourt layout. Planning permission and listed building consent granted (02/12/02).

04/00805 Erection of building [to the side of the main hotel building] to form two units of self-contained holiday accommodation. Planning permission granted (14/09/04) and implemented.

04/00875 Raise height of existing boundary wall, rebuild south west and south east facing elevations, replacement windows, insertion of rooflights, external and internal alterations. Listed building consent granted (06/09/04).

07/00466 Erection of detached dwelling [on land to the rear of the main hotel building]. Planning permission granted (19/10/07).

10/00131 Renewal of planning permission 07/0466 for erection of detached dwelling [on land to the rear of the main hotel building]. Planning permission granted (04/05/10).

19/01112 Erection of two dwellings with associated parking [on land to the rear of the main hotel building]; and change of use and conversion of annexe buildings to two dwellings [to the side of the main hotel building]. Planning permission granted (27/03/20) and implemented.

19/01113 Conversion of two annexe buildings from self-catering accommodation to residential units; internal alterations to remove & insert new partitions, infill & insert new openings to form ground floor living accommodation; replace front elevation door with window. Internal alterations to remove & insert new partitions to form ground floor wc & first floor ensuite, bathroom & bedroom. Insert access gate with new piers to boundary wall. Listed building consent granted (27/03/20) and implemented.

21/01249 Erection of a detached dwelling with driveway, associated parking, cycle shed, and recycle store [on land to the rear of the main hotel building]. Under consideration.

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

**St Margaret's at Cliffe Parish Council**

*Response of 12/02/21 & 22/02/21*

Taken in conjunction with application reference 19/01112, the development would add a total of seven new dwellings to the historic, already crowded centre of the village, which is a Conservation Area. Cripps Lane is a narrow historic lane from which entry onto the High Street is already problematic. The High Street itself is narrow at this point. The proposed conversions of the hotel provide small houses, seeking as many dwellings as possible, and tiny gardens and does not enhance the appearance of this historic building

The Hotel sits in an important cluster of key historic buildings in the heart of the village.

The proposed changes will dramatically alter the hotel's original appearance and fabric.

Development will close a much-loved historic pub both for local residents and for the district's tourism economy. This application seems at odds with DDC's tourism strategy. Draft local plan DM Policy 24 Tourism: '*We will seek to retain and evolve a broad range of high quality serviced tourist accommodation*'

Claims about viability, and the effect on the heart of the village's Conservation Area, need to be strongly and factually evidenced.

Taken with planning application 19/01112, these proposals crowd the site with 7 dwellings and the proposals should be looked at together as a whole.

The application claims it will provide 'much needed housing' but without any evidence of the specific needs in the village or a review of what is actually needed. The last Village Housing Needs survey (2011) identified a need for 39 affordable homes. Since 2011, nine affordable rented units in the village have been sold by the Bay Trust, removing them from the affordable rented sector. Two previous pub conversions in the village centre remain unsold. What is the evidence of need for houses of the size and type proposed in the application?

This proposal fundamentally changes the nature of the buildings and surrounding site which has had the same function and appearance as a single unit since 1885. There are concerns as to the future maintenance of a building which it is proposed would be in multiple ownership for the first time in its history.

The Parish Council believes that the changes proposed in the applications do cause substantial harm and loss to the community, to the street scene in the centre of the village, to the conservation area.

Claims that the hotel business is no longer viable are unsubstantiated. The applicants admit that the building has been in use for letting since April 2020. Claims made in the original application that it was closed and empty from April 2020 until recently, can therefore be discounted. The applicant claims a deterioration in the business makes the asset unviable. This is disputed by the Parish Council.

A well-managed and marketed hospitality business is a viable use of this building.

The applications will cause substantial harm but even if less than substantial harm is argued there is no public benefit from the applications and that the historic use as a bar/restaurant/hotel is the "optimum viable use" for the building and the community.

*Supplementary response (undated)*

Application 19/01112, granted in 2020, contained condition 15 which required the bar and restaurant in the White Cliffs Hotel to close if the adjacent properties were occupied by residents. But consider the White Cliffs Hotel remains a viable business as a pub/hotel if managed well, if service was better and prices made reasonable.

Dover Core Strategy Policy DM24 seeks for the retention of rural pubs and shops.

The proposals would cause substantial harm to this sensitive site in the centre of the village and conservation area.

*Further Response (undated)*

A further detailed response has been received from St Margaret's at Cliffe Parish Council, raising matters or amplifying previous concerns in respect of:

- lawfulness of condition 15 of planning permission 19/01112;
- loss of pub/restaurant is not justified;

- impact on special interest & setting of listed building;
- impact on character and appearance of the conservation area; and
- impact on amenities of housing granted under planning permission 19/01112.

*Response on Viability Assessment (undated)*

The Viability Assessment Report is largely based on the issue of onsite parking space (only allowing 4 out of the 9 guest rooms to be occupied at one time and limiting bar restaurant area to residents only) and only analysing the accounts for March 2019 and March 2020.

The Viability Assessment Report has a number of weaknesses:

- the accounts cover a very limited period;
- assumed that the limited profits and the losses are a result of operating conditions but does not allow for managerial inefficiency or absence of effective marketing or business planning as contributory causes;
- the issue of restricted parking space is undermined by the closure of the bar and restaurant to preserve parking spaces at the front of the main building;
- the Parish Council considers that Condition 15 of planning permission 19/01112 is unlawful and should not be used to justify measures in subsequent planning applications;
- the Smugglers Inn has no car park yet remains open and operates very successfully;
- as the village car park is opposite the hotel, parking is not a determinative issue;
- St Margaret's attracts a high number of visitors and tourists in a normal year;
- efficiently managed amenities should have no problem making profits;
- other potential options such hotel/bar or bar/restaurant or pub with food or takeaway provision, which could provide good business opportunities, are not assessed;
- the viability of the sale of the White Cliffs Hotel business as a going concern has not been fully market tested. There has therefore been no real attempt to sell it as a commercial property/business;
- the Viability Assessment Report fails to take into account the expected increase in demand as we come out of pandemic restrictions; and
- the White Cliffs Hotel continues to operate as a hospitality business, as 'The White Cliffs Retreat'. It is not a lost cause.

DDC Heritage:

The White Cliffs Hotel was originally constructed to provide school classrooms and accommodation as a part of the adjacent Cliffe House School in the C18th & C19th.



The main boarding part of the school was in Cliffe House, accessed across Cripps Lane by a walkway at first floor level which still exists. Since the late C19th the White Cliffs has functioned as a hotel.

The proposal seeks to convert the building into 3no. residential units by subdividing the interior vertically with party walls forming the separation. The works include forming a new front entrance, separate rear gardens and allocated parking to the front. A first-floor extension is proposed by removing the roof of a single storey side addition.

As existing this single storey addition functions as a kitchen to the hotel, as approved and constructed in the early 2000's. The proposed first floor extension is to provide accommodation for the proposed unit 3. The design reflects the character and appearance of the building and replicates the roof form of the existing side additions.

The interior of the building has been significantly altered in the C20th assumed prior to listing. Specific fireplaces appear to survive and are largely unaffected by the proposed works, but the historic plan form and layout does not survive intact. This is particularly of note at first floor level where many of the spaces consist of modern partitioning forming separate bedrooms with ensuite facilities.

#### *Assessment of Impact*

The proposal seeks to retain the building's character as much as possible whilst also ensuring it has a viable use forming residential accommodation. The proposed extension is modest and subservient to the listed building, with a simple design with materials that are sympathetic to the character of the listed building.

The building's interior and historic fabric is largely unaffected by the proposed subdivision of the spaces. Also, of note is how the historic spatial quality of the interior is no longer easily read or appreciated due to previous alterations. It is considered that the proposed internal works cause no harm to the significance of the building.

Amended plans have been received that retain a central chimney, which previously was shown to be removed.

Alterations are considered relatively minor but will result in the loss of fabric including inserting a new door and window to the principal south west elevation, alterations to the size of window openings to the 2<sup>nd</sup> floor side south east elevation, and the re-organisation of internal spaces to form the party wall separation and new stairs access. Due to the extent of alteration to the exterior of the listed building, the very minor amount of fabric affected (majority of which is C20th) and the design of the extension and doors/windows, it is considered that these works would not cause harm.

The proposed first floor extension would form part of the principal south west elevation. It reflects the character of the listed building, with a traditional design and matching materials which is considered appropriate. Its scale and siting do not compete for dominance and is considered to complement the character and appearance of the building. Due to the detailed design and siting of the extension it is considered that there is no harm.

The building's function as a hotel is not considered a significant aspect of its special architectural character.

#### *Impact on the character of the Conservation Area*

The White Cliffs Hotel is set back from the main street frontage centrally located within St Margaret's at Cliffe village. The building and its neighbouring 'bunkhouses' are prominent due to their external cladding in white timber weatherboarding, which is distinctive to this site, as the surrounding architecture has a material palate of rendered, brick and in some examples flintwork. Cliffe House is a Grade II listed building and sits adjacent to the White Cliffs Hotel. Opposite the site and across the main High Street on high ground sits the Church of St Margaret.

The proposed first floor extension is sited such that it would not restrict views from public vantage points. There would be clear views of the extension within the conservation area, but the complementary, high standard of traditional design would add to the overall character of this part of the conservation area. The extension is subservient to the White Cliffs Hotel and surrounding buildings and would preserve the character of the conservation area.

The site plan includes the parking for each new residential unit. This proposal is no different to the existing arrangement which currently provides car parking spaces at the front of the building. The subdivision of the rear garden area to create separate gardens for each unit is proposed with fencing/boundary's indicated including bike sheds, bin stores and additional hardstanding. These items are all located to rear of the building with no public views affected. This proposal causes no harm and would preserve the character of the conservation area.

#### DDC Environmental Health

No objection

#### DDC Strategic Tourism Manager

While from a tourism point of view the loss is regrettable, it's recognised that the planning considerations need to assess a wider range of issues, including the viability of the existing facility, and in this respect, we have no information to contradict the viability evidence in this case.

#### KCC Highways:

Confirmed no comments

#### Southern Water:

No objection

#### Public Representations

A total of 59 letters of objection to the proposed development have been received which raise the following comments:

- loss of employment opportunities
- increase in traffic
- over development of the site
- lack of community engagement by applicant
- harmful to the conservation area
- viability case has not been made
- loss of vibrant community facility and amenity
- better management of hotel is needed
- lack of parking in the village

- loss of tourism opportunities
- lack of visitor accommodation in the area
- could be a suitable wedding venue
- split ownership will harm the listed building
- other pub conversions difficult to sell

**f) The Site and the Proposal**

The Site

- 1.1 The site comprises the White Cliffs Hotel, located on the corner of High Street and Cripps Lane in the centre of St Margaret's at Cliff.
- 1.2 The hotel building has two distinctive three storey gables facing High Street, with an asymmetric profile and hipped roof form at the rear. Adjoining the south east flank is a two storey structure (an older part of the building) with a more recent single storey extension in front, each with a simple pitched and hipped roof over.
- 1.3 The planning unit and application site comprises the hotel building described above, along with a gravel forecourt (served by an existing vehicular access from the south western end of Cripps Lane) and garden to the rear. This is consistent with development approved under planning permission reference 19/0112, which allowed the construction of two new houses on land (to the rear) formerly used for car parking, and the change of use / conversion of annex buildings (to the south east) as two independent dwellings.
- 1.4 The hotel building is Grade II listed; and the site is within the St Margaret's at Cliffe Conservation Area. A fuller description of the listed hotel building and conservation area is provided in the comments of DDC Heritage above.

Surrounding Area

- 1.5 Centrally located in the village, the site is within walking distance of local amenities including convenience shop, pub, primary school and public car park.
- 1.6 Opposite the site is the Church of St Margaret (Grade I listed), but generally screened from High Street by a treed hedge; to the rear beyond the former hotel car park is a single storey cottage; to the north west is the more imposing (three storey) building of Cliffe House (Grade II listed); and to the south east, beyond the former hotel annex buildings, is a row of terraced houses.

Proposed Development

- 1.7 Planning permission and listed building consent is sought (as two separate applications) for (i) the change of use and conversion of the hotel building to three residential dwellings; (ii) a first floor addition to the adjoining single storey extension; and (iii) other internal and external works / alterations to the listed building.
- 1.8 The building would be divided vertically, with:
  - unit 1 (four bed) on the north western side, over three floors, which would utilise the existing main front door and staircase;
  - unit 2 (four bed) in the centre, again over three floors, for which a new front door and new staircase would be provided; and

- unit 3 (three bed) on the south eastern side of the building, over two floors, including a new front door and internal staircase.
- 1.9 Other alterations to the exterior of the building include a new ground floor window on the front elevation for unit 2, a set of doors on the rear elevation for unit 1, and the enlargement of two first floor windows on the south eastern flank elevation.
- 1.10 Internally, main alterations include:
- ground floor: removal of ground floor bar fittings and toilets, some partition walls and kitchen facilities; construction of new dividing walls between the three units; and installation of two new staircases;
  - first floor: removal of hotel bathrooms and some partition walls, as well as removal of area of floor to accommodate the new staircases;
  - second floor: removal of hotel bathrooms and some partition walls.
- 1.11 Existing vehicular access to the site would be retained, with six car parking spaces to be provided for the three dwellings in arrangement similar to the current situation.
- 1.12 To the rear, the existing garden would be divided into three, with each divided area providing for cycle and bin storage.
- 1.13 The reinstatement of a historic gate on the north western boundary wall is proposed, as is a new gate onto Cripps Lane to provide rear access to each of the gardens.
- 1.14 Drawings and other information for the application include:
- 29870A\_100 A Existing Site Plan
  - 29870A\_101 A Existing Floor Plans
  - 29870A\_102 Existing Elevations & Sections
  - 29870A\_103 & 104 Existing Phasing Plan
  - 29870A\_107 B Proposed Floor Plans Demolition
  - 29870A\_108 A Proposed Elevations Demolition
  - 29870A\_111 B Proposed Floor Plans
  - 29870A\_116 A Proposed Elevations
  - 29870A\_200 Proposed Parking
  - 29870A\_109 A Proposed Site Plan
  - Heritage Statement
  - Design & Access Statement
  - Viability Assessment Report

## **2. Main Issues**

- 2.1 The main issues in the consideration of this application are:
- loss of hotel
  - suitability of the site for residential
  - impact on listed building and conservation area
  - other matters
  - planning balance / conclusion

## **Assessment**

### Loss of Hotel

- 2.2 The proposed loss of the hotel use is considered in the context of the challenges facing Dover's local economy, as highlighted by the Core Strategy (paragraph 2.67): that the economy lags behind other parts of the county, is polarised between low and higher value businesses, and has an under developed tourism sector (with the District seen as a transit location rather than destination).
- 2.3 The Core Strategy presents (paragraph 3.25) the considerable opportunity to encourage economic growth through tourism, including by enhancing the overall hotel offer and better promotion of the District's historic and natural assets.
- 2.4 The Council's more recent 'Growth strategy for tourism and the visitor economy' sees hotel development as an important component of a wider economic strategy, although with greatest focus on new larger 4/5\* schemes.
- 2.5 The emerging Local Plan is consistent with this economic strategy, promoting new hotels, or improvements to existing ones, to enhance the quality of accommodation and increase the number of visitors and their length of stay.
- 2.6 However, against this general support, regard must be had to the specifics constraints and limitations of the White Cliffs Hotel on the site.
- 2.7 The applicant considers the hotel is not a commercially viable enterprise for a number of structural reasons as presented in a submitted 'Viability Assessment Report' – that:
- there are only six car parking spaces to serve the hotel guests and staff;
  - offsite car parking is extremely limited and cannot be relied upon;
  - due to a lack of car parking only four guest rooms are likely to be occupied at any one time;
  - the bar/restaurant is restricted to use by hotel guests only, and cannot generate wider income<sup>1</sup>; and
  - the upkeep of the listed building is relatively expensive.
- 2.8 Of note to the restriction of the use of the bar/restaurant, is the position presented by the applicant for application 19/01112 (including to allow the conversion of the annexe buildings to residential) – that:
- just visitor accommodation on the first floor (five bedrooms), with staff accommodation on the second floor, was sought, along with the proposed restriction of the bar/restaurant to be for resident use only;
  - those changes to the arrangement of the building were to seek to resolve financial viability issues (by scaling down the hotel); and

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<sup>1</sup> Condition 15 of planning permission 19/01112 requires that the bar and restaurant within the hotel shall cease to offer facilities to non-residents on occupation of the dwellings permitted (change of use of the annex buildings or new build houses to the rear), and shall thereafter only be available for the use of residents of the hotel. Reason: to ensure adequate car parking facilities are available.

- the level of car parking retained for the hotel would be adequate for that scaled down business.
- 2.9 In considering application 19/01112, Planning Committee considered the impacts of the loss of the bar/restaurant for public use, but placed weight on there being (as identified in the officers' report) *"a number of outlets in St Margaret's that provide a range of choices for people wishing to eat out"*. It was considered that *"In this instance it would be difficult to mount an argument that the changes proposed here would significantly harm the viability of the settlement or mean that it fails to meet its day-to-day needs."*<sup>2</sup>
- 2.10 In respect of the Viability Assessment Report submitted with this application, it considers a 'Fair Maintainable Trade' for the hotel and bar/restaurant combined is £90,000 per annum, with a 'Fair Maintainable Operative Profit' of £12,000 (reflecting the disproportionate costs compared to low level of occupancy and restrictions on the bar/restaurant).
- 2.11 Officers have challenged assumptions of the Viability Assessment Report that the public car park opposite and general wider on-street car parking would allow for greater occupation of the seven guest bedrooms, with greater turnover in the bar/restaurant.
- 2.12 In response, the Viability Assessment Report has carried out some sensitivity testing of such greater occupation in how that would increase 'Fair Maintainable Trade' (to up to £150,000 with full occupancy) and 'Fair Maintainable Operative Profit' (to up to £41,000 with full occupancy). However, the Viability Assessment Report considers that even at this greater level of return, this still equates to a level of income for a 'two person partnership' running the hotel that is less than the national living wage.
- 2.13 In aiding its robustness, the Viability Assessment Report identifies that the calculations do not include any allowance for finance/borrowing costs (i.e. any mortgage taken by prospective hotel owners against the property or other business loan), which the applicant considers would be challenging to repay against the low level of potential return.
- 2.14 Some reference to historic hotel accounts are presented in the Viability Assessment Report, but these are considered by the applicant to provide poor evidence to assess current/future viability because the size and arrangement of the hotel has materially altered following the implementation of development under planning permission 19/01112.
- 2.15 In these circumstances (even if the car parking position was resolved or the limitations of car parking were to affect the occupation of the hotel to a lesser extent), it is considered by officers that sufficient information has been provided to demonstrate that the ongoing use of the hotel is unviable.
- 2.16 The detailed responses from St Margaret's at Cliffe Parish Council, which reflect wider representations from the local community – that the loss of hotel along with its restaurant/bar should be prevented – are noted. But against the considered viability position, these do not provide grounds or reasoning to resist the loss of the hotel in principle. (Other matters raised including the impact of the development on the

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<sup>2</sup> In these circumstances, officers are satisfied that Condition 15 of planning permission 19/01112 satisfies the relevant tests that is necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects.

heritage significance of the listed building and conservation area are considered below.)

- 2.17 The submission of the Parish Council that condition 15 of 19/01112 should not be relied upon as restricting the use/occupation of the bar/restaurant is also noted. But as a condition imposed by the Council (as local planning authority) in the previous grant of planning permission, it is not now able to ignore that. If material weight was to be placed on a position predicated on the breach of that planning condition, such a position would not be a reasonable one.
- 2.18 Therefore, no objection is raised to the loss of the existing hotel use on the site for the reasons explained above.

#### Suitability of the Site for Residential

- 2.19 Core Strategy Policy DM4 encourages the re-use or conversion of buildings (including for private residential use) within villages, especially where that building positively contributes to the local character.
- 2.20 As the existing building clearly enhances the special character of the St Margret's at Cliff Conservation Area, as well as being Grade II listed and of significant architectural merit, its conversion and reuse (where it is demonstrated the hotel is unviable) is consistent with the objectives of Core Strategy Policy DM4.
- 2.21 In terms of being within the built up area of the village, walking distance of local services/amenities and with opportunities for the use of sustainable modes of travel (with regular bus services between Dover and Sandwich), the site is considered a suitable location for the small number of houses that would be created.
- 2.22 Each house would have a reasonably sized and private garden to the rear, as well as a suitable arrangement for the storage of refuse bins and cycles.
- 2.23 The new and enlarged windows at first and second floor height on the south eastern elevation can reasonably be conditioned to be obscured glazed and so would not result in a material loss of privacy to the adjacent houses to the south east.

#### Impact on the Listed Building and Conservation Area

- 2.24 Externally, proposed changes to the listed building and its curtilage are considered limited.
- 2.25 The first floor extension on the south eastern flank is subservient to the main building, and sympathetic in its roof form and proposed use of materials. Other external alterations of the insertion of new doors and windows are minor, and again sympathetically detailed and would not have more than a limited impact on the appearance of the building.
- 2.26 The Heritage Officer also advises that the building's function as a hotel (given it previously was part of a school) is not considered a significant aspect of its special architectural character. The building does not display any historic features that can be considered to define its function either as a hotel or as originally designed (as school rooms) and therefore it is considered that there is no harm to the significance of the listed building as a result of the change of use.

- 2.27 The division of the rear garden and introduction of domestic accoutrements is again considered to have a minor and limited impact upon the setting if of the listed building.
- 2.28 With all aspect of the proposed development taken together, it is considered that no harm would be caused to the significance of the listed building.
- 2.29 In relation to the surrounding conservation area, the proposed development (with regard to the comments of the Heritage Officer) would cause no harm and preserve its recognised and special character.

#### Listed Building Consent Application

- 2.30 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.31 The White Cliffs Hotel was originally constructed to provide school classrooms and accommodation as a part of the adjacent Cliffe House School and has functioned as a hotel since the late 19<sup>th</sup> Century. The interior of the building has been significantly altered in the 20<sup>th</sup> Century with alterations to the historic planform to facilitate the hotel function, including large open plan spaces to the ground floor, and in respect of internal features, only some historic fireplaces survive.
- 2.32 The proposal seeks to convert the listed building into three residential units, provide a new front entrance and first floor extension to the rear over an existing modern addition which currently forms the hotel kitchen.

#### Assessment of Harm

- 2.33 Paragraph 199 of the NPPF requires that the significance of a listed building should be given great weight in assessing the impacts of development.
- 2.34 Due to the extensive previous alterations to the interior of the listed building and consequential impact on the original character of the spaces, the proposed subdivision is not considered to cause harm. Amended plans have been secured that retain a prominent central chimney that originally was shown to be removed. The proposed extension has been designed sensitively so that it forms a natural addition to the listed building. Other external alterations will result in very limited loss of fabric of which the majority is 20<sup>th</sup> Century in date. The detailed design of the door and windows is traditional. It is therefore considered that there will be no harm to the significance of the listed building.

#### Other Matters

- 2.35 For three houses, six car parking spaces (positioned across the front of the site as is the existing arrangement) is considered appropriate to accommodate the likely level of parking demand.
- 2.36 Vehicular access close to the corner of High Street / Cripps Lane remains unaltered.



- 2.37 There is no objection from Southern Water re foul drainage, with general infrastructure demand being similar or no greater than the existing use.

### **3. Conclusion**

- 3.1 Dealing first with the loss of the hotel use: whilst that would have some impact on local economic activity, the Viability Assessment Report is considered to provide sufficient justification (for structural and site specific reasons) to demonstrate that the hotel as an ongoing/future business is unable to generate sufficient trade and revenue to be considered viable.
- 3.2 In these circumstances, Core Strategy Policy DM4 encourages the reuse/conversion of existing buildings in general; and as a listed building paragraph 190 of the Framework identifies the desirability of sustaining and enhancing the significance of a heritage asset, seeking a viable use consistent with its conservation.
- 3.3 The change and conversion of the listed building from a hotel to three dwellings is considered a viable use – one that will conserve its heritage significance (as a public benefit) as well as making effective use of previously developed land in a suitably sustainable location. The proposed works would cause no harm to the historic or architectural character or appearance of the listed building.

### **g) Recommendation**

#### Application 20/01566

- I That PLANNING PERMISSION BE GRANTED subject to conditions to include:
1. Standard time limit
  2. List of approved plans
  3. Material samples
  4. Details of improvements to north west boundary wall
  5. Fencing details for internal gardens
  5. Fenestration and new door details, including joinery
  7. Construction Management Plan
  8. Surface water drainage details
  9. Parking spaces – provision and retention
  10. Bin and cycle storage in accordance with approved plans
- II Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

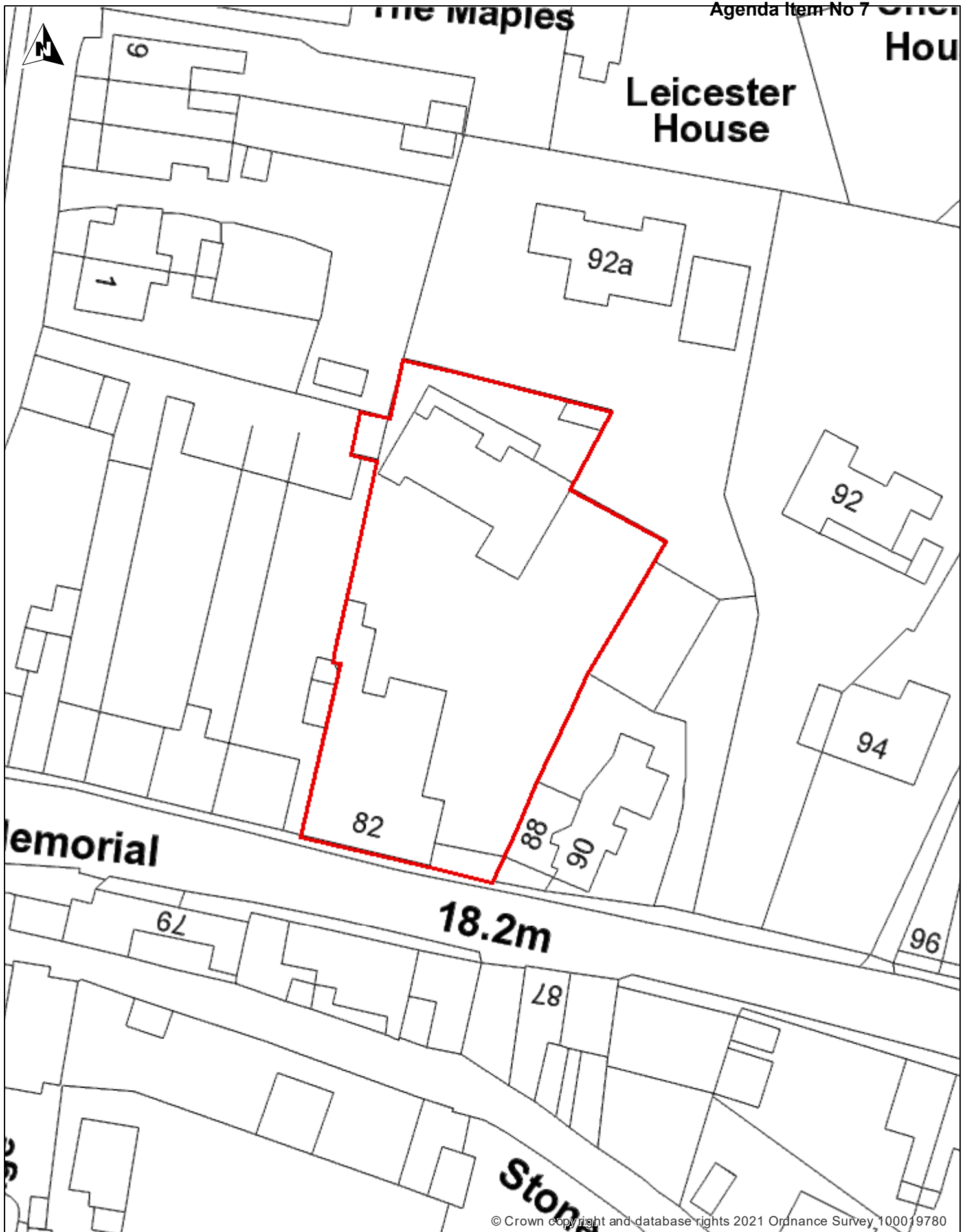
#### Application 20/01567

- I That LISTED BUILDING CONSENT BE GRANTED subject to conditions to include:
1. Standard time limit
  2. List of approved plans
  3. Material samples
  4. Fenestration and new door details, including joinery
  5. Details of new staircase to house on plot 2 and plot 3

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

Case Officer

Andrew Somerville



21/00511

82-86 The Street  
Ash  
CT3 2AA

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/21/00511 – Erection of a single storey extension, entrance porches, dormer windows and rooflights to facilitate the change of use and conversion of 2 buildings to form 4 dwellings with the erection of 1 link-attached dwelling; erection of entrance gates with associated parking and gardens (demolition of existing 3 extensions and entrance porch) - 82-86 The Street, Ash**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be Granted

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Planning (Listed Buildings and Conservation Areas) Act

- Sections 66 and 72.

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.

Core Strategy Policies

CP1, DM1, DM2, DM4, DM5, DM11, DM13.

Land Allocations Local Plan

DM27

Ash Neighbourhood Plan

ANP3, ANP4, ANP5, ANP6, ANP8, ANP13, ANP14.

National Planning Policy Framework (NPPF) (July 2021)

The most relevant parts of the NPPF are: 8

11 – states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 7); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraphs 60, 64, 78, 79, 110, 111, 112, 119, 120, 123, 124, 129, 130, 167, 180, 181, 182, 194, 195, 197, 199, 200, 202, 203.

The National Design Guide and Kent Design Guide (KDG)

**d) Relevant Planning History**

DO/83/470: Change of use to craft industry for organ building – Granted subject to conditions.

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

Ash PC – Ash Parish Council considered this application at its meeting held on Monday 17th May 2021 and objected because of over-development and loss of amenity and privacy. Should the application be granted the parish council asks for consideration of conditions for one electric vehicle charging point and connection of fibre to the premises.

Additional clarification: The Ash Parish Council Planning Committee meeting held on Monday 26th July 2021 agreed to make the following clarifications to the submission of the Ash Parish Council as considered on 17th May 2021.

The objections were because of over-development and loss of amenity and privacy. The over-development of the site was considered in relation to the new build as it intensified the development of the site, with the layout design causing the site to be cramped. The proximity of the new build between one and two metres from the shared boundary and the adjacent barn conversion (90a The Street) that is two metres from the boundary would lead to a loss of privacy. Although there is no direct over-looking issue, due to the height of the fence and the proposed ground level of the new build, there is the possibility that the ground floor on the west side of 90a The Street could be viewed from the top section of the living room window on the east side of the new build. The current amenity of 90a will be affected by noise / disturbance from the occupation of the new build due to the proximity of the two buildings to each other. At certain times of the day, there is also the loss of amenity from the loss of sunlight to the west facing ground floor windows of 90A.

Should the application be granted the parish council asks for consideration of conditions for one electric vehicle charging point and connection of fibre to the premises

Southern Water – Draws attention to the existing public foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note: - The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.

- No new development or new tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

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

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

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.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

KCC Highways – Proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Requests an informative relating to the need for consent from the Highway Authority for any works within the highway.

KCC Archaeologist – No response received.

DDC Environmental Health – Has no observations to make.

DDC Natural Environment Officer – I have reviewed the preliminary ecological appraisal and bat survey reports and accept the findings and recommendations. Buildings B1 and B2 have been confirmed as supporting day roosts for a variety of bat species (common and soprano pipistrelles and brown long eared bats. A European protected species development licence will therefore need to be sought from Natural England post planning consent. I am satisfied that the outline mitigation measures proposed by the consultant are adequate to meet the licensing requirements. Detailed proposals will be drawn up with the applicant during the design and licensing processes.

Mitigation measures for protected species, listed within the PEA include:

- Clearance of any woody vegetation outside of the bird nesting season (March to August inclusive). If this is not possible then checks for nesting birds should be made by an ecologist within 48 hours of disturbance/clearance
- Habitat manipulation for reptile species to discourage use of the grassland by keeping the sward short
- A bat sensitive lighting scheme which should follow the guidance published by the Bat Conservation Trust and Institute of Lighting Professionals, 2018

Biodiversity enhancements include provision of bat boxes and bird boxes (type and locations specified in the PEA)

Mitigation measures and biodiversity enhancements should form a condition of planning consent.

The development falls within the Little Stour and Wingham catchment area and is therefore affected by Natural England's position (issued as formal advice to LPAs) that all developments have to demonstrate nutrient neutrality to avoid adverse effects upon the integrity of Stodmarsh SSSI/SAC/Ramsar/SPA.

Private representations:

18 objections received, raising the following issues:

- Additional traffic on a busy, narrow street with poor sight lines, lack of parking and congestion
- Overdevelopment and cramped
- The additional extension to accommodate dwelling 5 is unnecessary and inappropriate; it is overbearing and will result in a loss of privacy, sunlight and outlook for neighbouring properties, enabling views into living rooms and gardens
- It is inappropriate in design, will dominate views of the rear building (girls' school) and is harmful to the heritage interest of the site overall
- Existing windows already provide the opportunity for views into properties, but residential use will exacerbate this
- Windows on the west elevation of dwelling 2 overlook the patio of the neighbour to the west
- Restoration and conversion of the existing buildings is welcomed, but the additional dwelling is too much, and a scaled-down proposal would be better
- Whilst the building was vacant it caused no issues for the neighbours
- Harmful impact on the conservation area and listed buildings nearby; out of character with original buildings and the rest of the village
- Noise, disturbance, and dust during construction works; will destroy peacefulness
- The access is narrow and awkward; reinstatement of the porch on unit 1 will reduce the width of the access further, pushing vehicles closer to the house to the east, which is a listed building; risk of clutter at the entrance on bin collection day
- Noise and disturbance from use of the access to serve nine parking spaces; risk of damage to the listed building to the east
- Loss of property value and emotional stress
- Insufficient parking for visitors, etc.
- Insufficient capacity in schools, doctors, etc.; also overloading of sewerage system
- Lack of consultation and inability to respond due to lockdown
- This is not a brownfield site
- Regret loss of previous commercial use; uses other than residential would be better for the village
- The proposed metal entrance gate is not appropriate in visual terms and incongruous and will create noise and disturbance through continual opening and closing; creation of a gated community is not appropriate
- The flat roof extensions (air raid shelters) are an important part of village history
- The parking spaces in the middle of the site will create an ugly, urban space; lack of detail of lighting for this area

A petition with 10 signatures was received, commenting on the applicants' response to earlier objections.

One further letter received, neither objecting or supporting the proposal, but raising issues unrelated to this application.

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

- 1.1 The site has an area of 0.13ha and is located on the north side of The Street a short distance east of the War Memorial. It is currently occupied by buildings that were originally built to house the village school, with the boys' school (dating from 1871) on the front part of the site, adjacent to the back edge of the footway, and the girls' school (dating from 1892) in a separate building at the rear of the site. Both buildings have been extended over the years, including by the addition of what appear to be single storey air-raid type structures, probably dating from WWII. The buildings appear to have been empty for some time, but the last known use was for the restoration and manufacture of organs. Vehicular and pedestrian access to the site exists at the eastern end of the road frontage. The site lies within the conservation area and, although none of the buildings is listed, they should be regarded as non-designated heritage assets.
- 1.2 It is proposed to convert and extend the existing buildings to provide a total of five dwellings (1 x one-bedroom, 3 x two-bedroom and 1 x three-bedroom). The frontage building will accommodate two dwellings. Dwelling 1 is to be accessed via the reinstated porch to the eastern end of the building at the site entrance and will provide a three-bedroom dwelling arranged over three floors with open plan living area on the ground floor and access to a small private garden to the rear. Dwelling 2 comprises the remainder of the frontage building and will provide a two-bedroom dwelling, again arranged over three floors with a kitchen/diner and separate lounge at ground floor. Access off the lounge to the rear enters a small rear private garden. The single-storey additions at the rear of the building will be demolished and dwelling 2 is accessed via a new porch entrance from the rear parking area (in part, replacing the demolished additions). The conversion works include the addition of three dormer windows in the roof on the street elevation.
- 1.3 Dwelling 3 is located in the western end of the northern building at the rear of the site, the former Girls' School. This will provide a two-bedroom dwelling arranged over two storeys. The single-storey rear extension will be demolished and in part replaced by a new, smaller extension to accommodate the kitchen which will provide rear access into a small private garden. Dwelling 4 is formed of the eastern side of the former Girls' School and will be accessed via a new porch that links to the side of the new building Dwelling 5. Dwelling 4 provides an open plan living/kitchen/diner at ground floor level and two bedrooms and a bathroom at first floor level.
- 1.4 Dwelling 5 is a new build dwelling in the rear north-eastern corner of the site, provided by extending the rear building to the east of proposed dwelling 4. It is a small single storey one-bedroom unit with an open plan living/kitchen area. It will have a pitched roof with gables at the northern and southern ends, the ridge being somewhat lower than the main ridge on the existing building, and a small outshot on the eastern side with a pitched and hipped roof. Like the other proposed dwellings, this unit will have a small private garden.
- 1.5 The existing open area between the buildings, which historically would have been the school playground and in more recent years used for parking for the commercial use, will provide parking spaces for nine vehicles to serve the



development and turning area to ensure vehicles leaving the site can do so in forward gear utilising the existing site access. Areas for bicycle storage and refuse storage are also provided.

- 1.6 In terms of the broader context, although the main frontage building has the appearance from the street of being single storey, with three tall windows, because of the eaves height and steeply pitched roof the overall form and bulk is not substantially different from the other buildings along this street frontage, which are generally of two storeys plus attics served by front dormers. Several of these neighbouring buildings are Grade II listed buildings, including nos 76, 78 and 80 (to the west) and 88 and 90 (to the east), as well as 81/83 opposite. To the rear of nos 88 and 90 is a newer, two-storey dwelling (no 90A) which sits close to the eastern boundary of the rear part of the application site and on a slightly lower ground level. Further to the rear, beyond the northern site boundary, is another newer dwelling (no 92A). Adjacent to the western boundary of the rear part of the site is a parking area and rear gardens serving properties in Queens Road.

## **2. Main Issues**

- 2.1 The main issues are:

- The principle of residential development;
- Impact on residential amenity (particularly privacy, outlook, sunlight/daylight, and noise and disturbance);
- Design and impact on the non-designated heritage assets, nearby listed buildings and the conservation area generally;
- Highways, access and parking;
- Ecology impacts, notably in relation to Stodmarsh;

### **Assessment**

#### **Principle**

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan; for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies within the defined confines of Ash, which is identified as a Local Centre and therefore a secondary 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. This site constitutes Previously Developed Land and development involving the provision of five dwellings would be of a scale consistent with the objectives of CP1. Development on this site is therefore also consistent with policy DM1, which seeks to resist development outside confines.
- 2.4 Policy DM4 relates to the re-use or conversion of rural buildings and allows for the conversion of structurally sound, permanent buildings, within settlement confines, to a range of uses, including residential. The buildings must be of suitable character and scale for the proposed use, contribute to local character and be acceptable in other planning respects. That part of the current proposal that relates to the conversion of the existing buildings meets all these tests.

- 2.5 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also includes instances where the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.6 It is considered that policies DM1, DM11 and DM2 are the ‘most important’ policies for determining this application.
- 2.7 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council’s 2010 Adopted Core Strategy. In accordance with the Government’s standardised methodology for calculating the need for housing, the Council must now deliver 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.
- 2.8 Policy DM11 seeks to locate travel-generating development within settlement confines and restrict development that would generate high levels of travel outside confines. For the purposes of assessing this application, the site falls within the settlement confines and so is supported by DM11. This support is broadly consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. The occupants of the development would be able to access the range of day-to-day facilities and services available within the Local Centre of Ash, and would be able to reach these facilities by more sustainable forms of transport, including walking and cycling. The site is located close to public transport links. Whilst DM11 is slightly more restrictive than the NPPF, it is considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.9 Policy DM1 is out-of-date. Whilst DM11 is, to a degree, in tension with the NPPF it is not considered to be out-of-date. Given how critical DM1 is to the assessment of the application, it is considered that the basket of ‘most important policies’ is out of date and the ‘tilted balance’ described at paragraph 11(d) of the NPPF is engaged.
- 2.10 As the last known use (and current lawful use) of the site was an employment-related use, it is also necessary to consider the principle of residential use in the context of policy DM2. This says that permission for changes of use or redevelopment of land or buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use. However, this is not entirely consistent with statements in the NPPF. For example, paragraph 119 promotes the effective use of land in meeting the need for homes, and paragraph 120 supports the development of under-utilised land, and it lends substantial weight to the use of

brownfield land for homes and taking the opportunity to remediate derelict land. Paragraph 123 encourages a positive approach to applications for alternative uses of land that is not allocated for a specific purpose, and reference is made to using retail and employment land for homes, where this would not undermine key economic sectors or sites. Policy DM2 should therefore be afforded less than full weight, and this also engages the tilted balance described at NPPF paragraph 11(d).

- 2.11 Whilst the current site may have previously been in employment use, that was clearly not its original purpose. It is not regarded as a key site in terms of employment land supply and redeployment to an alternative use would not undermine economic objectives. Indeed, given its location within a generally tightly developed and predominantly residential area, it could be argued that a residential use fits more successfully in this context than an industrial use, for example in terms of the potential level and nature of traffic generation and general levels of activity. Reading policy DM2 alongside the relevant parts of the NPPF, there is no objection to the loss of this site from employment use.
- 2.12 The principle of residential use of this site is therefore considered to be acceptable, subject to other material planning considerations as discussed below.
- 2.13 For completeness, the tilted balance is not engaged for any reason other than as set out above, as the Council has a demonstrable five-year housing land supply (6.35 years' worth of supply) and has not failed to deliver at least 75% of the housing delivery test requirement (delivering 88%).

#### Residential Amenity

- 2.14 The principal issues to consider in terms of amenity are potential loss of privacy/overlooking, loss of daylight and sunlight, loss of outlook, overbearing effect, and noise from the proposed development. The main policy reference points are NPPF paragraphs 119, 129 and 130, which talk about promoting health and well-being and promoting a high standard of amenity for existing and future users. It is also appropriate to consider the amenity of future occupiers of the proposed development.
- 2.15 Most of the windows and other openings on the frontage building (proposed units 1 and 2) will either face onto The Street or north into the site, and these are unlikely to impact on the amenity of neighbours. The proposed reinstatement of the porch at the eastern end of the building will include a large window on the flank elevation, facing towards the side elevation of no. 88 on the opposite side of the access. Although there are some windows on the neighbour's flank elevation, this area is open to public views from the street and it is considered that there should be no unacceptable loss of privacy as a result of the erection of the porch, including the side window. On the western elevation of the rear part of proposed unit 2 there is a small dormer window that currently sits at high level (due to the absence of an upper floor internally); this will become a window to a first floor bedroom, with the potential to overlook across the rear of no. 80 and this should be obscure glazed; there is second window serving this room that looks east, into the site.
- 2.16 So far as the rear building is concerned, the conversion works (to provide units 3 and 4) do not give rise to any significant concerns in terms of amenity. The upper floor window on the western elevation does not overlook any private amenity space and, although there is a dormer window and an oriel window on the north elevation (facing towards the garden of no. 92A), and two small roof lights are proposed, these should not give rise to an unacceptable loss of privacy due to the relative

heights and distance from the boundary. The proposed single storey extension to the rear of unit 3 will partly replace an existing extension and is of a height and design that should not impact on neighbours' amenity.

- 2.17 The majority of concerns that have been expressed by neighbours (and the Parish Council) regarding amenity relate to the impact of the proposed new-build element, unit 5. This will extend into a part of the site that is currently open, between the eastern end of the rear building and the boundary with no 90A, to the east. This extension comprises a small link element between units 4 and 5, the main part of unit 5 (which has a width of about 5.6m and a ridged roof running from front to rear and gables on the front and rear elevations), and a small outshot at the eastern end, set back from the front corner of the main part on unit 5. This outshot has a width of about 1.8m and is set back 4m from the front corner; it has a lower pitched and hipped roof, with the hip facing towards no 90A. The boundary is not straight, with the site broadening out slightly towards the rear (north). This means that the front corner will be about 2m from the boundary and the distance between the outshot and the boundary varies from 0.6m to 0.8m. No 90A faces the boundary and is on a ground level about 0.6m below that of the application site. The distance between the elevation of 90A and the new building will be about 4.6m at the front, and between 2.9m and 3.2m where the outshot is. The height of the boundary fence varies because the ground rises slightly but is between 1.6m and 1.8m. There are large glazed folding doors on the ground floor of 90A and other windows on the floor above.
- 2.18 Concerns have been expressed about the impact on this property through loss of privacy, loss of outlook and views, and loss of daylight and sunlight. The relationship between the new-build and the neighbour was discussed with the applicant's agent at pre-application stage and, as a result, unit 5 was re-designed and move slightly further away from the boundary. Cross-sections submitted as part of the application give an indication of the lines of sight from the neighbours' windows.
- 2.19 Looking firstly at the potential overlooking and loss of privacy, there are no windows proposed on the outshot part of the new dwelling facing towards 90A. There is a sitting room window on the side elevation of the front part of the dwelling; as mentioned, this is estimated to be about 4.6m from the elevation of 90A but the boundary fence provides a significant visual barrier between the two; although it might be possible for someone in the sitting room standing very close to the window to see the top part of the ground floor windows in 90A, this is not a degree of mutual overlooking that would, in my opinion, justify a refusal of planning permission. There are rooflights in the roof slope that faces the boundary, but these are high level, and the angle does not permit views into the ground floor windows. There is a side door towards the back of the house, but the outlook from this would be beyond the rear corner of 90A..
- 2.20 The assessment regarding potential loss of outlook is more balanced. The outlook from 90A's ground floor windows is already significantly affected by the proximity and relative height of the boundary fence. Although it will be possible to see much of the side roof slope on the front part of new unit 5 above and beyond the fence, this roof will be sloping away from the viewer and at an increasing distance. The outshot roof will be closer, but this is not directly opposite the windows most likely to be affected, being set further back towards the rear (north) of the site. Overall, although there will be some loss of sky views from the affected ground floor windows, on balance this is not considered to be so harmful as to justify refusal. Members will be aware that loss of a view is not generally considered to be a material planning consideration. Similarly with regard to daylight and sunlight,

given the relative height, distance and orientation between the two buildings, this is not an overriding concern; the orientation is not due west, but rather slightly north of west, so any loss of sunlight is likely to be limited to later in the evening and only at certain times of the year.

- 2.21 The remaining issue to consider in terms of amenity in potential noise and disturbance. With regard to the use of the site as a whole, the current lawful use for the manufacture and restoration of organs is likely to have been a use that would now fall within Class E of the Use Classes Order (Commercial, Business and Service uses); besides light industrial uses, this encompasses a wide range of uses including some that would potentially attract a significant number of visiting members of the public, such as retail, indoor sport, medical services or a creche. Whilst the 1983 planning permission upon which the organ-building use relied contained a condition limiting the use of the site to that particular purpose, it is clear from the history of the site that a number of other industrial/commercial uses had been considered to be acceptable here, at different times. Although it is understandable that local residents may have become accustomed to the site being a “quiet” site, having been unused for a few years, that is clearly not a situation that could be relied upon in the longer term, and the potential alternative uses that could take place are a material planning consideration. Indeed, it is likely that the proposed residential use for five dwellings would create less noise and disturbance (and fewer comings and goings) than many of the potential alternative uses. Similarly, although concern has been expressed about the proposed gate at the site entrance and the potential that frequent use of the gate might have in causing disturbance to the immediate neighbours, there is already a gate in a similar position and the historic level of use is not something that can be relied upon, nor is this something over which the local planning authority could have control. Indeed the 1983 permission has a further condition requiring the playground area to be kept available for vehicle parking.

#### Design and Visual Impact

- 2.22 As Members may be aware, national policy advice on design has recently been updated in the revised NPPF (July 2021). The principal references are now in paragraphs 130 – 134. Developments should aim to function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and the surrounding built environment (while not preventing or discouraging innovation or change, such as increased densities), and create attractive, welcoming and distinctive places to live, work and visit. In addition, it is necessary to consider the impact of the proposals on heritage assets; in this case the designated heritage assets are the conservation area and the nearby listed buildings (and their settings); the buildings within the site are also considered to be non-designated heritage assets. NPPF paragraph 194 requires applicants to describe the significance of any heritage assets affected by their proposals; a Heritage Statement has been submitted as part of this application. Paragraph 197 sets out certain factors that should be taken into account in considering planning applications. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (para 199). Any harm to, or loss of, the significance of a designated asset should require clear and convincing justification (para 200). Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use (para 202). The effect of an application on the significance of a non-designated heritage asset should be taken into account; in weighing such applications a balanced judgement

will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 2.23 LBCA Section 66(1) says: “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”
- 2.24 LBCA Section 72(1) says: “In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 2.25 A number of elements of the proposal have the potential to impact upon the character and appearance of the conservation area. Three dormers are proposed on the front roofslope of the frontage building, facing The Street. These are relatively small and have pitched and hipped roofs. They are similar in style and form to existing dormers on other buildings along the road, notably the terrace of houses immediately to the west. They will not dominate the roof within which they sit, and are also aligned vertically with the main windows below. They will fit well in the street scene overall. Similarly, the restoration of the porch on the eastern end of this building will reintroduce an element that existed previously, albeit probably not in precisely the same form, but this, too will not be obtrusive in the street scene. The proposed gate at the site entrance will replace an existing gate that does not positively contribute to the character and appearance of the street scene.
- 2.26 The proposed extension to the rear building (to provide unit 5) will be readily visible from the road and the site entrance. The form and design of this new-build element will reflect those of the building to which it is attached, including the roof form and eaves detailing, the inclusion of a “porthole” window in the gable end, and the form and proportions of the ground floor windows. It has a lower ridge and eaves height and will be subservient to the main building. The loss of the open area in this corner of the site is not considered to significantly harm the character of the conservation area, and the proposed building will therefore preserve the appearance of the area.
- 2.27 Although there are several listed buildings adjacent to the site and nearby, for the most part the proposed buildings works will not have an appreciable impact on their settings. The listed building most affected is 88 The Street, adjacent to the site entrance. The porch extension to the building on the opposite side of the entrance and the installation of the replacement gate will be seen in the context of this building within the wider street scene. However, as mentioned, the proposed gate will be a visual improvement on what is there at the moment, and the porch, although reducing the gap between the two buildings, will not be a dominant feature and will be of appropriate appearance for its location, so will not harm the setting of this listed building.
- 2.28 So far as the main buildings within the site are concerned, these are considered to be worthy of being treated as non-designated heritage assets by virtue of their age, their characteristic form and design (for the time and purpose for which they were built) and their significance as part of the history of the village. These are considered to be the principal features that lend to the significance of the buildings. In applying the test in NPPF paragraph 203, a number of factors need to be considered. The proposed dormers and porch on the frontage building have

already been mentioned; in addition to being acceptable in the context of the conservation area, these changes are not considered to harm the significance of this school building; indeed, the reinstatement of the porch is a positive step that enhances understanding of the significance of that building. The twentieth century extensions that are to be removed are relatively large (despite being single-storey) and one could take the view that in some ways they help to “tell the story” of the history of the buildings and how they have evolved over the years. However, the extensions are not attractive structures and they are in a poor condition. They do not possess the same design quality as the original buildings and are of an alien form. I therefore take the view that removal of these structures will help to better reveal the true significance of the buildings as heritage assets (this being one of the objectives listed in NPPF paragraph 206) by making their original form more legible. Although a single-storey extension is proposed to the rear of both buildings (in part replacing the demolished extensions) these are substantially smaller and their form is more in keeping with the form and design of the main buildings; they do help to create useable space within the proposed dwellings and on balance they are not considered to detract from the significance of the buildings.

- 2.29 The internal space of the rear building lends itself in a reasonably straightforward way to conversion to form units 3 and 4, with minimal subdivision and provision of a first floor in part of the building where there is already a false ceiling. Subdivision of the frontage building is somewhat more challenging, given that the principal internal space is a single space across the whole width of the building, with a full-height beamed ceiling (the former school hall). This is considered to contribute to the significance of the building as a non-designated heritage asset. However, within this space there is currently a mezzanine at the eastern end, served by a staircase that sits in front of one of the main windows. The solution that has been adopted is to retain a void at first floor level in both the new dwellings, with a new floor inserted at second floor level only, apart from a replacement mezzanine at the eastern end of unit 1. This mezzanine will actually be marginally less extensive than the existing one and be served by a new staircase in the rear corner of the building, allowing the staircase at the front to be removed. There had been concern over how the floor of the mezzanine would be seen from The Street, through the easternmost window, and alternative layouts were explored; however, it transpires that the level of this floor aligns with the transom in the window, and therefore can be easily disguised; when the removal of the existing staircase is taken into account, overall this will be a betterment.
- 2.30 In conclusion, it is considered that the proposed conversion works will result in “less than substantial” harm to the significance of the designated heritage assets (the conservation area and the settings of nearby listed buildings). They will bring public benefits by enabling these interesting buildings to be brought back into beneficial use. The scheme meets the tests in NPPF paragraphs 200 and 202, and will fulfil the requirements of Sections 66 and 72. Similarly, in terms of the impact on the buildings themselves as non-designated assets, any harm to the significance of the assets is considered to be acceptable and justified by the objective of securing an appropriate future use.

#### Highways, Access and Parking

- 2.31 The main policy reference points are Core Strategy DM13 and NPPF paragraphs 110 – 112. DM13 advocates a design-led approach to car parking, based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. The provision of nine parking spaces to serve the five dwellings is an appropriate proposition in this relatively sustainable location within

the designated Local Centre. The submitted plans include turning circles to show that a normal sized car can turn within the site to leave in a forward direction.

- 2.32 Concern has been expressed over the potential use of the site access, given the narrowness of The Street and the prevalence of parked cars. However, this is not an uncommon state of affairs within historic settlements; there are a number of other broadly similar site entrances along The Street at various intervals, and experience shows that parked cars can often lead to reduced traffic speeds. Moreover, and as mentioned above, this is a historic access with established use rights and the site itself has use rights that mean that a significant level of traffic generation could be expected with any alternative legitimate use. The gates will be set back 6m to allow vehicles to wait clear of the carriageway whilst they are being opened.

#### Ecology Impacts

- 2.33 NPPF paragraph 174 says that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 says that when determining applications, if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, permission should be refused.
- 2.34 The application is accompanied by a Preliminary Ecological Appraisal, Bat Survey and indicative bat mitigation strategy. The Appraisal concluded that the buildings had the potential to accommodate bats, but that the likelihood of other protected species and species of interest (such as reptiles, amphibians, badgers and dormouse) being present was low. The bat survey confirmed the presence of day roosts for various species of bat; a European Protected Species Licence from Natural England will therefore be required, following any grant of planning permission and before any works commence, including demolition works. However, it is noted that the roofs to the buildings are boarded internally, below the roof tiles, meaning that the intervening space (the main area occupied by the bats) can, with care, be subject to minimal disturbance. The draft mitigation strategy includes a number of measures including use of bat tiles and installation of bat boxes, and this is considered to be an appropriate and proportionate approach. The detail of these measures can be secured by planning conditions.

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

- 2.35 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the Council, as the 'competent authority', to carry out the assessment.
- 2.36 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an



Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.

- 2.37 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.38 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.39 The above results were presented to NE in mid 2021. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.40 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The results of this have been presented to NE who have to date, maintained their position. We remain in discussion with NE and are considering all options.
- 2.41 The current application, along with many other [housing] proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the delays caused by this issue and the progress made so far with the advice provided by our consultants and discussions with NE ongoing, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved
- 2.42 Aside from any potential impact on Stodmarsh, this development also needs to be considered and assessed in terms of its potential to impact on another group of European Sites, namely those at Sandwich Bay and Pegwell Bay, through the potential disturbance of birds due to increased recreational activity there.

- 2.43 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.
- 2.44 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.
- 2.45 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.
- 2.46 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.47 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.

#### Other Issues

- 2.48 Policy DM4 says that the Council will seek developments of between five and 14 dwellings to make a contribution to affordable housing. However, the NPPF indicates that a more flexible approach should be applied in rural areas and paragraph 64 specifically says that affordable housing should not be sought for residential developments that are not "major" developments other than in "designated" rural areas (which this is not). Moreover, NPPF paragraph 64 also says that, to support the use of brownfield land, where vacant buildings are being used or redeveloped, any affordable housing due should be reduced by a proportionate amount. In the light of this it is not considered appropriate to seek an affordable housing contribution in this instance.
- 2.49 There are no other requirements for developer contributions that would apply to this proposal.
- 2.50 With regard to drainage, the strategic situation with regard to foul drainage and potential impact at Stodmarsh is discussed above. Southern Water has drawn attention to the presence of an existing sewer within the site, and protection of this can be secured by condition. A surface water drainage strategy is included in the application and this proposes a SUDS solution including the use of permeable surfacing throughout the site and an underground cellular storage soakaway crate beneath the parking area. This is an acceptable approach in principle, and a condition will require the submission of a detailed scheme.

- 2.51 Consultation with Environmental Health has not revealed a concern over contamination on this site, nor any need for remedial measures.
- 2.52 A number of policies in the adopted Ash Neighbourhood Development Plan (ANDP) are relevant to this proposal, as set out at the beginning of this report. This is not a site specifically identified for development in the Neighbourhood Plan. The issues relevant to policies in the Neighbourhood Plan have been discussed above in the context of other policy requirements including, for example, those relating to biodiversity (ANP4), drainage (ANP4), design (ANP6), and car parking (ANP13). ANP5 seeks to ensure that developments are resilient to climate change and lists a number of ways in which this might be achieved. This scheme incorporates a number of such measures, including the use of SUDS for surface water drainage, EV charging points, cycle parking, and the removal of the least energy-efficient parts of the existing buildings. Given the other constraints that apply here, including the need to secure a scheme that respects the non-designated heritage assets, this is considered to be an appropriate a proportionate response. No significant conflicts with the policies of the ANDP have been identified.

### 3. **Conclusion/Sustainability**

- 3.1 This is an application for minor residential development that makes appropriate and effective use of a vacant, brownfield site in the heart of Ash. It has been carefully designed to make good use of buildings that are non-designated heritage assets in a way that respects their key features and enhances their significance as historic buildings; the proposed extension to accommodate an additional unit also respects the setting of these buildings and the wider conservation area. Although some concerns have been expressed over the potential impact on neighbouring residential properties, detailed analysis confirms that there is unlikely to be an overriding and unacceptable impact in this regard.
- 3.2 The NPPF identifies three interrelated objectives that underpin the achievement of sustainable development: economic, social and environmental. As there are no identified adverse effects of granting planning permission that would significantly and demonstrably outweigh the benefits, planning permission should be granted in accordance with NPPF paragraph 11.
- 3.3 The one unresolved issue relates to whether there is a potential impact on the designated European sites at Stodmarsh, as a result of drainage from the development. This situation is safeguarded by the caveat contained in the Recommendation below.

g)

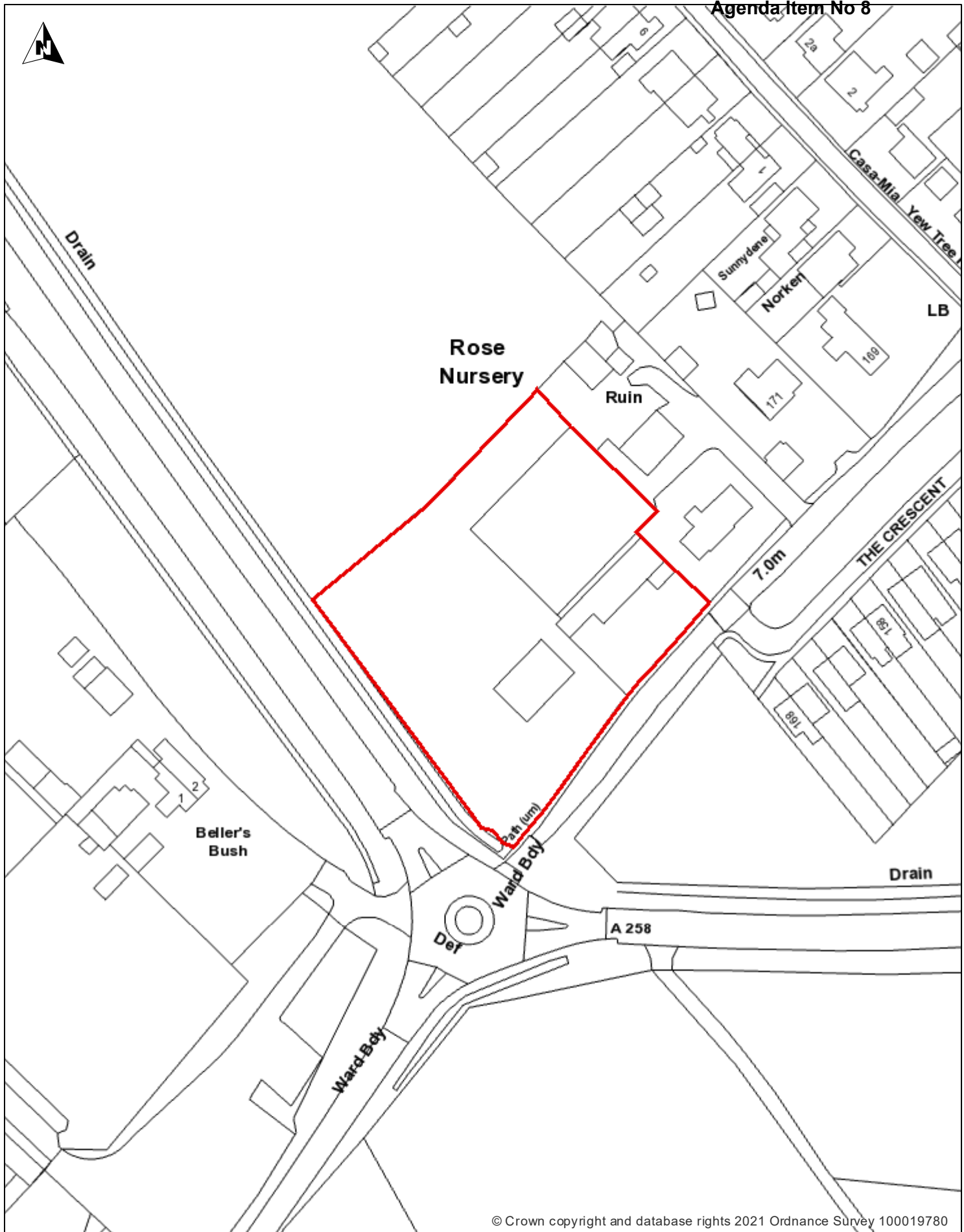
#### **Recommendation**

- i. SUBJECT TO the local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as/if necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved, **GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:
- i) Standard commencement
  - ii) Approved plans
  - iii) Submission of external materials

- iv) Submission of details of dormers on front elevation/roof slope, all rooflights, and front entrance gates
  - v) Submission and implementation of landscaping scheme
  - vi) Provision of car parking
  - vii) Provision of cycle parking
  - viii) Provision of refuse storage facilities
  - ix) EV charging points
  - x) Submission of foul drainage details (subject to outcome of Stodmarsh negotiations)
  - xi) Submission of SUDS/surface water drainage scheme (pre-commencement condition)
  - xii) Unforeseen contamination
  - xiii) No demolition during bat hibernation season
  - xiv) No demolition until bat licence obtained
  - xv) Submission of detailed mitigation scheme regarding bats and other species (pre-commencement condition)
  - xvi) Submission of external lighting (to include bat-sensitive measures)
  - xvii) Provision of obscured glazing (first floor dormer to unit 2)
  - xviii) Removal of permitted development rights for extensions, roof alterations and additional window openings
  - xix) Submission of measures to safeguard existing sewer (as requested by Southern Water) (pre-commencement condition)
  - xx) Provision of broadband connections
- ii. Powers to be delegated to the Planning and Development Manager to resolve details of any necessary planning conditions and/or legal agreements and matters covered in recommendation I above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Neil Hewett



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21/01309  
Rose Nursery  
Dover Road, Sandwich  
CT13 0DF

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/21/01309 – Outline application for the erection of 7 self-build plots (all matters reserved) - Rose Nursery, Dover Road, Sandwich**

Reason for report – Number of contrary views (23)

- b) **Summary of Recommendation**

Outline Planning permission be granted

- c) **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

DM27 – Providing Open Space

Sandwich Neighbourhood Area

No neighbourhood plan adopted

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)

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.

- d) **Relevant Planning History**

Various applications including:

CH/5/59/0012 – Outline application for development of land for erection of bungalows/ houses - Refused

CH/5/69/0034 – Outline application for residential development - Refused

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

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

Sandwich Town Council – Initially advised that they resolved to approve this application and requested increased 106 contribution to assist with town accessibility strategy.

*In response to amended plans, advised;*

Sandwich Town Council resolved to recommend approval with conditions. KCC opens the road, a long term established plan for maintenance of the trees, section 106 money to be allocated to the STC Disability Access Strategy, designated landscape & biodiversity plan; quite extensive tree planting has already taken place in & along the boundaries of the adjoining field (to the north of the application site). The intention for it to be an ecological & environmentally sensitive scheme, including the planting of native hedgerow providing green connections between structures equating to wildlife corridors. There will be reinforcement of the bypass boundary vegetation. A planted bund will be established along the SW boundary. A condition be imposed requiring further details in which to ensure the enhancement of biodiversity. DDC at pre-application stated: there must be suitable landscapes to all boundaries including both tree & native planting; an arboriculture assessment & tree survey as part of the application; they require detailed landscape proposals. Details of the landscape planting which will be an essential part of the integrity of this site are for future consideration. Details of a net gain of biodiversity to increase, promote conservation, restoration, enhancement (para 17, NPPF) are currently not specified. Without which there remains a concern with regards to the impact of the street scene along the southern boundary of the site with no reassurance of the impact on the existing hedgerow, habitat. As the client wishes to develop an ecological & environmentally sensitive scheme suggested that STC stipulate that a detailed landscape plan be a requirement of the PA. This landscape plan should show the nature & extent of existing planting & extent of existing planting and green space along with the intended tree and hedgerow planting and green space both in relation to the boundaries and within the site between build zones. As the aim is for self-build properties it would also be relevant to ask the developer how they intend to enforce the Landscape Plan which they submit.

Environmental Health – Noise - I confirm sighting of acoustic report (Able Acoustics P1423/01 June 2021) which examines the existing noise climate and assesses the suitability of residential properties in this area of Sandwich in relation to potential excessive noise from road traffic. Noise readings included and tabulated within the report indicate that internal habitable rooms noise levels without mitigation will be above guidelines provided in BS:8233:2014 (Table 5.1.1). Table 6.2 provides specific glazing specification ie. 6/(6-16)/ 4mm which is stated to provide sufficient sound attenuation. It is also recommended that additional acoustically screened trickle ventilation with a minimum performance of 40dB d,n,e,w +Ctr should be installed. This is recognised in the Design & Access statement but nevertheless should be secured by a suitably worded condition (or plans submitted and approved). Noise levels in outside amenity garden areas with a 1.8m close boarded fence are generally below the guideline level of 50dB with the exception of Plot 1 which is predicted to have a level of 55dB. Whilst the higher level is not desirable in a rural location, it is nevertheless below the maximum guideline level of 55dB and objection to the

development on that basis would not be sustainable. It is recommended that details and acoustic qualities of the fence be submitted to the planning department and approved. EP do not object to the application on noise grounds. Contaminated Land - Phase I (desktop) & II studies have been submitted (Edge Enviro Ltd) which examine historical land use on the site. Soil sample results reported are generally within industry guidelines and no remediation of further CL concerns are raised. The Landmark site check raises no CL concerns. I would however recommend the following condition be included in any decision notice:-If during the course of development, significant contamination is suspected or found, or significant contamination is caused, works shall cease and the Local Planning Authority shall be notified in writing immediately. Where required, a suitable risk assessment shall be carried out and where necessary any remedial action shall be carried out in accordance with an agreed process and within a timetable approved by the Local Planning Authority. The remediation measures shall be implemented as approved and completed prior to the recommencement of works. Reason-To secure the safe development of the site in terms of human health and the wider environment, pursuant to NPPF.

KCC Highways and Transportation - I note that all matters are reserved with this application, including access. With this in mind, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority

- A visibility splay of 2.4 metres x 33 metres would be needed to the north of the proposed access, with no obstructions over 1 metre above carriageway level within the splay.
- The proposed footway route connecting to The Crescent should be alongside the carriageway rather than behind the hedge (a substantial part of which would need to be removed in any case to provide the visibility). It appears from our records that the public highway extends beyond the edge of carriageway along the site frontage. The existing footway in The Crescent would need to be extended slightly and dropped kerbs/tactile paving provided.
- The internal layout will need to accord with Kent Design and Manual for Streets. Looking at the submitted preliminary layout this has particular relevance to the need for a footway/service margin around the entire street and the need to accommodate an 11.3 metre-long refuse vehicle.
- Parking will need to be in accordance with Local Plan policy DM13 for a suburban edge/rural situation. Each parking space will need to be 2.5m x 5m as a minimum requirement
- An electric vehicle charging point and secure, enclosed bicycle storage is required for each dwelling in accordance with details to be submitted to and approved in writing to the LPA prior to the use of the site commencing.
- Submission of a Construction Management Plan before the commencement of any development on site.

The nearest bus stops are in the A258 Deal Road and a review of pedestrian facilities serving these stops would therefore be required. I note that the applicants other land to the north of this site was put forward as an allocation for the Local Plan Assuming this land may eventually be allocated, the applicant would also need to consider how access to this land may affect the current site.

Southern Water – The exact position of the public assets must be determined on site by the applicant in consultation with SW, before the layout of the proposed development is finalised.

- The public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for



maintenance.

- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The supporting documents make 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 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.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

DDC Housing Development Manager - This application relates to the provision of self-build plots, and as such I have no comment to make in relation to affordable housing provision. However, DDC holds a self-build register of local people who wish to build their own home, and these plots would make a contribution towards meeting this housing need.

Kent Fire and Rescue Service – No response received.

KCC Ecological Advice Service - advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached. Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Dover County Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. Due to the time elapsed since the original survey (December 2020) and the features on site (such as brick piles and areas of longer grass), we advise that a biodiversity method statement is secured as a condition. This should provide relevant avoidance and protective measures for protected species (such as breeding birds). Ecological Enhancements

The application provides opportunities to incorporate features into the design which

are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition. This is in accordance with Paragraph 180(d) of the National Planning Policy Framework 2021.

KCC Economic Development - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests. These tests have been duly applied in the context of this planning application and give rise to the following specific requirements:

Request	Per Applicable Household (x7)	Total
Primary Education	£4,642.00	£32,494.00
Secondary Education	£4,540.00	£31,780.00
Community Learning	£16.42	£114.94
Youth Service	£65.50	£458.50
Library Bookstock	£55.45	£388.15
Social Care	£146.88	£1,028.16
Waste	£54.47	£381.29

They also request that all homes are built as wheelchair accessible and adaptable dwellings in accordance with Building Regs Part M 4 (2) and that a pre-commencement condition is imposed requiring details to be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic connections to multi point destinations and all buildings.

Third Party Representations: 23 members of the Public have written in objection to the proposals and 3 in support. 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.

### Objection

- Future development of field to north of site – identified as potential future site for 100 new houses in draft local plan (HELAA ref SAN010), potential access through site. Concerns development at this site would justify development at adjacent land. Original plans for 10 self-build plots at site and access road to adjacent field.
- Acoustic report – concerns regarding survey times (avoiding rush hour) and traffic levels (reduced traffic and working from home following end of Covid lockdown period). 1.8m fence mentioned in report left out of landscaping scheme.
- Noise/disturbance/pollution – land directly next to major A road/intersection, noise/pollution will be significant for potential new residents even with mitigations proposed (including bund). Concerns development would cause street and reduced quality of life and would be at detriment of residents mental health and well-being. No evidence of discussion with Southern water prior to application in respect of utilities, water supply and foul sewer system capacity. Concerns regarding water pressure, street flooding and blocked drains. Pre-

application advise suggested drainage/SUDs assessment, statement of community involvement, landscape proposals and construction management plan required.

- Wildlife/trees – concerns regarding date survey was undertaken (23<sup>rd</sup> December 2020) and species identified/not identified (including bats and other European protected species – requests bat survey submitted). Loss of natural habitat for wildlife. No tree survey submitted. No evidence of net gains for biodiversity (NPPF Para. 179) – would result in net loss of biodiversity
- 5 year housing land supply/development/need – 5yr supply has been demonstrated although not enough self-build plots allocated. Concerns regarding additional development in Sandwich and existing infrastructure, with other sites in area identified. Cumulative impact of development not established to determine adverse effects on Dover Road and residents. Will change character of market town. Concerns regarding impact on GP, dental services, local amenities/support services. Not aware whether a public consultation took place. Concerns in respect of self-build need for family members and not affordable housing provision. Loss of farmland that could be re-farmed.
- Climate change/emergency – greenfield site should take climate emergency into account.
- Highways/Traffic/pedestrian safety – road is narrow and does not have capacity to cope with added traffic. Concerns regarding safety for school children and points along Dover Road where pavement is narrow or non-existent. Concerns this end of Dover Road could be opened up to assist traffic congestion, becoming 'rat run'. Concerns bypass could be dualled at this point. Issue with overcrowding and increased traffic volumes. No space provided for potential junction upgrades (due to proposed planted bund). Residents at this end of Dover Road have been subjected to large HGV's supplying plant hire and materials to building site, turning in narrow entrance. Systematic travel assessment not provided and will increase travel by car (contrary to DM11). No visibility splays or swept path analysis submitted. No measures in place to assist pedestrians or cyclists to access public transport
- Design – eco housing model sounds great but assume there is no obligation to those purchasing plots to adhere to this. Not in keeping with local character of the area, would place housing development at higher density than existing surrounding development. Concerns regarding loss of outlook for Johns Green residents. Concerns regarding styles of houses with 7 different sales.
- Impact on countryside and landscape (DM15 & DM16) – dense housing development where none previously existed, southern boundary would see loss of hedgerow as required by KCC for public footpath, loss of farmland, loss of natural visual appeal. Cannot be mitigated against to acceptable level as required by DM16. No landscaping details or LVIA submitted. No justification for rural location contrary to DM15
- Request conditions put in place to protect residents from undue disturbance and inconvenience.
- Location/principle - outside settlement boundary (CP1, DM1) should not be considered as natural extension of existing boundary but on edge of settlement boundary incorporating only Johns Green, The Crescent and small part of Dover Road. Site not included in draft local plan for housing development. Local plan being 'out of date' should not be used as argument to apply tilted balance. No justification for rural location – other development sites identified in Sandwich in local plan. No evidence this meets the economic objective of NPPF (Para 8). Section 38(6) Planning and Compulsory Purchase Act 2004, Section 70(2) of Town and Country Planning Act 1990, Regulations

Support

- Need - shortage of self and custom build sites within District. No provisions within LPA policy to allocate plots for self/custom build. Competition for plots from builders/developers. National Planning Policy requirement to maintain register for services self/custom build plots. Duty under Section 2 & 2A of Self-Build and Custom House Building Act to have regard to and give enough suitable development permission to meet identified demand. Reliance on windfall sites.
- Area appears to consist of rough grazing and derelict glasshouses of limited biodiversity. Appears to be no significant structures of the proposed site that could provide bat roosting sites
- Proposal appears to indicate the significant boundary screening it so the retained and enhanced by further planting.
- Proposal appears as small, self contained site, well screened from and having little impact on neighbouring houses
- Impact would be no greater than that of the new development at Woodnesborough Road and much less than that of Poulders Gardens. Given appropriate planting and a little time the impact would be no more significant than the houses at Johns Green
- Appears to be the only self-build in the area and has promising noise mitigation proposals

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

1.1 The site relates to the former Rose Nursery, covering an area of approximately 0.49 hectares, located on the north side of Dover Road. The land comprises a large area of redundant greenhouses and growing areas once forming part of a wider horticultural holding. The site lies outside of, but in close proximity to the settlement confines, which are to the northeast and southeast. The site is also within the Sandwich Neighbourhood Area, however there is no adopted neighbourhood plan.

1.2 This is an outline application for the erection of 7no. self build plots, with all matters reserved. During the course of the application, the proposals have been revised and no longer include the change of use of part of the former nursery to residential garden land (and the amended scheme has been re-advertised accordingly). Indicative site plans and parameter plans have been submitted demonstrating a possible layout of the development, which could contain two/three storey detached dwellings.

1.3 **Response from the applicant**

- Land used as nursery for many years. OS maps 1897 show extensive greenhouse on this site. OS map 1937 shows current greenhouse format with further greenhouses which only now exist in form of footings, underground drainage and irrigation pipework. Areas of hardstanding between greenhouse and greenhouse footings, not currently visible being covered by thin layer of soil and grass. This land cannot be farmed nor is it financially viable to return this area of land to agricultural production.
- Owners have previously engaged with DDC with a view to exploring a viable use for the site, but unable to support use of this site for any means including continued use as a nursery.

- Very limited number of properties with any clear view of proposed site. Boundary planting between field in applicants' ownership and gardens of Johns Green has been re-enforced with a planting scheme of mixed native trees and shrubs and other plants. Anticipate that within a short time, properties at Johns Green will be fully screened. Properties further north of site fully screened by mature hawthorne hedge. Further planting planned on strip of land to north abutting public right of way. Additionally, engaging with the woodland trust regarding eligibility for inclusion in the MOREhedges scheme.
- Regarding comments of bias from various professionals engaged to carry out required surveys, we have no connection to these professionals, have simply engaged their services because we are required to do so.
- Regarding comments of plots for family members, it is not envisaged that all the plots would be utilised by family members, however it is hoped it will provide for some elderly family members and at least one other planning a family in order to develop a mutually supporting family environment. If successful, there will be a net reduction in the amount of traffic movements associated with these units.

## **2. Main Issues**

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the countryside and landscape
- 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 just outside of the settlement confines (approximately 7.7m between the proposed access and confines to the southeast) and a public footpath (0217/ES15/1) to the northeast of The Crescent (on the opposite side of Dover Road) would provide access to a bus stop with regular services to Sandwich where a wider

range of services and facilities, including public transport, is available. Notwithstanding this, 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 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, 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 (the Housing Delivery Test).
- 2.9 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The council have delivered 88% 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, which is in close

proximity to public transport, it is considered that the use of the site as proposed would not conflict with 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 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 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 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. 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. At the time of preparing this report, 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

- 2.16 The site is located just outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. As this is an outline application with all matters reserved, full details of the design (appearance), layout and scale of the dwellings, landscaping and vehicular access would be submitted at reserved matters stage. Notwithstanding this, indicative plans have been submitted to demonstrate how the 7 detached self/custom build dwellings could be accommodated within the site, with a vehicular access connecting to the existing access at Rose Nursery and Dover Road to the southeast (with a pedestrian access also indicated). The indicative information suggests a maximum height of 8.5m for each detached dwelling, which would be set at least 2m from the boundary line of each plot.
- 2.17 There is an existing line of planting along the southwestern boundary of the site, running further northwest, adjacent to the Sandwich Bypass which would provide screening for the proposals. Notwithstanding this, the development would also be seen within the context of the existing cluster of residential development to the north, particularly in views from Dover Road. In order to provide visibility splays from any access onto Dover Road, there may be a requirement to remove some of the hedgerow fronting the site. Whilst the access and landscaping would be considered further at reserved matters stage, the loss of part of the hedgerow is considered to have a localised impact only. In the interests of visual amenity, it is considered appropriate to recommend a condition is imposed for a parameter plan or design code to be submitted prior to the submission of the reserved matters. It would be expected that this would clarify the building heights, plot areas, build zones, general materials, energy performance criteria, site wide landscaping principles off and on plot and street lighting. Subject to further details (to be dealt with at reserved matters stage), it is considered that a scheme could be submitted which would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area, as required by Paragraph 130 of the NPPF, and could preserve the intrinsic character and beauty of the countryside in accordance with Policy DM15.
- 2.18 In respect of the impact on landscape character, as set out above, the development would be seen within the context of the existing residential development at Rose Nursery and on Johns Green to the north of the site. Subject to further details in respect of the scale and landscaping of the scheme (dealt with at reserved matters stage), it is considered a detailed scheme could be submitted that would preserve the character of the wider landscape area in accordance with Policy DM16.

#### Impact on Residential Amenity

- 2.19 The site would be located to the southwest of the existing Rose Nursery dwelling. Whilst details of the siting, scale and design of the dwellings would be dealt with at reserved matters stage, the indicative plans submitted suggest that the dwellings could be sited a sufficient distance from other nearby dwellings to avoid overshadowing/loss of light or an overbearing impact. At reserved matters stage, the design of the dwellings would be considered to ensure the development would result in no unacceptable harm to privacy and would accord with the objectives of Paragraph 130 of the NPPF.
- 2.20 In respect of the amenity of the occupants, careful consideration would need to be given at reserved matters stage to ensure future occupants of the development would enjoy a high standard of amenity as set out in Paragraph 130(f) of the NPPF. An acoustic assessment has been submitted examining the existing noise climate and assessing the suitability of residential properties in this area, in relation to potential excessive noise from road traffic. This has been subject to consultation with DDC



Environmental Health who advise that noise readings within the report indicate that internal habitable rooms noise levels without mitigation will be above guidelines. The report provides specific glazing specification which is stated to provide sufficient sound attenuation and it is also recommended that additional acoustically screened trickle ventilation with a minimum performance should be installed (secured by condition). Noise levels in the outside amenity garden areas with a 1.8m close boarded fence are generally below the guideline level of 50dB (with the exception of Plot 1 predicted to have a level of 55dB). Whilst the higher level is not desirable in the rural location, it is below the maximum guideline level of 55dB and an objection on that basis would not be sustainable. Environmental Health recommend that details and acoustic qualities of the fence are submitted for approval and do not object to the application on noise grounds. Having had regard to Paragraph 185 of the NPPF, it is suggested a condition is imposed accordingly. Other matters such as provision of secured bicycle storage and refuse/recycling storage should also be provided at reserved matters stage.

### Other Material Considerations

#### Impact on Travel

- 2.21 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. The site is outside of, although is in close proximity to the settlement confines (to the northeast and southeast) where residential development would be acceptable in principle. An additional settlement confine (which includes Sandwich Town Centre) is located further northeast on Dover Road. Although there is no continuous public pavement between the site and these confines, due to the nature of the road (which is of a reasonable width and has no through-traffic, with Dover Road terminating near the site), it is not considered that occupants would be discouraged from walking or cycling to the settlement. In addition, a public right of way is located on the opposite side of Dover Road, to the northeast of the site which provides a connection to a bus stop on Sandwich Bypass, with regular services to Sandwich, where a wider range of services and facilities, including railway station, are available. Whilst the development would be contrary to Policy DM11 by being located outside the settlement confines, in this instance, given the particular characteristics of the site, it is considered that the location of the site, relatively close to a number of facilities and services (accessible by public transport providing connections to Sandwich and other settlements), could provide some assistance in providing further access 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.
- 2.22 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

- 2.23 Detailed site layout would be required at reserved matters stage, however it is noted that the indicative information submitted proposes each dwelling would have two parking spaces, which would likely accord with the requirements of Policy DM13 (depending on the finalised number of bedrooms within each unit). KCC Highways and Transportation has been consulted on the application and advises that subject to the imposition of conditions or obligations, they would raise no objection. Of the conditions/obligations set out, it is considered that at this stage, with all matters

(including access) being reserved, a condition requiring a construction management plan would be reasonable. However, as the exact location of the access and design of the internal road and parking areas would be dealt with at reserved matters stage, it is not considered reasonable at this stage to include conditions in relation to the visibility splay (2.4m x 33m to the north of the proposed access with no obstructions over 1m above carriageway level within the splay), footway route (connecting to The Crescent), that the internal layout will need to accord with Kent Design and Manual for Streets, and for parking provision to be in accordance with Policy DM13 (and parking spaces of 2.5m x 5m as a minimum requirement).

- 2.24 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 number of vehicle movements generated from the proposed use of the site are considered unlikely to result in an unacceptable impact on highway safety (Paragraph 111 of the NPPF).

#### Impact on Flood Risk/ Drainage/Contamination

- 2.25 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 application form states that surface water would be disposed of to a sustainable drainage system, no details of foul sewage drainage have been specified. Notwithstanding this, further information could be submitted at reserved matters stage or required following that stage by condition.
- 2.26 Phase I and II studies have been submitted, examining the historical land use on the site. Environmental Health has been consulted accordingly, considering the soil sample results reported are generally within industry guidelines and no remediation of further contaminated land concerns are raised. They recommend a condition is imposed dealing with any contamination that may be suspected, found or caused during the course of the development and it is suggested this is imposed accordingly.

#### Ecology

- 2.27 An ecological scoping survey has been submitted in support of the application. Whilst numerous species of plants and animals were recorded, no evidence of species or habitat suitable for any species which are specifically protected under wildlife legislation was found anywhere on the site. A number of wildlife conservation and mitigation measures (which should be incorporated by means of a biodiversity plan) were suggested, and it is considered appropriate to suggest a condition is imposed requiring a scheme to be submitted. Whilst not identified at the site, given the reference made in third party representations to bats being seen in the surrounding area, it is recommended an informative regarding protection of bats and their roosts (under the 1981 Wildlife and Countryside Act (as amended) and the Conservation of Habitats and Species Regulations 2017) is included in this respect.

#### Archaeology

- 2.28 The site is not located within an area of archaeological potential. Notwithstanding this, a desk based assessment has been submitted identifying finds in the surrounding area. It is considered that the site has been heavily disturbed, to a shallow depth. As such, it is considered that no further details are required.

### Open Space

- 2.29 The proposals are for the erection of 7 dwellings and Policy DM27 sets out that to meet any additional need generated by development, planning applications for residential development of 5 or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. It has been identified that the Bulwarks Play Area Improvements could generate Open Space and Play Area contributions. However, no details of the funding requirements or specific project proposals have been provided and given the distance from the site to the play area (located near the Quay), it is not considered that a contribution towards off-site open space provision could be supported in this instance.

### Contributions

- 2.30 In response to the original scheme proposed, KCC Economic Development requested a number of financial contributions (set out in the consultee response above). However, the proposals were subsequently amended and re-advertised accordingly (with no further response received from KCC). Noting the representation of KCC Economic Development, which identifies that contributions are applicable on a site of more than 0.5 hectares, the revised site area is 0.49 hectares. As such, contributions are therefore not required or justified.

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

- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 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.
- 2.35 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.

- 2.36 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

- 2.37 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). 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 2.38 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. The development would generate travel outside of the rural settlement confines contrary to Policy DM11. Notwithstanding, the site is within close proximity to the confines and the nearby rural service centre of Sandwich and other surrounding settlements can also be reached on foot (albeit there is not a continuous pavement), by bicycle or by public transport. It is considered that the location of the site, relatively close to a number of 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.
- 2.39 This application is for 7no. self/custom build dwellings. The provision of such dwellings are supported by the NPPF (paragraphs 60-62), which advises that the provision of self-build types of housing should be reflected in planning policies. The Councils' current policies do not reflect this. Regard should be had to the application proposal to provide seven self/custom build serviced plots. 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". The provision of self-build housing is considered to be a benefit, albeit a marginal one and would not by itself justify permission had other planning considerations not found in favour of the scheme.
- 2.40 At this outline application stage, matters such as appearance, access, landscaping, layout and scale are reserved. Notwithstanding, it is considered that based on the indicative information provided and subject to the detailed design of the development, 7no detached dwellings could be accommodated at the site. Overall, whilst this is a very finely balanced assessment, it is considered that the disbenefits of the scheme do not significantly and demonstrably outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

## **3. Conclusion**

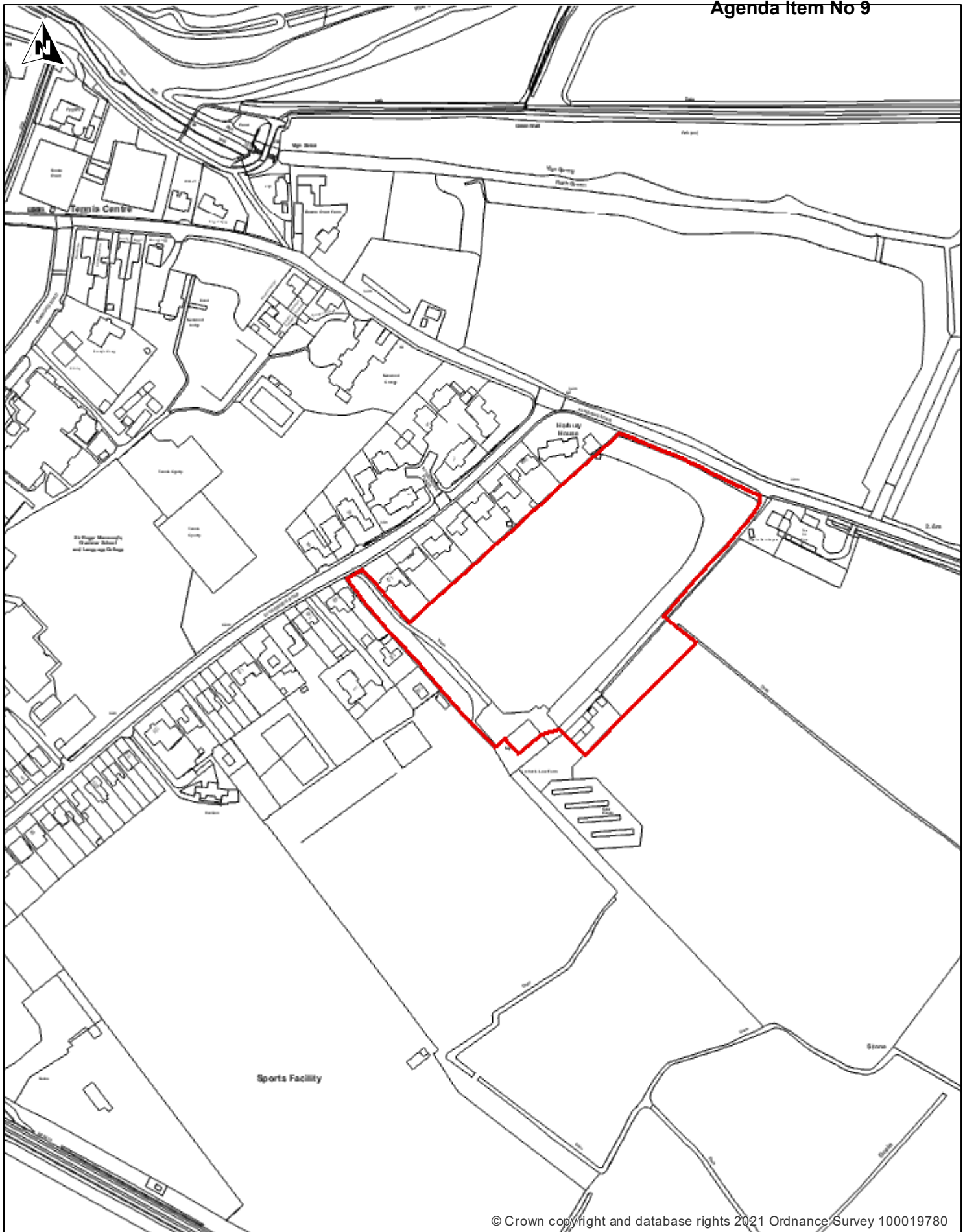
- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Notwithstanding the location of the site outside the confines (DM1) and the additional travel that would be generated contrary to Policy DM11, the proximity of the site to the confines and to the rural service centre of Sandwich and other settlements weigh in favour of the development. Subject to the detailed design, it is considered that a scheme for 7no. self/custom build dwellings could be accommodated at the site which would achieve suitable appearance, access, landscaping, layout and scale having regard to Policies DM13, DM15, DM16 and the objectives of the NPPF. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

**g) Recommendation**

- I OUTLINE PERMISSION BE GRANTED subject to conditions: (1) approval of the reserved matters, (2) time condition (3) list of approved plans (site outline) (4) samples of materials (5) cables for EV charging points (6) scheme for biodiversity protection and enhancements (7) dealing with contamination (8) development shall be constructed in accordance with glazing specification and acoustically screened trickle ventilation prior to occupation (9) details and acoustic qualities of fencing as set out in the acoustic assessment prior to occupation (10) construction management plan (11) self build only (12) submission of parameter plan/ design code
- II Powers to be delegated to the Planning and Development Manager 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



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21/00274

Land At Archers Low Farm  
Sandown Road, Sandwich  
CT13 9NU

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/21/00274 – Erection of 44 dwellings with associated access, parking, open space, landscaping, drainage and infrastructure - Land at Archers Low Farm, Sandwich**

Reason for report: Due to the number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- CP1 – The location and scale of development in the district must comply with the Settlement Hierarchy.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development of 15 or more dwellings should provide 30% of the total homes proposed as affordable homes.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon the characteristics of an area, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.
- DM16 - Development that would harm the character of the landscape will only be permitted if it incorporates any necessary mitigation measure.

**Land Allocations Local Plan**

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

**Draft Local Plan (Regulation 18)**

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

## National Planning Policy Framework (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 7) provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Chapter five of the NPPF confirms that the Government's objective is to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment. The size, type and tenure of housing for different groups in the community should be assessed and reflected in policies. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
  - 1. off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - 2. the agreed approach contributes to the objective of creating mixed and balanced communities

Local Planning Authorities should identify a five year supply of specific, deliverable sites and identify more broadly supply beyond this.

- Chapter eight encourages development to aim to achieve healthy, inclusive and safe places by, amongst other things: promoting social interaction; allowing easy pedestrian and cycle connections; providing active street frontages; supporting healthy lifestyles; and ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Of particular importance to this application is the promotion of safe and accessible green infrastructure and sports facilities. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
  - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or



- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter 12 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way

it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk. Development should be directed away from areas at the highest risk of flooding. Major development should incorporate sustainable drainage systems unless there is clear evidence that this would not be appropriate.
- Chapter fourteen requires that planning decisions should contribute to and enhance the natural and local environment by:
  - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- Chapter sixteen requires that applicants describe the significance of any heritage assets affected by the development, including any contribution to their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Account should be taken when determining applications of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

#### The Kent Design Guide and National Design Guide

- These guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

There is no planning history directly relevant to the determination of the current application.

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

Most recent comments (relating to the scheme before members). Previous comments relating to earlier iterations are available online.

**Sandwich Town Council**

Objection. The site is an integral part of the unspoilt countryside that wraps around this part of Sandwich and as a result makes a significant contribution to the town's setting. The construction of dwellings and the formation of a new access onto Sandown Road would constitute an unwarranted intrusion on the countryside to the detriment of the sensitive landscape setting of this part of town. The retention of the trees on the site, even if associated with a buffer area, and coupled with the retention of farming and woodland uses nearby, would not be able to mitigate the visual harm to an acceptable extent. There are already significant traffic problems on St. George's Rd and Sandown Rd that cause obstructions and gridlock. The site was removed from a previous Local Plan in 2013 by the Planning Inspector and nothing has changed to make this site suitable for proposed development. There are inconsistencies regarding the tree report and ecology. Root protection area concerns remain, post pressure for tree works. Loss of habitat. Fail to see how the biodiversity measures proposed would result in biodiversity net gain, the proposed biodiversity enhancements at the site are open to question. This is an unsuitable site for development as building will disrupt the natural diversity which exists on the site with its wide belts of trees, grassland and all their associated habitats. As the site is only 200m from the Thanet Coast and Sandwich Bay Special Protection area the development potentially degrades these habitats through the loss of a natural habitat which is so close. The town council request that the application be refused.

**Kent Highway Services**

The proposals are likely to generate around 22 two-way vehicle movements in the network peak hours, with around 6 of these being via Sandown Road and the town centre to the west of the site, and around 16 being via St George's Road and New Street/Dover Road to the south. Whilst Sandown Road and St George's Road are both subject to on-street parking restricting the flow of traffic to single-way in some sections, there are other regularly-spaced areas allowing two-way flow and the additional trips will therefore not have a severe impact on the operation of the highway. The impact of the additional trips at the St George's Road/New Street junction and the level crossing south of this has been assessed and is not severe, with the junction still operating within capacity and an addition of only one or two vehicles to the queue at the crossing when it is in operation.

An acceptable access with suitable visibility can be achieved in Sandown Road. An additional pedestrian route is provided to St George's Road together with an uncontrolled pedestrian crossing, providing a more direct route to the nearby school and railway station. The access proposals have been subject to an independent safety audit, and the works within the existing highway will be carried out by the developer through a separate s.278 agreement with the Highway Authority.

Sufficient parking is provided within the site in accordance with policy DM13. It should be noted that whilst not a reason to object to the proposals in highway terms, the internal roads are not currently acceptable for adoption due to the outstanding matters further below, and the roads would therefore remain private.

No objections raised to the proposals in respect of impact on the highway network and provision of suitable access, subject to conditions.

### Highways England

Referring to the planning application referred to at land at Archers Low Farm, in the vicinity of the A2 (which forms part of the Strategic Road Network), notice is hereby permitted given that Highways England's formal recommendation is that we a) offer no objection, on the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in MGCLG NPPF 2019 Para 108-11 and Dft Circ 02/13 Para 8-11).

### Kent Country Council Lead Flood Authority

Having reviewed the latest information received and given that the principles proposed for dealing with surface water remain largely as previously approved but with a reduced impermeable area we have no objection to the application.

We would advise that the connection point and discharge rate will need to be confirmed as acceptable with southern water. A condition is recommended before any phase that development shall not begin until a sustainable surface water drainage scheme has been submitted and approved. In addition to this, a further condition should be imposed on any approval setting out 'No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority'.

### Southern Water

The exact position of the public foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised. conveying features should be located within 5 metres of a public foul rising main. 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.

In order to protect public sewers, Southern Water requests that if consent is granted a condition is attached to any permission to ensure the protection of public sewers. Furthermore, the initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Southern Water has undertaken a desktop study of the impact of the proposed development on the existing public surface water network. The results of this assessment indicate that with a connection at the "practical point of connection", there is an increased risk of flooding if the proposed surface water run off rates are to be discharged at proposed connection points. At Planning Consultation stage, we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Local Flood Authority (LLFA). If connection to a combined sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge, then it should be at a discharge rate set by the LLFA in consultation with Southern Water. A further condition should be imposed in this respect.

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.

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. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. should ensure that no groundwater or land drainage is to enter public sewers. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development.

#### Kent County Council Economic Development

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests. These tests have been duly applied in the context of this application and gives rise to the following specific requirements. In addition, wheelchair accessible dwellings and a broadband condition.

The following contributions should be secured per dwelling.

- Primary education – towards the expansion of primary schools in Sandwich and Eastry. £4642.00
- Secondary education – towards expansion of selective and non-selective secondary schools. £4540.00
- Community Learning – Towards equipment, resources and classes at Deal Adult Education Centre. £16.42
- Youth Service - Towards addition resources and services for Dover youth services at District Youth Hub, Deal. £65.50
- Library Bookstock – Towards additional resources, equipment and stock – Sandwich Library. £55.45.
- Social Care - Towards specialist care accommodation, assistive technology systems, adapting community facilities, sensory facilities and changing places within Dover District. £146.88
- Waste - Towards works at Dover HWRC to increase capacity. £54.47

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)

- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

#### Kent and Medway Clinical Commissioning Group

This proposal will generate approximately 128 new patient registrations based on the dwelling mix provide. The proposed development falls within the current practice boundaries of Sandwich Medical Practice and Ash Surgery.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

Please note that for any s106 contributions secured by the CCG, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.

#### KCC Ecology.

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of a biodiversity method statement and ecological enhancements is attached.

Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; Therefore, we advise that due to the need for the application to contribute to the Strategic Access Management and Monitoring Strategy (SAMMS), there is a need for an appropriate assessment to be carried out as part of this application.

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Dover District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

We have reviewed the ecological baseline and proposed mitigation as outlined within the submitted ecological report. We are satisfied with these measures in principle, however, would advise that these measures are bought together into a biodiversity method statement and secured as a condition of any granted planning application; suggested wording is provided at the end of this document.

Bat surveys found evidence of roosting serotine, brown long eared, and soprano bats within the building south of the site. A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon roosting bats. The Conservation of Habitats and Species Regulations 2017 requires Dover County Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Dover County Council must consider whether it is likely

that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. We are satisfied, in principle, with these measures and consider it likely that a licence could be achieved. We advise that these measures are included as a condition of any granted planning application (included within the biodiversity method statement).

Reptile surveys have been undertaken on site with a population of slow worm and common lizard recorded as being present. A reptile receptor site has been proposed towards the south of the site with a methodology for displacement under ecological supervision. We are satisfied with these measures in principle, however, advise that these measures are secured as a condition of any granted planning application through a biodiversity method statement.

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

We note the surveys undertaken for hazel dormouse which indicate likely absence. Therefore, no further surveys or mitigation measures are required.

We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

#### Dover District Council Tree & Horticulture Officer

Concerns are raised in respect of the redesign of the access road and encroachment into the root protection zone of T12 (pine) which was agreed to retain. There are no details about the AIA and the encroachment of 20% into the RPA does not comply with the recommendations of BS5837. The AIA report suggests that the Arboricultural Method Statement once approved, but this should be received prior to determination.

It has been noted that the tree has historically been located adjacent to a ploughed field which would have an influence on its rooting growth, and that BS5837:2012 is meant for guidance and recommendation, but I am of the opinion the details provided in the AIA are too vague. The information supplied is not sufficient to demonstrate that the encroachment into the RPA is feasible and not likely to have an adverse effect on the tree.

In respect of the layout, despite slight amendments to the size of the gardens, it is highly likely there will be post-development pressure for works to or felling of these trees. Whether the fencing of the rear section of the garden to protect trees in practice is questioned. Post development pressure on trees is not mentioned in the AIA.

There is no mention of what the proactive management of the tree belts would involve and how that would improve health, structural diversity, and biodiversity.

Proposed tree planning cannot be substituted for mature woodland, certainly not for many decades, even if established and management are good.

#### Dover District Council Housing Manager

The applicant has sought advice from DCC in relation to the affordable housing units types and sizes which have a proven need and demand in this location. The applicant has amended their plans to take account of the information provided and has provided a policy compliant application. There is a high need and demand for affordable rented properties of all sizes in Sandwich, and there is a particular need for flats. This application proposes affordable rented

flats and houses with 1, 2 and 3 bedrooms. This will contribute towards meeting the local affordable housing need. The application also proposes 2 and 3 bedroom houses for shared ownership, which will meet the needs of first time buyers who are unable to afford to buy a property outright in the local area. Since making this comment, the Council have released a First Homes Position Statement in response to the Governments requirements in relation to the introduction of the First Homes affordable home ownership product, and the new Shared Ownership model. The information provided by the applicant does not indicate which of the affordable properties will be First Homes, and some clarity is required in this respect. The tenure split of the affordable housing element of the scheme should now be: 25% First Homes (2 bedroom houses) 20% Shared Ownership 55% Social / Affordable rent

Dover District Council Senior Environmental Health Officer

Further to my earlier comments dated 26th March 2021 I have reviewed the Phase I/II Geoenvironmental Assessment (Gemco R01: Issue 1 Jan 21). The report examines the potential for contaminated land to impact on the development and the conceptual site model developed and reported on.

Overall the risk to future occupiers was considered to be low/very low and site considered suitable for development. EP concur with these findings. I would therefore recommend a suitable condition securing the above is included in any decision notice.

KCC Senior Archaeological Officer

The proposed development site is located to the south-east of the historic port town of Sandwich and lies just outside the Sandwich Walled Town Conservation Area. As such you may wish to discuss the application with your council's conservation officer in respect of any potential impacts on the townscape of medieval Sandwich and the setting of the conservation area.

The application is accompanied by an archaeological desk-based assessment which was prepared by RPS on the applicant's behalf. The desk-based assessment is somewhat superficial in its nature, and I am not in full agreement with some of the conclusions reached. Archaeological background. The proposed development site lies on an area of slightly raised ground (at about 4m aOD) on the southern edge of the former Sandwich Haven an area of once open water, sheltered from the open sea by the Deal Spit/Pepperness at the mouth of the Wantsum Channel. Archaeological evidence from the Archers Low/Sandown area suggests an extensive site developed here in the Late Iron Age, perhaps as a centre for coastal trade. Large numbers of Iron Age coins have been recovered from the area, including several from the application site itself. Historic map regression suggests the presence of historic trackways converge of the waterfront in the Sandwich area, including a branch from the Roman road at Eastry towards the Sandown area and a trackway heading northwards from the Iron Age/Romano-British site at Worth. Based on pottery and coin evidence it is suggested that the Iron Age/Romano-British settlement here peaked in the period c 50 BC to AD 80, after which it would be eclipsed by the major Roman settlement At Richborough (about 2.7km to the north-west). Nevertheless, Roman-British activity and occupation appears to have continued in some form in the Archers Low/Sandown area into the fourth century AD. It has been postulated, although it remains unproven, that the early medieval precursor to medieval Sandwich may have been located in the area of the proposed development, albeit to date the only archaeological evidence to support such a hypothesis is the discovery of a few scattered sherds of early medieval pottery.

The applicant's desk-based assessment suggests that the site has a moderate to high potential for archaeological remains of Late Iron Age and Romano-British date. The archaeological background above suggests that such remains may be associated with a coastal trading settlement/port that covered a relatively extensive area. This being the case it is possible that any archaeological remains present could be of greater significance than is



suggested in the applicant's desk-based assessment. Similarly, if archaeological evidence were present to support the hypothesis of an early medieval coastal settlement to support the ecclesiastical and royal site at Eastry then such remains would be of considerable archaeological interest. I therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological (including geoarchaeological/palaeoenvironmental) evaluation to be carried out, followed by appropriate measures for the safeguarding or further investigation and recording of archaeological remains.

#### Kent Police

Previously, one of our main concerns was the proposed play area which we believed may have had a detrimental effect on the existing properties in the area. We can see from the amended plans, that this concern has been addressed with a landscape buffer. Please can we request this buffer be dense and a prickly species to prevent individuals hiding themselves and articles of crime in these areas.

Perimeter, boundary and divisional treatments are in line with SBD guidance. However, we still have reservations over the route between plots 42-43. Routes such as this can attract ASB and provide areas of concealment for criminal activity. We recommend this route either be removed from the plans of secure gates for the use of residents only.

Parking – We continue to have concerns over rear parking courts proposed for plots 39-44. Whilst we do understand that many applicants prefer not to have parking bays at the front of plots due to aesthetic reasons, parking courts result in an increase of vehicle related crimes if they are not secured, lit or overlooked. We require all parking areas to have natural surveillance from active windows before we can support his application.

Lighting – Please note we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer particularly where a lighting condition is improved, to help avoid conflict and light pollution.

Cycle Storage is lockable, as previously requested. For further security we recommend an SBD or sold secure ground/wall anchor.

#### Public Rights of Way

No comments to make

#### Public Representations

At the time the report was written, 460 letters of representations have been received, of which 450 are objections and 7 are in support and 3 are neutral. These comments are summarised below:

- Site is allocated in the LALP for residential development with an estimated capacity of 40 dwellings, this application refers to 44 dwellings
- This site should not be allocated
- Determination should not precede the outcome of the Local Plan
- Other allocations in Sandwich are in a different 'landscape' (LA14 and LA16)
- Brownfield sites should be built upon, not greenfield/arable farmland
- In 2012 the planning inspector refused the allocation of a scheme and it was removed from the Development Plan
- Unsustainable development
- Could result in further developments, urban spawl.
- Lack of infrastructure to accommodate the additional houses (doctors, schools etc.)
- No benefit to local community
- Water scarcity (hose pipe bans and low water pressure)

- Adverse impact on highway safety/greater risk of accidents
- Traffic assessment conducted during lockdown and its conclusions are rejected
- Inadequate footpaths
- Additional parking pressure
- Congestion
- Lack of public transport
- Inadequate visibility
- Emergency vehicle access inadequate
- Loss of trees including TPO's
- Adverse impact on the countryside
- Loss of green space
- Poorly-designed housing
- Out of character with the properties within St Georges Road
- Architectural vernacular is out of keeping
- Density too high
- Erosion of boundaries of settlements
- This is an area of great importance to the setting of Sandwich (ratified by the Inspectorate of Planning)
- The site would be prominent in winter from Sandown Road/lack of screening
- Harm to wildlife, habitat and biodiversity
- Natural Environment and Rural Communities Act 2006 duty to have regard for conserving biodiversity
- Replanting trees, does not compensate for loss of mature/wild woodland
- There is a need for wildlife corridors
- Increase on visitor pressure on Sandwich Bay SPA (DM Policy 40)
- The SBBO (Sandwich Bay Bird Observatory) should be consulted
- Impacts on birds (Bird surveys only completed during the summer; site is on a migration path, displacement of birds)
- Harm to residential amenities
- Sandwich is a medieval town
- The site is a vital green space
- Environmental concerns and carbon footprint
- Negative impact on mental health
- Difficulties insuring houses
- Flooding risks (site bounds FRZ's 2 and 3, surface water and sewerage capacity)
- Refuse collections
- Building affordable homes, pushes house prices up
- Additional pollution
- Size of houses, would not allow first time buyers
- No explanation of how local houses will be addressed.
- Lack of mobility accessible homes
- Archaeological impact
- Light Pollution
- No need for more housing (reducing housing need and 176 dwellings being built in Sandwich)
- Problems with social distancing
- Harm to the safety of school children
- Lack of community engagement

#### Neutral comment

- The land is away from the conservation area:

- Only 44 proposed dwellings, reasonable development:
- Good road network:

### Support

- Sandwich needs more housing:
- Additional income to the area:
- Young people need houses:

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

- 1.1 The application site is located on the south eastern edge of Sandwich, adjacent to the settlement confines of the town, within an Area of Archaeological Potential and Flood Zone 1. The site is within an accessible location, being able to walk into the town and public transport (namely Sandwich train station and bus stops). Sandwich benefits from a range of shops, doctors, surgeries, a dentist's surgery, schools, employment and other facilities and services. The town also has good quality, frequent bus and rail services.
- 1.2 This application relates to a rectangular shaped area of former agricultural land, which has more recently been left to grass, enclosed by numerous trees. There is a mixed woodland (the subject of a TPO) to the north eastern edge of Sandown Road, continuing along the south eastern boundary. Along the north west of the boundary is additional screening (which do not benefit from a TPO). There are 10 juvenile English Oaks (the subject of a TPO) along the south western boundary separating the properties within St Georges Road and the application site.
- 1.3 There are a number of redundant buildings on the site associated with the sites former agricultural use and telephone mast. To the south eastern boundary of the site (outside of the application site) is a small vehicle track connects to Sandown Road
- 1.4 The properties within St Georges Road are a mixture of different architectural styles and designs.
- 1.5 The original application submitted was for 52 dwellings on this site, however following some amendments, the applicant is now proposing the erection of 44 dwellings with associated access, parking, open space, landscaping, drainage and infrastructure.

## 2. **Main Issues**

- 2.1 The main issues are:
  - Principle
  - Housing Mix and Affordable Housing
  - Character and Appearance
  - Residential Amenity
  - Highways
  - Ecology
  - Habitat Regulations
  - Contamination
  - Drainage and Flooding
  - Development Contributions
  - Archaeology
  - Other Matters
  - Planning Balance

### **Assessment**

## Principle

- 2.2 Before considering the principle of the development, it is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this application. At this stage in the plan making process however, the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.
- 2.3 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. The starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which, broadly, seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF states that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the policies are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed: or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In assessing point (i) above, the 'policies' referred to are those relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

- 2.4 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local the local planning authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.5 It is considered that policies CP1, CP4, CP6, DM1, DM5, DM11, DM13, DM15 and DM16 are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (6.35 years worth of supply) and have not failed to deliver 75% of the housing delivery test requirement (delivering 88%).

- 2.6 Policy CP1 sets out a settlement hierarchy and provides that “the location and scale of development in the district must comply with the Settlement Hierarchy”. Within this policy Sandwich has been identified as a Rural Service Centre, with the main focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to a wide rural area. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the application site is adjacent to the confines and therefore is considered to comply with the aims and objectives of this policy.
- 2.7 Policy CP4 sets out that planning applications for residential development for 10 dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing mix in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points. The policy is generally considered consistent with the NPPF and is considered to continue to attract significant weight. Within Sandwich the dominant housing provision purpose is to reinforce and reflect the character of the area while taking any opportunities to improve design standards. How the development will respond to this requirement will be discussed later in the report.
- 2.8 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time is needed. This policy is consistent with the aims and objectives of the National Planning Policy Framework and as such attracts full weight. In this instance, the reliable mechanism proposed would be a s106 legal agreement, the requirement from the appropriate consultees is set out below.
- 2.9 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the housing Local Housing Need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. In this instance, the proposed development is adjacent to the settlement confines and is therefore considered to be within the countryside, the development does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy.
- 2.10 Policy DM5 sets out the Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes, in home types that will address prioritised need. This policy is considered to be broadly consistent with the NPPF and attracts significant weight. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions, which is discussed at the end of the report.
- 2.11 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines

unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. The blanket restriction imposed under (1) is contrary to the NPPF, albeit the remainder of the policy broadly accords with the NPPF. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard in particular to the relatively close proximity of this site to the town confines of Sandwich. Again, highway impacts will be discussed later in this report.

- 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 as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance, the site is generally well screened by trees on three sides. Whilst a small proportion of the trees along the Sandown Road frontage would be removed for the site entrance, new tree planting is proposed as mitigation elsewhere. It is considered the proposed development would remain largely screened and as such, the proposal by this application would have limited impact on the character and appearance of the countryside. This will be discussed in more detail later in this report.
- 2.13 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or 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. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. The impact on landscape character will be addressed later in the report.
- 2.14 Policy DM1 is out-of-date, whilst CP1, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. DM1 is considered to be particularly important to the assessment of the application and it is therefore concluded that the basket of 'most important policies' are out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged.
- 2.15 Notwithstanding the tilted balance being engaged, it is concluded that the principle of the development is contrary to policies DM1, DM11 and DM15.

#### Housing Mix and Affordable Housing

- 2.16 The proposal would provide 44 dwellings comprising of one five bed, ten three-bed, nineteen four-bed open market dwellings, together with four one-bed, six two-bed and four three-bed dwellings. Policy CP4 of the Core Strategy requires that housing application for 10 or more dwellings identify how development will create, reinforce or restore the local housing market, particularly in terms of housing mix and density. Paragraph 3.34 of the Core Strategy identifies the broad split of demand for market housing, recommending: 15% one-bed; 35% two bed; 40% three-bed; and 10% four bed and larger (albeit this split has been superseded by more recent Strategic Housing Market Assessments). The proposal comprises the following market housing mix:

Number of bedrooms	% Market Proposed
One (x0)	0%
Two (x0)	0%
Three (x19)	63%
Four (x10)	33%
Five (x1)	4%

- 2.17 The affordable housing provision is (albeit affordable housing is not counted in the monitoring of policy CP4 in the AMR), as follows:

Number of bedrooms	% Affordable Proposed	% Proposed overall
One (x4)	29%	9%
Two (x6)	43%	14%
Three (4)	29 %	52%
Four (0)	0%	23%
Five (0)	0%	2%

Note: All the percentages are rounded up.

- 2.18 Whilst the recommended housing mix proportions are certainly not rigid, they should inform the housing mix proposed. It is also noted that the recent Authority Monitoring Reports advise that over monitoring period, one, two and three bedroom dwellings have been under-provided, whilst the number of four bedroom dwellings provided has significantly exceeded required need. The proposal would contribute towards the current disparities within the district, weighing against the development.
- 2.19 The National Planning Policy Framework sets out in paragraph 65 where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing is required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Policy DM5 of the Core Strategy requires that 30% of new dwellings are provided as Affordable Housing. As shown in the table above, the application is proposing just under 32% of the overall development to be affordable and therefore the proposal would accord with local and national requirements.
- 2.20 Concerns have been raised by local residents in respect of the desire to provide genuine affordable housing for local people to work in, but the proposal has a large number that will be beyond affordable. During the process the applicant has sought advice from Dover District Councils Housing Manager in respect of the affordable housing unit types and sizes which have a proven need and demand in this location. DDC's Housing Manager has set out that "there is a high need and demand for affordable rented properties of all sizes in Sandwich, and there is a particular need for flats. This application proposes affordable rented flats and houses with 1, 2 and 3 bedrooms. This will contribute towards meeting the local affordable housing need. The application also proposes 2 and 3 bedroom houses for shared ownership, which will meet the needs of first time buyers who are unable to afford to buy a property outright in the local area. That said, there is a lack of clarity from the applicant in respect of which of the affordable properties will be first homes, however, the exact properties and tenure split can be addressed within the legal agreement". The proposed mix of dwelling sizes meets the needs within the area and, as such, subject to the precise

tenure mix and the delivery of these dwellings being secured by legal agreement, it is considered that the development accords with policy DM5.

#### Character and Appearance

- 2.21 The application site is located to the east of Sandwich and is, for the most part, undeveloped comprising former agricultural land. Land to the west is residential and to the north, east and south is a patchwork of fields and tree belts/hedgerows. Along the northeast southwest axis is an existing access track with a store and derelict outbuildings. There is an additional, unused, access located off St Georges Road. The field is bounded on all sides by trees of a mixture of ages, species, condition and character. St Georges Road is linear in appearance with properties and their amenity spaces backing onto the application site. Directly opposite the access track onto Sandown Road is a property known as 'Poplar Farmhouse'.
- 2.22 Paragraph 130 of the National Planning Policy sets out that 'planning decisions should ensure that developments function well and add quality of the area, not just for the short term but over the lifetime of the development'. Furthermore, developments should be visually attractive as a result of good architecture, layout and appropriate and effect landscaping. The application site is an edge of village settlement and as such any future development should provide a soft transition from the town into the countryside and respond well to the local spatial characteristics.
- 2.23 The original submission was for the erection of 52 dwellings with a spinal road through the middle of the site with properties arranged around cul de sacs along the north western boundary. Concerns were raised over the density of the proposed scheme as it was considered to have an adverse impact on trees and resulted in a design with a poor layout. The development has now been reduced to 44 dwellings. Excluding the Reptile Receptor Site, the site is approximately 2ha (the emerging Local Plan measures the site to be 2.19ha), albeit the north western, north eastern and south eastern boundaries and the access to St Georges Road are not developable due to the presence of trees and/or the shape of the site. Excluding these areas, the developable parts of the site equate to around 1.4ha. The density of the development across the 2ha equals approximately 22 dwellings per hectare (dph), whilst across the developable part of the site the density would equal approximately 31dph. Policy CP4 of the seeks development to exceed 40dph (net) wherever possible and advises that densities of less than 30dph (net) will seldom be justified. In this case, the net developable area would contain around 31dph. Whilst this is a relatively low figure and is viewed in the context of a site where the significant areas would remain undeveloped, it is considered that this density is derived from the characteristics of the site and the wider area. The site is in an 'edge of settlement' location, where density must respond to the transition between built form and countryside. With these constraints in mind, the emerging Local Plan has an estimated capacity of 40 dwellings, indicating that a lower density would be appropriate in this location. For these reasons, subject to the detailed assessment of visual impacts, the proposed number of dwellings on the site is considered to be appropriate.
- 2.24 Regard must be had for the potential viewpoints of the site from surrounding vantage points. Principally, the development will be seen from Sandown Road along the frontage of the site. Much of this view would be filtered by the retained trees along this frontage, although views through and between trees would be gained, whilst the access road would be fully visible and would permit unobstructed views into the site. From further along Sandown Road to the east some views of the site can be gained over and through the hedges which bound the road, with the hedge becoming sparse in places. Clear views towards the site are possible from a wide farm access and



between the buildings to the east of Poplar Farmhouse. These views are, however, restricted by the trees and vegetation around the site itself. From St Georges Road, to the north-west, the houses along the road screen most views of the site. However, views of the site can be gained between buildings and, where buildings are single storey, over roofs. Views of the site are also gained along the gap in development which is proposed to provide the pedestrian link between the site and St Georges Road. The site is not visible to any significant degree from public vantage points to the south.

- 2.25 Amendments have been made to the scheme during the course of the application. The scheme as originally submitted had a significant impact on some areas of trees within the site, whilst the layout was considered to be too suburban in character. The amended scheme which is before members has reduced the number of units, moved dwellings away from the boundaries of the site and amended the layout to create a more organic character. The buildings proposed along the Sandown Road 'frontage' would be set behind the retained tree belt. Units 1 and 40 to 44 would face towards Sandown Road, presenting an attractive built environment to this important viewpoint. The buildings would be staggered to break up this 'frontage' and soften the visual impact of the development. Moving into the site, the dwellings would continue the organic character through variations in the orientation of buildings and the depth of front gardens, such that the enclosure of the street fluctuates as you move through the development, referencing the character of parts of Sandwich and villages in the vicinity. The scheme has also sought to avoid a highway dominated layout, by ensuring that the roads within the development do not appear overengineered, varying in width and surface finish. Within the 'Feature Square', the road would run through a larger space, being defined by surface material and being contained by trees. Several cul-de-sacs are proposed in a variety of forms, with courtyards and shared surface lanes continuing the 'edge of settlement' character. The buildings would be set away from the north western boundary of the site behind retained trees. Whilst the roofs of some of these buildings would be visible in the gaps between and over the buildings on St Georges Road, it is not considered that they would be prominent in views or appear out of context with the residential character of the road.
- 2.26 The buildings would all be two storeys in height. Whilst there are some single storey dwellings on St Georges Road, the majority of the dwellings in the area are two storeys in height. Having regard for the existing character of the area it is considered that the proposed scale of the dwellings is appropriate for this edge of settlement location. Furthermore, given the height of vegetation to be retained, views of many of the buildings would be partially softened, reducing the visual impact of the development more generally.
- 2.27 Each dwelling is individually designed, albeit some are variations of other houses within the development. This variety responds to the variety found in the neighbouring areas of Sandwich, where each property or small group of properties are of a bespoke design. That said, there are common features to many of the proposed houses which give the development a shared character. Many of the properties would have projecting bays and open porches or canopies. Gables are typically finished with barge boards and, in some instances decorative timber detailing. Where pitched roofs extend beyond the front elevation of houses, they are supported by visible rafter 'feet'. Windows are generously sized and, dependent on the exterior material of the dwelling, have headers and/or window cills. Some houses would include a chimney. Whilst many of these do not appear to be functional, they do add to the interest of the roof scape. The dwellings would be finished in a mixture of red brick, multistock brick, hanging tiles and render, under a mixture of red and black/grey tiles. Overall, the design of the dwellings is considered to be well conceived, producing a high quality development. Key views

through the development would be punctuated by visually interesting front elevations or dwellings set at angle presenting well detailed elevations.

- 2.28 Concerns have been raised by third parties regarding the developments impact on the trees within the site and adjacent to the proposed development. Linked concerns regarding ecology will be discussed separately later in this report. The site is a roughly rectangular field which is surrounded on two sides by belts of mature or late-mature woodland and along the north-west side are 10 juvenile oaks, an Atlantic Cedar and a Pine. These are all subject to Tree Preservation Orders. Along part of the south western boundary and extending along the track between the site and St Georges Road are a group of trees and other vegetation which is not the subject of the TPO.
- 2.29 The applicant has provided an updated Arboricultural Impact Assessment based on the amended scheme for the 44 dwellings. The report confirms that the proposed development would require the loss of twenty one trees individual trees and the loss or partial loss of trees within groups 4, 5, 6, 10 and 11. This would include the removal of some of the TPO woodland area along Sandown Road to facilitate the provision of the entrance road. Of these trees, the applicants report considered that: two individual trees and the trees lost in Group 5 are classed as Category U trees; two individual trees and the trees lost in Groups 4 and 6 are classed as Category C trees; eleven individual trees and the trees lost in Group 11 are Category B trees; and six individual trees and the trees lost in Group 10 are Category A trees. A plan showing the trees which would be lost will be shown to the committee. The report also advises that the development would have the potential to impact upon some of the retained trees, due to encroachment into Root Protection Areas and the location of paths and the construction access, albeit mitigation is recommended to reduce these potential impacts. Finally, the report advises that works would be required to several groups of trees (Groups, 6, 7, 9, 10 and 11) and one individual tree, principally to raise the crowns of trees and reduce the crowns to provide clearance to proposed dwellings and to reduce windloading. In order to try and mitigate against the loss of trees, the applicant is proposing the creation and management of a new woodland on land to the south east of the site, covering an area of around 1,600sqm.
- 2.30 It must be noted that objections have been received from third parties regarding the loss of and impact on trees. This includes the submission of a representations from an arboriculturist employed by residents.
- 2.31 The councils Tree and Horticultural Officer (the Tree Officer) has provided advice regarding the impact of the development on the trees within the site. These comments made have had regard for the applicants tree reports as well as the comments from, and on behalf of, third parties. The Tree Officer has raised concerns with the developments impact on the trees within the site.
- 2.32 The site access would result in the loss of a mature Atlas Cedar (T11), as well as other trees within the tree belt along the Sandown Road frontage. A mature Pine (T12) would also be significantly affected, as the proposed access road would cause a significant encroachment into its root protection zone, (contrary to the recommendations of BS5837). The Tree Officer has advised that the Pine in particular possesses a high visual amenity value and its loss would be detrimental to the local landscape. Whilst the Tree Officer has suggested an alternative location of the access, the application has reached a point where a determination needs to be made on its current layout, rather than seek further amendments (the scheme having been amended previously to address other concerns, which has resulted in the access being relocated to its current location). The tree officer has criticised the lack of a detailed tree survey to precisely identify the trees which would be lost, with the applicants tree report citing

somewhere between 27 and 32 trees being lost. Being cautious, it has been assumed that the higher number of trees would be lost as a direct result of the development.

- 2.33 In addition to the trees which would be directly lost as a result of constructing the scheme, the development also has the potential to cause harm to and even the loss of trees due to construction activity and post development pressure. The tree officer has advised that the proposed dwellings are relatively close to trees on the boundaries of the site and consequently, scaffolding erected to enable construction could require trees to be cut back to enable access. The impacts during construction could be reduced through the inclusion of a condition requiring that development be carried out in a manner which avoids damage to the existing trees. Such a condition would ensure that trees are protected by fencing conforming to the relevant British Standard, that within the spread of branches there are no fires or storage of material or equipment, larger roots are not cut, ground levels under trees are not altered and trenches are not dug within root protection areas. It is also suggested that an Arboricultural Method Statement would need to be secured by condition, prior to any works taking place (albeit the Tree Officer would have preferred that this was provided at the application stage), whilst a construction management plan would be required to, amongst other things, ensure that suitable access routes are available for larger vehicles and that large or heavy vehicles are used and stored in areas which do not damage trees above or below ground (including by way of compaction of the ground). Whilst such conditions could not ensure that no damage is caused to trees (and this residual damage should weigh against the scheme) it would minimise the impact during construction. Post development, the Tree Officer has raised concerns regarding the proximity of trees to dwellings and their gardens. This is a point which is also raised by third parties, who have drawn attention to the limited size of some of the gardens and, consequently, averred that the occupiers of these dwellings would be particularly affected by trees in close proximity. Such pressure could lead to pressure to reduce or even remove these trees. The Tree Officer has identified properties to the north western boundary in particular, as the trees to the rear of these dwellings are mainly juvenile and therefore have the potential to become significantly larger, whilst the rear gardens of these dwellings are relatively small. Whilst I reach the conclusion that it would be reasonable to fence off the rear parts of the gardens of units 1-5, as proposed by the application (and that the retention of this fence and the removal of permitted development rights for outbuildings and rear extensions to these properties would meet the tests required of conditions), I concur with the Tree Officers conclusion that the development would still be likely to place some future pressure on these trees. Again, it is considered that this harm weighs against the development.
- 2.34 Having had regard for the advice of the Tree Officer and the well-articulated comments of third party comments, it is concluded that the development would result in the direct loss of a significant number of trees and would be likely to place additional pressure on trees both during construction and occupation. The consequential loss of and impact on trees would have a significant adverse effect on the visual amenity of the area, whilst trees are also intrinsically valuable in their own right, aside from their contribution to the visual amenity of the area.
- 2.35 Whilst the majority of trees would be retained, due to the significant number of trees which would, directly or indirectly, be lost or otherwise harmed, the application proposes the establishment of a new woodland on land within the ownership of the applicant. The woodland would be located to the south east of the site between Poplar Farmhouse and the proposed Reptile Receptor Site. The area would be planted with a mixture of native species, together with a small number of Pine, Norway Maple and Cedar, reflecting the mixture of trees present on the existing site, whilst providing species which may support wildlife in the area. This woodland, aside from the intrinsic

visual and ecological benefits of planting trees, would further screen the site in views from the east. The Tree Officer and third parties have rightly drawn attention to the fact that a newly established woodland would take many decades to become established and is not a like for like replacement (both in terms of visual amenity value and ecological value) for a mature woodland. Consequently, whilst this provision is welcomed, it does not fully mitigate the loss of trees within the site.

- 2.36 As set out throughout the preceding paragraphs, it is considered that the impact on trees and the wider visual impacts through the loss of trees is significant. Whilst some measures are proposed to reduce or mitigate this harm, significant harm remains. This harm carried weight against the development in the planning balance.
- 2.37 The development proposes a range of planting within the site to complement the existing vegetation around the peripheries of the site, as well as planting throughout the development. Within and around the existing areas of trees and within newly planted areas of grass, native and ornamental shrub planting, plug planting, wildflowers and bulbs would provide interest and enhance the character of the development as a whole. New hedges would be provided along the Sandown Road frontage and around south eastern boundary of the site. New hedges would also be planting within the development to provide a soft form of enclosure to private spaces. Forty four trees would be provided around the roads and footpaths of the development, with thirteen trees planted along the path to the southeast of the site and along the south western boundary and thirty one trees lining the roads through the development. Further trees would be planted in the proposed woodland. Overall, the density of tree planting throughout the development would, subject to the securing the provision and retention of trees of a reasonable size by condition, ensure a verdant and attractive development.

#### Residential Amenity

- 2.38 The site lies to the northwest of St Georges Road and to the northeast of Poplar Farmhouse, The Old Barn. There are a couple of properties sited to the west of the proposed track and trim trail.
- 2.39 Poplar Farmhouse and The Old Barn are separated from the site by an existing access track which runs along the northeast boundary and substantial screening (which is to remain). The main alteration to the residential amenities in respect of these properties would be the proposed woodland to the rear of the properties, with the proposed dwellings themselves a significant distance away. I am therefore satisfied the residential amenities currently enjoyed by the occupiers of these properties would remain largely unaltered and as such, the impact on these properties is considered to be acceptable.
- 2.40 Concerns have been raised by residents within St Georges Road, whose rear gardens back onto the site. The majority of properties have gardens of approximately 14 metres (measured from the rear elevations to the means of enclosure). Plots 1-5 of the proposed development and the proposed parking area directly behind the 158/156 St Georges Road are to have a double stack hedge planting along the dividing boundary, with the juvenile oaks (subject to TPO's) providing additional screening between the properties and the development. It is considered that, given the dividing distance between the existing and the proposed dwellings, the proposal would not result in any unacceptable loss of light, sense of enclosure or overlooking. The proposed development is considered acceptable in this instance. Furthermore, the existing trees, which are proposed to be retained would provide additional protection of residential

amenities (although as has been discussed, the retention in perpetuity of these trees cannot be guaranteed).

- 2.41 Careful consideration needs to be given to the occupiers of Harbury House, 152, 148, 146 and 142 St Georges Road as these properties all have a different relationship to the proposed dwellings, than the majority discussed above. Turning to Harbury House, the property is orientated at any angle due to its position on the corner of St Georges Road and has a large expanse of glazing within the rear elevation overlooking the site and a balcony at first floor. Plot 1 has been orientated to overlook the woodland to the front of the site, although there are windows proposed at first/second floor level looking towards St Georges Road, I am satisfied that given the orientation of both properties and the dividing distance, the proposed development will not adversely impact on the residential amenities of those occupiers of Harbury House. Again, retained and proposed screening would further reduce the impact of the development.
- 2.42 Occupiers within properties 152, 148 146, 142 St Georges Road have all raised concerns over the track and trim trail being positioned within close proximity of the dwellings. This issue was raised with the applicant during the course of the application, especially in respect of the jumping bars and parallel bars being within close proximately with the flank elevations of 152 and 148 St Georges Road. These have now been moved towards the plots 11 and 12 within the application site. In addition to this, a defensible hedge is to be planted along the boundary of 152 St Georges (this is a welcomed addition by Kent Police). Along the boundaries of 146 and 142 St Georges Road, the existing screening is to be retained, further limiting the potential impact on the residential amenities of these properties, which can be dealt with by condition.
- 2.43 Number 146 St Georges Road is a form of 'backland' development to the rear of St Georges Road, this property has a dividing distance of approximately 5.3 metres from the flank elevation of the dwelling to the boundary fence, whilst Plot 11 is proposed to be built within approximately 2 metres off this boundary. The proposed dwelling has been designed with a window at first floor serving an en-suite window. This window could create an unacceptable level of overlooking; however, this overlooking could be mitigated by a condition to ensure that the window is obscure glazing and non-opening to prevent any overlooking or an unacceptable perception of overlooking. Given the dividing distance separating these properties, it is considered the proposed development will not result in an unacceptable loss of light or sense of enclosure to 146 St Georges Road.
- 2.44 Turning to the living conditions of future occupiers, the proposed dwellings have been arranged to allow for reasonable separation between units with a back-to-back arrangement of approximately 20 metres. Whilst in some instances this distance would reduce, it is not considered that this would be so close that it would cause an unacceptable standard of accommodation, particularly in circumstances where dwellings are angled away from each other, and for this reason it is not considered the layout would result in an unacceptable level of overlooking, loss of light or sense of enclosure to future occupiers of the development, with a reasonable standard of residential amenities provided.
- 2.45 The proposed dwellings would have private amenity space, the exception to this rule is Plots 18-21 which are one-bedroom flats, however these have been designed to be within close proximity of the open space. All dwellings would be naturally lit and ventilated. It is not considered that any dwelling would be unacceptably impacted by noise or disturbance. The proposed pumping station would be 15m from the side elevation of the building containing Plots 18-21, in accordance with the advice received from consultees (albeit the bike and bin store is within the 15m separation distance).

For these reasons, it is considered that any living conditions for future occupiers would be acceptable.

- 2.46 The residential amenities of existing occupiers of the properties surrounding the site and the future occupiers of the dwellings proposed have been considered. It is concluded that the development is acceptable in these respects, subject to appropriate conditions to remove permitted development in respect of extensions, insertions of new windows, and any alterations within the roof slopes, to ensure that any such alterations can be assessed by the Local Planning Authority.

#### Impact on the Highway

- 2.47 Third parties and Sandwich Town Council have raised concerns regarding the safety of St Georges Road and Sandown Road. Many of the objections are in respect of the additional vehicular movements along St Georges Road, especially at the pickup and drop of times of the local school and by virtue of the agricultural vehicles and lorries which use the road. Furthermore, concerns have been raised over the junction from St Georges Road onto Sandown Road when the Sandwich Open is on and the timing of the traffic management plan being undertaken during covid times. Given the information that has been provided and the consistency of the comments, particular attention must be paid for how the road is operating at present and what impact the development would have on these existing issues.
- 2.48 KCC Highways questioned the applicants calculations regarding the application of the Covid correction factor (i.e. how reduced vehicle movements during Covid are accounted for in transport assessments), assumptions made for school trips, TEMPRO growth (i.e. increasing the assumed vehicle movements on the network to account for background increases caused by 'off-site' factors, such as other development in the area) and the actual timing and duration of the operation of the level crossing during the morning peak hour (prior to Covid restrictions if different from the current situation). To address this issue the applicant has used data collected by the Deal Road roundabout, which was completed prior to Covid, 'growing' it to the current year to account for changes for vehicle movements on the network over time and referencing this against new survey data for the Deal roundabout collected during the national lockdown. This approach has been accepted by KCC Highways and is considered to be a robust method for understanding existing movements on the network upon which to assess the impacts of the current application.
- 2.49 The proposed development has been modelled using the standard methodology (the nationally accepted TRICS which references actual data from similar comparison sites) based on the erection of 52 dwellings rather than the 44 dwellings now proposed and has been superseded by comments received by KCC Highways. The conclusion of the report is that the proposed development is likely to generate approximately 25 vehicle trips in the morning peak hour and up to 23 vehicle trips in the evening peak hour. A total of 246 vehicle trips could be expected across a 12 hour day, which equates to approximately 21 trips per hour on average. That said, in August 2021 KCC Highways commented on the proposal and noted the reduction to the 46 dwellings (this has been further reduced to 44 dwellings) and concluded the proposal would likely generate around 22 two-way vehicle movements in the network peak hours, with 6 of these being down via Sandown Road and the town centre to the west of the site, and around 16 being via St Georges Road and New Street/Dover Road to the south. Furthermore, the applicant has undertaken traffic surveys in respect of the Deal roundabout and provided details in respect of the clarification requested by KCC Highways on the actual timing and duration of the operation of the level of the crossing during the morning peak hour (prior to covid restrictions if different from the current situation).

The results of these surveys have led to KCC Highways being satisfied that 'the impact of the additional trips at the St George's Road/New Street junction at the level crossing south of this has been assessed and is not severe, with the junction still operating within capacity and an addition of only one or two vehicles to queue at the crossing when in operation.

- 2.50 St Georges Road and Sandown Road operate a 30 mph speed limit which would remain unchanged. Many of the public representations have raised concern regarding the use of St Georges Road, in particular in respect of the current on-street parking arrangements and congestion caused as a result. The applicant has provided a detailed plan clearly indicating the double yellow lines to the west of St Georges Road, dropped kerbs and restricted areas where the road is too narrow to park and the areas to be kept clear for school pick-ups and drop-offs and this was observed during the site visits. This information has been provided to KCC Highways who have acknowledged both of these roads do not currently have any road restrictions and do, in part, restrict the flow of traffic to single-way in sections, but there are other regularly-spaced areas allowing two-way flow and the additional trips will therefore not have a severe impact on the operation of the highway. Moreover, in respect of the concerns from residents in respect of the potential overspill of parking spaces that could be caused by the proposed development, the application proposes a level of car parking (and visitor spaces) in excess of the levels required by the councils Policy DM13. The National Planning Policy Framework sets out that planning permission should only be refused on highway grounds where the residual cumulative impacts on the road would be severe. As set out above, having taken advice from Kent Highway Services this not considered to be the case in this instance.
- 2.51 In response to concerns raised by third parties regarding impacts at school drop-off/pick up times, the applicant has provided details of trips associated with the school, demonstrating that 63 percent of the staff drive and 17 percent of pupils access the site via private car. Based on 1,010 pupils and 122 staff (the most up to date numbers available for the school), this indicates that approximately 174 pupils travel to the site via private car and 77 staff drive to the site. As is the standard practice when calculating the level of trips attached to a school site a number of assumptions have been applied to the above trips, such as: 70 percent of staff will arrive in the morning peak hour and 45 percent will depart in the afternoon peak hour; a sibling reduction factor has been applied which, based on other secondary schools in Kent, assumes that 50 percent of pupils travel with a sibling; at any one time five percent of pupils will be absent through illness or otherwise; and five percent of pupils will attend breakfast clubs and ten percent will attend after school clubs. Based on these assumptions this shows there would be 54 arrivals in the morning associated with staff, 118 arrivals associated with pupils being dropped off and 118 departures associated with parents leaving the school. A total of 171 movements to the school and 118 movements from the site. It was not considered necessary to consider the PM peak trips because these trips take place outside the network standard PM peak hour. These details have been provided to KCC Highways who have not raised any objection in this regard and therefore it is considered the cumulative impact on the roads is not considered severe and warrant a refusal on this basis.
- 2.52 There are two accesses proposed in respect of the proposed development, a vehicular access off Sandown Road and a pedestrian path off of St Georges Road. It is acknowledged that the existing access on St Georges Road is restricted due to its width and the visibility achievable in this location. Therefore, the vehicular access has been designed to access onto Sandown Road with visibility splays achieving the required 2.4m x 43m x 2.4m for a 30mph road. To achieve this a section of the woodland would need to be removed (this has been discussed earlier in the report)

and maintained at height of one metre to ensure there is no obstruction. The proposed access would allow the free flow of two-way traffic in and out of this junction at anytime, whilst the applicant has demonstrated through the provision of swept path drawings that the access would be suitable for refuse lorries and the fire brigade. Sandown Road has the benefit of a footpath running along the outside of the proposed development and therefore careful consideration has had to be given to the use of the existing pedestrians using the footpath and pedestrians going to and from the proposed development. The applicant is proposing a continuation of the existing footpath with a 1.8 metre wide footway on each side of the carriage way sweeping round into the site, which would transition into a shared surface further into the development. At the Sandown Road junction the proposed footpath would incorporate drop kerbs and tactile paving to cross across the proposed entrance to the site. KCC Highways are satisfied suitable visibility can be achieved within Sandown Road, with the access proposed having been the subject to an independent safety audit, and the works within the existing highway will be carried out by the developer through a separate s.278 agreement with the Highway Authority. Furthermore. The access is considered to be of a suitable standard to adopted by KCC Highways. A condition should be attached to any grant of permission to ensure that the necessary off-site highway works are delivered.

- 2.53 Turning to the proposed pedestrian access off of St Georges Road, St Georges Road is served by an existing lit footpath which provides links into and out of Sandwich. There is some evidence of a historic access off of St Georges denoted by a five bar gate, however at the time of the site visit it was evidentially overgrown and impassable. The applicants are proposing to reinstate this access for use by pedestrians linking the development to St Georges Road to allow easy walking access into Sandwich Town and towards public transport links. It has been noted that the footpath on the eastern side of St Georges Road is not continuous and therefore the applicant is proposing to provide a crossing point by providing drop kerbs and tactile paving on St Georges Road in the vicinity of this access to aid pedestrians, this can be secured by condition. The proposed access has been designed with suitable visibility splays and pedestrian barriers to prevent direct crossing into St Georges Road and as such, the proposed pedestrian access is considered to be accepted by Kent Highway Services in that the development would not cause severe harm to existing users of the adjoining network and those using the development and is considered to accord with the aims and objectives of the National Planning Policy Framework, in particular paragraph 109.
- 2.54 The proposed internal site layout has been designed with good forward visibility around corners. The access roads are of a reasonable width, sufficient to allow cars to pass each other and to allow larger vehicles such as refuse and emergency vehicles to manoeuvre around the site freely. The layout has been designed with a spinal road leading to a focal square which would limit the speed limits through the site. Furthermore, the proposal has intended to create a development which gives priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas in accordance with the National Planning Policy Framework.
- 2.55 Turning to the concerns of parking arrangements, policy DM13 of the Core Strategy requires developments to provide sufficient car parking spaces, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The application site is located in a sustainable location on the edge of the town, being close to facilities, services and public transport connections. In such locations, on a 'suburban edge' the expectations as set out in table 1.1 of the Core Strategy advises that dwellings should have a minimum of:

Nature of Guidance	Minimum requirements
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1 & 2 Bedroom flats	1 space per unit
1 & 2 Bedroom Houses	1.5 spaces per unit
3 Bedroom Houses	2 independently accessible spaces
4 Bedroom Houses	2 independently accessible spaces
5 Bedroom Houses	2 independently accessible spaces
Additional Visitor Parking Spaces	On- Street areas 0.2 per unit.

- 2.56 Concerns have been raised by third parties that the occupiers of the proposed dwellings would be forced to park on an already busy road along St Georges Road, especially due to many owners of garages no longer using these for parking, but rather for storage. Having regard to the policy DM13 the applicant would be required to provide a total of 90 parking spaces, whilst garages are only considered acceptable as additional parking spaces to the amount required (i.e. garages do not count towards parking provision). The proposed development has been designed to have a total of 114 parking, of which: 67 would be surface level (open) spaces; 19 would be car port spaces; 12 would be within garages (and therefore not counted); and 16 would be unallocated or visitor spaces. Excluding the garage spaces, there would be allocated spaces 88 spaces and 16 unallocated spaces, such that the development would provide more spaces than the minimum number required by the councils policy. It would be considered appropriate to impose a condition on any grant of planning permission to retain the garages proposed for the use of parking only and for no other purposes.
- 2.57 During the construction phase, it is accepted there will be in an increase in vehicular movements during the construction phase, including those by larger vehicles. In accordance with advice from KCC Highways, it is recommended that, should planning permission be granted, the submission and approval of a Construction Management Plan should be secured by condition to manage: parking and turning areas for construction/delivery vehicles and site personnel, timing of HGV movements (these will need to avoid school drop-off/pick up times, temporary traffic management/signage, before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development (which will incorporate details of the roads used by construction vehicles).
- 2.58 In addition to the above, KCC Highways have recommended a suite of conditions to ensure the provision of cycle storage (the applicant has provided a plan showing this can be provided towards each dwelling), electrical charging points, highway improvements and completion of access prior to the site commencing, amongst others detailed below. It is considered for the reasons outlined discussed and having due regard to the comments received by KCC Highways the proposed development would be acceptable in highway terms.

### Ecology

- 2.59 Due regard should be given to paragraphs 179 and 180 of the National Planning Policy Framework which seeks to protect, enhance biodiversity and securing net gains for biodiversity and wider environmental gains. The development has the potential to impact the habitats, species and ecology generally on and around the site, including the protected habitats and the species they support which are near to the site. The application has been supported with a number of ecological assessments, given the amendments throughout the life of the application. The most recent is dated July 2021 and details the results of survey undertaken in 2020 & 2021 to inform the ecological assessment. This comprised a desk-based study, a Phase 1 Habitat Survey, an

assessment of the potential for the habitats on site to support species, including a bat building and tree roost assessment, and protected species surveys, including bat emergence, re-entry and activity survey, a dormouse survey and a reptile survey.

- 2.60 Bats, and their roosts, are protected under the EU Habitats Directive (transposed into UK law as the Conservation of Species and Habitats Regulations 2019) (Amendments)(EU Exit)), and the Wildlife and Countryside Act 1981 (as amended). This protects bats from being killed, injured, captured and disturbed and their roosts from being damaged, destroyed and obstructed.
- 2.61 The bat tree roost assessment found three trees with moderate bat roosting potential on site. Subsequent bat emergence and activity surveys conducted in August and September 2020 found no bats to emerge from the trees observed. Continuous use of the south-west boundary by a low number of commuting and foraging bats were observed and recorded, with calls from emergence time and indicating the boundary provides a key link between roosts and foraging sites. The southern boundary is also considered to be a key corridor within the zone of influence for offsite roosting bats. Therefore, the habitats on site are considered to be of local importance. The report concludes on this point that the trees within the southern boundary will be retained alongside measures during construction and post construction including sensitive lighting strategy (this can be dealt with by way of condition). Furthermore, there are existing buildings on the site to be demolished. There is evidence of bats within buildings B2 and B3. Due to the presence of bats, a Natural England licence will be required before the works can commence and a replacement roost structure would need to be provided to replicate a suitable feeding roost, being constructed of a rough wood surface to encourage climbing and hanging. The location of the replacement roost features would be adjacent to the to the offsite reptile receptor area to the east replacing the derelict piggery. This mitigation would be maintained in the long term. This approach has been agreed in principle by Kent County Council Ecology and Natural England subject to appropriate conditions, to include a lighting strategy amongst others.
- 2.62 In respect of Dormice the ecological assessment sets out “habitats on site are considered suitable for dormice, however a nest tube survey was completed in August 2020 with a total of 50 dormouse nest tubes being erected within the scrub and trees on the site and within suitable dormouse habitat on site, during this time there was no evidence of dormice on site”. KCC ecology are satisfied on this basis that no further surveys or mitigation measures are required.
- 2.63 A survey in December 2020 was undertaken to investigate great crested newts, a single ditch to the south of the site was noted to be dry during the survey, with some evidence of aquatic vegetation growing, however, due to the distance of the site from suitable potential breeding ponds these are considered to be sub optimal for breeding habitat for GCN. Furthermore, two ponds were located within 250m of the site, both residential gardens and man-made, concrete based ornamental ponds unsuitable for GCN. Therefore, there has been no records of great crested newts or granted GCN European Protected Species Mitigation Licences were received or identified during the desk study. Due to the lack of suitable breeding habitat and distance of the site from suitable breeding habitat and dry ditches, no further surveys were deemed necessary as the likelihood of GCN being present is considered to be negligible. Precautionary measures have been recommended in this unlikely event that GCN are utilising the site for terrestrial purposes. It is concluded the presence of GCN is negligible, however that said, should any GCN be found on site then all work must stop whilst an ecologist is contacted. This can be conditioned as such.

- 2.64 The reptile report confirmed a peak count of one adult common lizard and a peak count of two slow worms within the red line boundary. No other reptile or amphibian species were recorded during the surveys. The site is therefore considered to be of a low population for common lizard and slow worms. A receptor site would be provided within the applicant's control, to receive reptiles which will be translocated. The receptor site would include a strip of long grassland to connect the receptor site to suitable habitats within the wider area and have brash piles collected and trees felled on the site, this will create new habitats for a range of species including reptiles, amphibians, saproxylic invertebrates and small mammals. Following a detailed search, fencing will be installed prior to commencement of construction works. This fencing will comprise of semi-permanent reptile fencing, whilst the receptor area will be open for reptiles to disperse away from the construction area. Prior to the installation, the footprint of the fencing will be checked by an ecologist for any sheltering reptiles. In the event that reptiles are found during construction, all works will be stopped. KCC Ecology are satisfied with these measures in principle, however these measures would need to be secured by a S106 and appropriate conditions through a biodiversity method statement.
- 2.65 The ecological assessment sets out that eight terrestrial wintering bird surveys were carried out on the site and the immediate wider area for foraging Golden Plover due to the location of the site and close proximity to the Thanet Coast and Sandwich SPA. Whilst no Golden Plover were identified, the survey did find that other species of birds use the site and surrounding area. In particular those whose conservation status has been noted to be of concern, are members of the Thrush family, Dunnock, Kestrel, Lapwing and Redwing. The conclusion of the report suggests mitigation measures incorporate four schwegler 1B boxes (or similar) will be mounted on mature boundary trees, ten bird nest bricks and five swift bricks will be included in the buildings at 2-3m above ground level to provide further nesting and roosting opportunities for birds on site, as well as on the new building. Hedge planting will also provide additional nesting and shelter opportunities for birds, as well as encouraging invertebrates for them to feed on. Further details on locations would be provided within an Ecological Mitigation Strategy. KCC have requested the work to vegetation may provide suitable nesting habitats carried outside of the bird breeding season and examination by an experienced ecologist prior to starting work and if any nesting birds are during work, development must cease until after juveniles have fledged.
- 2.66 It is considered that the methodologies of the surveys are acceptable. Subject to the proposed mitigation enhancement being secured by condition and within the S106 Agreement, the development would cause no harm to habitats or protected or notable species.
- 2.67 Local residents have set out that the loss of species cannot be dealt with by ways of mitigation. However, having regard to the NPPF paragraph 180 'when determining planning applications, local planning authorities should apply the following principles if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), or adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this instance, as set out above the ecology can be mitigated on and off the site (at the receptor site) and this approach has been accepted by Natural England and KCC Ecology.

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

- 2.68 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.

- 2.69 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.
- 2.70 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.
- 2.71 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.
- 2.72 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour at Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education).
- 2.73 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.
- 2.74 For completeness I have set out below the SPA index-linked figures for reference, this can would be secured by a S106. The precise sum would need to have regard for the most up to date figures at the time that the S106 is completed.

Number of bedrooms in a house	Bond (£)	Monitoring etc. (£)	Total (£)
1	13.69	6.05	19.74
2	27.37	12.11	39.48
3	41.06	18.16	59.22
4	54.74	24.22	78.96

### Contamination

- 2.75 The applicant has provided Geoenvironmental Assessments and conceptual models in respect of contamination which sets the overall risk to future occupiers which is considered to be low/very low and considered to be suitable for development. Dover District Council Senior Environmental Protection Officer has concurred with these findings. There are a number of recommended actions which should be addressed by a suitably worded condition. Furthermore, Dover District Councils Senior Environmental Protection Officer has requested a further condition should be imposed on any planning approval requesting that if during the cause of development, significant

contamination is suspected or found, works shall cease and the Local Planning Authority shall be notified in writing immediately. These proposals can be dealt with by the imposition of conditions and as such, the proposed development is considered to be acceptable in respect of contamination.

#### Flooding, Drainage and Utilities

- 2.76 Local residents have raised concerns and evidenced issues in respect of flooding in areas of the proposed application site and at the junction of Sandown Road and St Georges Road and therefore careful consideration has to be given and advice has been sought from the Local Lead Flood Authority and Southern Water.
- 2.77 The site lies in Flood Risk Zone 1 and, as such, is in an area with the lowest risk of flooding from rivers or from the sea (albeit parts of Sandown Road are in Flood Risk Zones 2 and 3). The location of the site is therefore sequentially preferable in terms of flood risk. Notwithstanding this, it remains necessary to consider whether the development would cause an increased risk of localised surface water flooding. For completeness, it should be noted that the north eastern corner (along Sandown Road) had once been at a higher risk, but following the recent Environment Agency map this is no longer the case.
- 2.78 The application has been supported by a flood risk assessment and drainage strategy, based on the scheme of 46 dwellings rather than the 44 dwellings now proposed. Following an investigation into the site, it has been concluded that the development should discharge into the existing public sewer located within St Georges Road via an adoptable Type 3 Pumping Station under controlled conditions which will restrict the flow.
- 2.79 Surface water will be dealt with through the provision of a cellular attenuation crates and lined permeable pavements. This would provide sufficient storage for a 1:100 year storm plus a 40% allowance for climate change, in accordance with guidance (together with a further buffer of 10% urban creep'). These controlled measures would allow restricted discharge into the surface water drainage network. The Local Lead Flood Authority have set out that the connection point and discharge rate will need to be confirmed as acceptable with southern water. The LLFA have requested a condition to be imposed on any grant of permission for the detailed sustainable surface water drainage scheme to be submitted and approved prior any development, to ensure, the development does not exacerbate the risk of on/off site flooding. A further condition is requested for the submission of a verification report in respect of the surface water drainage, to ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.
- 2.80 The controlled flows from the site can be accommodated within the local network without increasing the risk of flooding, subject to conditions being attached to any grant of permission requiring that a scheme for the provision of surface water drainage infrastructure, together with a timetable for its implementation, and details of foul water drainage, again together with a timetable for its implementation, are provided and that the approved schemes are implemented. Subject to such conditions, it is considered that the development would provide adequate surface and foul water drainage, without increasing the risks of localised flooding.

#### Developer Contributions

- 2.81 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.82 The applicant has confirmed that affordable housing will be provided on site and has provided a plan indicating the locations of the plots. In total 14 affordable houses will be provided, which equates to a policy compliant 30% (31.8%) of total provision. These dwellings would be provided in two groups. It is considered that this layout provides a suitable balance between co-located affordable houses to allow for their efficient management and maintenance, such that they will be attractive to affordable housing providers, whilst avoiding large concentrates of affordable units. The identified affordable houses would comprise of four one-bed units, six two-bed units, and four three-bed units. The applicant has also confirmed these affordable houses will be wheelchair adaptable in accordance with KCC's request. Subject to the affordable housing being secured, it is considered that the requirements of Policy DM5 will be met.
- 2.83 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would be expected to provide Open Space on site, or a contribution towards off-site provisions, to meet the Open Space demand that would be generated by the development. In this instance the application proposes an area off of St Georges Road, with a play area outside of the proposed dwellings. It should be noted that, the track and trim trail has caused concerns over the local community in that the proposed equipment was unsuitable close to 152 and 150 St Georges Road, the applicant is proposing to plant a native scrub mix along the adjoining boundary with 152 St Georges Road and the retention of some of the existing screening along the boundary of 150 St Georges Road. The LAP has been moved further within the site, although final details can be dealt with by a suitably worded condition. The maintenance could be secured by a S106 Agreement. In addition to this, there would be a large open area which could be used for informal play. Both of these areas are located such that they would be easily accessible for future occupants of the development. Subject to securing the provision and maintenance of this Open Space, it is considered the requirements of Policy DM27 will be met.
- 2.84 Local residents have raised concerns in respect of a lack of local infrastructure regarding the local doctors and places within local schools to name a few. KCC have advised the application would place additional demand on their facilities and services, for which there is insufficient capacity. The development would increase the number of school children within the area and therefore in primary education a contribution of £4,642.00 per house (40) and £1,160.50 per flat (x2 ) (note: the contribution excludes 1 bed units of less than 56sqm GIA, and any sheltered accommodation) would be required towards the expansion of primary schools in Sandwich and Eastry. A requirement of £4,450.00 per house and £1,135.00 per flat would be required for secondary school places towards the expansion of selective and non-selective secondary schools in the Dover District. For special education the contribution would be required for the expansion of the Beacon school at Walmer. Further pressures would be put on community learning, libraries and social care provision, for which there is currently insufficient capacity. Consequently, contributions have been requested towards projects in Sandwich to meet the needs generated by the development. In particular: £722.48 have been requested for equipment for community learning class, £2,822.00 towards Youth Services, £2,439.80 for Sandwich library and £6,462.72 for social care and £2,396.68 for waste to increase capacity. Projects have been identified

which would increase the capacity of each local facility. The identified projects are reasonably close to the application site and the construction or expansion of these facilities would meet the needs which would be generated by the development.

- 2.85 KCC have also demonstrated that the expectation would be to provide High-Speed Fibre Optic and as such these details should be prior to the commencement of the site. This can be dealt with by a suitably worded condition.
- 2.86 The NHS identified the proposed development would generate approximately 128 new patient registrations based on the dwelling mix. The proposed development falls within the current practice boundaries of Sandwich Medical Practice and Ash Surgery. There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific project for this contribution, the NHS have advised that a project will be brought forward to increase the capacity of a surgery in Sandwich or Ash, or deliver a new surgery within the catchment. The proposed contribution towards general practice would be a total of £46,116.00.
- 2.87 It is considered that the requested contributions set out above are CIL compliant. Each has been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The applicant has confirmed that they are willing to provide the accepted contributions, and this can be dealt with within the section 106 agreement.

#### Archaeology

- 2.88 In respect of potential below ground heritage assets, Kent County Councils Senior Archaeological Officer has set out the following. The proposed development site is located to the south-east of the historic port town of Sandwich and lies just outside the Sandwich Walled Town Conservation Area. The application is accompanied by an archaeological desk-based assessment. The desk-based assessment is somewhat superficial in its nature and the KCC Archaeologist is not in full agreement with some of the conclusions reached. The proposed development site lies on an area of slightly raised ground (at about 4m aOD) on the southern edge of the former Sandwich Haven an area of once open water, sheltered from the open sea by the Deal Spit/Pepperness at the mouth of the Wantsum Channel. Archaeological evidence from the Archers Low/Sandown area suggests an extensive site developed here in the Late Iron Age, perhaps as a centre for coastal trade. Large numbers of Iron Age coins have been recovered from the area, including several from the application site itself. Historic map regression suggests the presence of historic trackways converge of the waterfront in the Sandwich area, including a branch from the Roman road at Eastry towards the Sandown area and a trackway heading northwards from the Iron Age/Romano-British site at Worth. Based on pottery and coin evidence it is suggested that the Iron Age/Romano-British settlement here peaked in the period c 50 BC to AD 80, after which it would be eclipsed by the major Roman settlement At Richborough (about 2.7km to the north-west). Nevertheless, Roman-British activity and occupation appears to have continued in some form in the Archers Low/Sandown area into the fourth century AD. It has been postulated, although it remains unproven, that the early medieval precursor to medieval Sandwich may have been located in the area of the proposed development, albeit to date the only archaeological evidence to support such a hypothesis is the discovery of a few scattered sherds of early medieval pottery. The applicant's desk-based assessment suggests that the site has a moderate to high

potential for archaeological remains of Late Iron Age and Romano-British date. The archaeological background above suggests that such remains may be associated with a coastal trading settlement/port that covered a relatively extensive area. This being the case it is possible that any archaeological remains present could be of greater significance than is suggested in the applicant's desk-based assessment. Similarly, if archaeological evidence were present to support the hypothesis of an early medieval coastal settlement to support the ecclesiastical and royal site at Eastry then such remains would be of considerable archaeological interest. Given the potential importance of the site, it is considered appropriate to impose a condition to secure the implementation of an archaeological field evaluation.

### Other Matters

- 2.89 Comments have been received in respect of land, which was proposed to be allocated for fifty dwellings, being previously being removed from the Land Allocations Local Plan (which was adopted in January 2015) by the Inspector on landscape/visual impact grounds. However, it is considered for the reasons set out above there are opportunities to mitigate the potential impacts of the development on the local landscape character, whilst the passage of time has meant that there is renewed need to find further suitable sites to meet the districts housing need.
  
- 2.90 Third parties have drawn attention to the sites inclusion in the Regulation 18 Local Plan. Some third parties have suggested that the determination of this application should be held in abeyance until the Plan is adopted, whilst others have commented that the draft allocation is for 40 dwellings and not 44 as is proposed by this application. As set out earlier in this report, the draft Plan is a material consideration, albeit it currently carried little weight due to still being in the early stages of the plan making process. Notwithstanding the sites proposed allocation, the council has a live planning application and has a duty to determine planning applications in a timely fashion. As such it is not considered reasonable to withhold determination on this basis and should instead determine the application in accordance with the development plan, unless material considerations indicate otherwise.
  
- 2.91 The land was last used for agriculture. The land is classified as Grade 1, which is 'Best and Most Versatile'. The NPPF, at paragraph 174, advises that planning decisions should recognise the economic and other benefits of best and most versatile agricultural land. Whilst the loss of this agricultural land is therefore material to the determination, it is not considered that its loss carries great weight due to the limited size of the parcel of land and its disconnect with the wider agricultural landscape.
  
- 2.92 Concerns have been raised regarding light pollution. This cuts across several topic areas, including visual amenity, crime and disorder and ecology. The impact of light has been considered in these respects and, subject to a condition requiring details of the lighting proposed, it is considered that the development would not cause unacceptable harm to ecology (including protected species) and could strike an appropriate balance between ensuring a safe environment and an acceptable impact on the visual amenity of the development and the character and beauty of the wider area.
  
- 2.93 All of the material planning considerations raised by third parties and consultees have been considered.

### **3. Conclusion/Planning Balance**



- 3.1 As set out earlier in this report, the tilted balance is engaged and, as such, paragraph 11 of the NPPF requires that permission be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 3.2 The National Planning Policy Framework it seeks to achieve sustainable development. Paragraph 8 of the NPPF states 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These three overarching objectives to sustainable development are economic, social and environmental. In respect of the proposed development these can be divided as set out below:
- Economic role – The proposed development would be built adjacent to the confines of Sandwich. Due to this location, occupiers of the dwellings would be more likely to travel to Sandwich to meet their day to day needs, providing additional support for local shops, facilities and services and public transport. Additionally, the construction phase would support employment on a temporary basis.
  - Social Role – The proposed development is considered to meet the requirement of building a strong, vibrant and healthy community by ensuring there is a sufficient number and range of homes which would be provided to meet the needs of present and future generations, albeit this benefit is tempered by the housing mix. The development would benefit from accessible services and open spaces to reflect current and future needs. The proposed development is considered to have been well-designed.
  - Environmental – The development would produce a high quality built environment which, given the constraints of the site, would make an effective use of the land. The proposal mitigates its ecological impact through the introduction of new species rich planting throughout the development (in place of a former agricultural field with limited biodiversity) and ecological enhancements. The development would incorporate electric vehicle charging. These benefits are balanced against the loss of trees around the peripheries of the site which are more biologically diverse, which would be replaced by a less biologically diverse new woodland (which would take a long time to establish). The development would also, necessarily, urbanise the visual appearance of the site in the views which can be gained.
- 3.3 It is considered that this is a finely balanced case. Whilst the site is in sustainable location which would minimise travel and support local facilities and services, and is generally of a high quality design, this is balanced against the loss of and impact on trees whilst the development would necessarily alter the character of the site in views, particularly from Sandown Road. The development is, subject to conditions and subject to affordable housing and development contributions being secured by legal agreement, acceptable in other material respects. Whilst significant weight is attributed to the loss of and impact on trees, it is not considered that this significantly and demonstrably outweighs the benefits of the development. Consequently, on balance, it is recommended that planning permission be granted.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to a S106 to secure affordable housing, development contributions, ecological mitigation and the planting and retention of a new woodland, and subject to conditions to include:

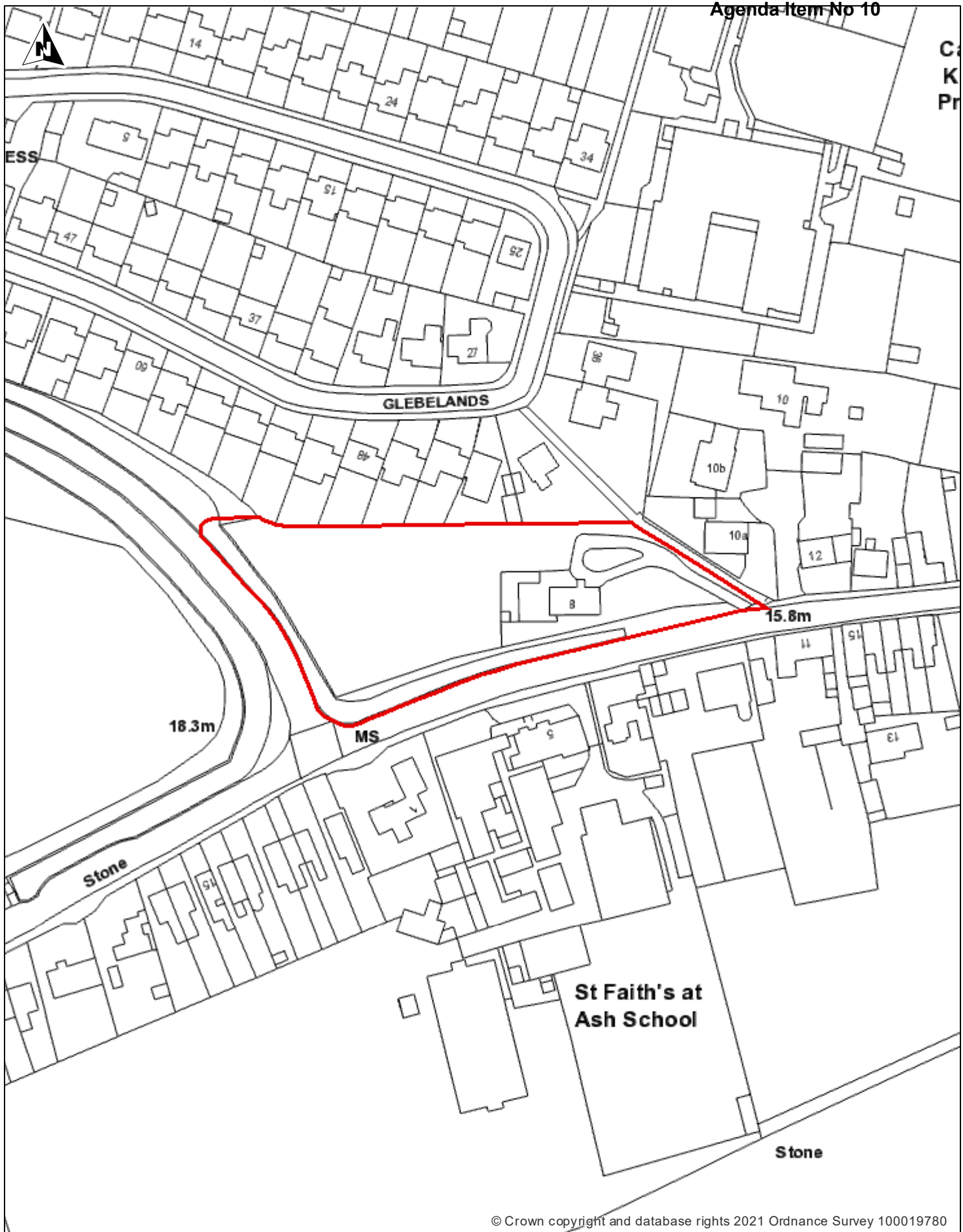
(1) standard time limit

- (2) approved plans
- (3) samples of materials
- (4) details of window reveals, headers and cills
- (5) details of hard and soft landscaping
- (6) details of external lighting
- (7) details of refuse storage
- (8) construction management plan
- (9) provision and retention of visibility splays
- (10) measures to prevent the discharge of surface water onto the highway
- (11) provision and retention of vehicle parking spaces
- (12) provision of EV charging point to serve each dwelling
- (13) provision and retention of secure, cycle facilities
- (14) provision of pedestrian crossing and other off site highway works
- (15) completion and maintenance of the access, including use of a bound surface for the first 5 metres
- (15) completion of access road within the site to serve each dwelling
- (16) contaminated land
- (17) ecological mitigation and details of enhancement of biodiversity (including a Biodiversity Method Statement)
- (18) details of surface water drainage infrastructure
- (19) details of foul water drainage infrastructure
- (20) measures to protect the public sewers
- (21) removal of certain permitted development rights for extensions, outbuildings, insertion of additional windows, alterations to roof slopes and conversion of garages.
- (22) obscure and non-opening window to Plot 11
- (23) provision and retention of 'Trim Trail', together with details of maintenance and management
- (24) Arboricultural Method Statement
- (25) provision and retention of fencing to the rear gardens of units 1 to 5
- (26) programme of archaeology, including geoarchaeological and paleoenvironmental evaluation

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

#### Case Officers

Karen Evans and Luke Blaskett



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20/00155  
8 The Street  
Ash  
CT3 2HJ

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/20/00155 – Erection of 6 dwellings and works to the existing building to form a 7th dwelling with associated parking and landscaping - 8 The Street, Ash**

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

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

DM1, DM11, DM13, DM15 & DM16

**Draft Local Plan Reg 18**

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

**Ash Neighbourhood Plan 2021**

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

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

**National Design Guide 2019**

**Kent Design Guide**

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

Section 72(1) states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990**

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, 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 it possesses.'

- d) **Relevant Planning History**

There is no relevant planning history for the site. However, there is a recent TPO application which is relevant.

TC/19/00075 - Fell four trees (T1 - yew. T2 - not known, T3 - not known, T4 - Sycamore). Approved.

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

DDC Environmental Health Manager – no observations.

DDC Tree Officer – no objection was raised following the receipt of an arboricultural method statement and a tree protection plan. Suitably worded conditions have been recommended to be attached.

DDC Heritage Officer – initially objected to the planning application on the grounds of unjustified loss of the non-designated heritage asset and detrimental impact on the Conservation Area. Subsequently, the proposal was amended to retain the non-designated heritage asset. No objection has been raised subject to conditions to secure appropriate detailing of the building. A condition has also been recommended for building recording prior to demolition of the outbuilding.

DDC Ecological Officer – made the following comments:

I have reviewed the preliminary ecological appraisal and bat survey reports and support their recommendations. The PEA lists a number of ecological enhancement measures, which should be conditioned including:

- hedgehog nesting boxes
- Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas
- ready-made bird boxes (sparrow terrace timber boxes or house martin nests or mix of open-fronted and hole-nesting boxes and constructed from woodcrete)
- WoodStone Build-in Swift Nest Boxes : 2 to 4 per dwelling, resulting in an equal number overall of nest sites and residential units. Each nest box will be integrated in a wall that is not south facing, at a height of at least five metres.
- bat roosting spaces within the new buildings (examples can be found in: Williams, C (2010). Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build. RIBA) or installation of ready-made bat boxes (such as Kent Bat Box, Habitat, EcoSurv Bat Box or Schwegler Bat tube.
- owl boxes in trees
- Establish climbing plants on walls and other vertical structures
- Establish wildflower plug/bulb planting in amenity grassland and private gardens Consider using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf
- Establish Fruit Espaliers.

**BATS**

The bat survey has identified the house as a day and/or night roost for brown long eared bats. Adequate compensation for the loss of this roost is therefore a legal requirement and the applicant will have to apply for an EPS development licence from Natural England, post planning permission. The compensation recommended includes:

- one 'Improved Cavity Bat Box' (or similar) to be installed onto an adjacent tree prior to demolition (to provide continued roosting opportunities);
- one bat loft to be incorporated in the roof of one of the units to provide long-term roosting opportunities.

**REPTILES**

The PEA identified the need for a reptile survey however, it has not been received.

*Reconsultation response:*

I note the results of the reptile survey and I have no further comments to make on this application.

KCC Highways – raised concerns in relation to the use of the access, visibility splays and the pedestrian link. Therefore, refusal was recommended. Subsequently, further details were received with a view to address the concerns raised by KCC Highways. Following the review of a series of amendments, KCC Highways lifted their objection and recommended a number of conditions including submission of a Demolition and Construction Management Plan before the commencement of any development on site (Routing of demolition, construction and delivery vehicles to/from site; Parking and turning areas for demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel washing facilities; Temporary traffic management / signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements).

Other conditions include:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the retention of public access to the three spaces between units 1 and 2.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access and associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.
- Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing.
- Provision of electric charging points

KCC Archaeology – recommended a condition to be attached in respect of archaeology.

KCC PROW – no objection. Informatives have been recommended to be attached to the permission.

Southern Water – no objection subject to conditions.

Ash Parish Council – object to the planning application on the following grounds:

- Tree Preservation Orders -The planning application for the removal and replanting of trees covered by TPOs (Ref 19/01474) has not been addressed.
- Type of housing mix does not address the needs of the parish

- The design of the scheme is not in keeping with the character of the adjacent conservation area.
- Listed Buildings: The design of the scheme does not appear to respect, protect or enhance the settings of Listed Buildings and Buildings of Note considered to be heritage assets that are adjacent to the site.
- The constraints of the site position and height in relation to adjacent properties (loss of amenity) have not been acknowledged.
- Over-looking – it is noted that the unit closest to the Glebelands boundary has been moved to 6 metres from the boundary, however there will still be loss of privacy to the adjacent properties in Glebelands. The application proposes this is to be dealt with by boundary planting. This raises questions about type of species and long-term management.
- The provision for three public parking spaces for the vehicles displaced by the requirement for double yellow lines opposite the site access. The viability of this public parking provision is questioned by the parish council. It suggests that it is impractical and the residents who currently have on-street parking by 11 The Street, will not be able to make use of the new spaces. Even if this is managed, the new spaces are some distance and are at the top of the incline. There would be a loss of parking for those who drop-off and collect children attending the adjacent St Faith's School. It is also thought likely that this public parking could cause longer term tensions between the residents of the site and those who live off the site over the cost, management and maintenance of the public car parking spaces. It will also increase the traffic movements on and off the site.
- The loss of the two parking spaces opposite the access does not take into account, the use of those spaces by the residents who live on The Street or the use of the spaces by parents whose children attend St Faiths School that is adjacent to the site. This part of The Street is often congested. It is on the bus route for the village. The requirement that large vehicles park on The Street to load and unload will make this situation worse. Further even with the use of the double yellow lines, it will not be possible for large vehicles to make a left-hand turn into the site. This will increase the congestion on The Street around the junction of Chequer Lane and The Street.
- Sight Lines - While the double yellow lines may help with car traffic, as the area will provide a passing bay, they will not serve the purpose of making the limited visibility splays that have been proposed, workable. The visibility splays will require a large proportion (at least 12 metres) of the bank and the trees to be removed to the right of the access off the site. (This will impact the conservation area and the street scene). The splay to the left of the access off the site will require the removal of street furniture. This will make the use of the footway up to Glebelands unsafe. This public right of way is well used by school children attending the Cartwright & Kelsey School and the residents who live in the Glebelands and Molland estates. There has to be an effective child safety barrier where the footpath meets the road to ensure the safety of the pedestrian using the public right of way, especially the school children. This is essential because of the steep slope of the footpath as it reaches The Street.
- The design of the access does not reflect the number of trees and bank on the street frontage that will need to be removed, both to the left and the right of the access to provide the necessary sight-lines.
- The provision of a pedestrian access for the site has not been fully addressed.
- Drainage - the parish council would ask it is noted that the height of the site above street level may require the depth of the SUDS to be such as to prevent run-off onto The Street.

### Public representations

30 letters of objection received raising the following matters:

- Unsafe access
- Poor visibility to turn onto the main road
- School very close to the lane
- great concerns regarding the sewage system
- loss of privacy, noise nuisance, loss of light
- limited parking on the street
- also pose a problem to the emergency vehicles
- loss of wildlife habitat
- extremely detrimental to the community
- the status of Conservation Area is important and should be respected
- unnatural expansion of a village
- the road is extremely congested and busy at times of the day and week
- challenge the traffic survey which shows light traffic
- Ash bypass relieved some pressure in the area
- walking in this area in order to access the countryside behind the Volunteer pub is already difficult
- loss of trees
- increase in traffic congestion
- light pollution
- insufficient parking
- a number of mature trees have been felled
- no details of the boundary with the properties at Glebelands
- design, size and architectural features totally disrespects the context, character and heritage of the village
- overly dense
- renovating the existing building has not been considered
- pedestrian safety
- overdevelopment
- insufficient landscaping
- lack of replacement trees

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

- 1.1 The application relates to a site to the north of The Street. To the west is the centre of the village. It is bounded by The Street to the south, Molland Lane to the west, a late C20th development of chalet bungalows to the north and a major urban footpath to the east. The site is occupied by a two-storey building which whilst currently vacant is understood to have been used as a dwellinghouse several years ago. By virtue of its age, setting and architectural design, the existing building together with its courtyard structures are considered to be non-designated heritage assets. The western half of the site lies within the Ash Conservation Area. There is a Grade I Listed Church approximately 350m from the site to the north. 7 Yeomans Cottage, a Grade 2 listed property can be found across the road to the south of the site. PROW (Public Right of Way) EE120 runs along the eastern boundary of the site leading to Glebelands.
- 1.2 There are trees within the site subject of a TPO, notably an individual horse chestnut to the north western corner (T11), a copper beech and sycamore to the western boundary (T12 & T13) and a sycamore tree to the southern boundary (T14).
- 1.3 The site sits at approximately 3.5m above the street level (i.e. The Street the land steeply rises from south to north. To the north of the site is 'Glebelands' – a development comprising chalet style bungalows backing onto the site.
- 1.4 Originally, the application sought permission for the erection of 8 dwellinghouses and demolition of the existing building (considered to be a non-designated heritage asset)



and the outbuilding. Insufficient justification was provided to justify the loss of the non-designated heritage asset. Following discussions with the applicant's agent, the proposal was amended which included retention of the existing building and its conversion and extension to form a dwelling and reduction in the number of dwellings by 1 unit.

- 1.5 The proposal includes detached and semi-detached dwellinghouses of a contemporary style. The schedule of accommodation comprises Unit 1 and 8 with 4 bedrooms and Units 2-7 with 3 bedrooms. The material palette comprises yellow brickwork, slate tiles and timber fenestration, responding to those within the local area. The proposal seeks to utilise the existing access off The Street. Vegetation is to be removed to allow for a safe visibility splays. The access leads to a courtyard type parking area. It is understood that a number of mature trees on the site have been felled and the proposal would require further substantial clearance of the site to facilitate the development.
- 1.6 The proposal makes provision for a total of 21 open parking spaces i.e. an average of 3 parking spaces per unit.

## 2. **Main Issues**

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

## **Assessment**

### **Principle of Development**

- 2.2 It is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.
- 2.3 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.4 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning

authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.

- 2.5 It is considered that policy DM1 is the 'most important' policy for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.56 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).
- 2.6 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and therefore accords with Policy DM1.
- 2.7 Policy DM1 is out-of-date and is critical to the determination of this application, being the 'most important policy'. The 'tilted balance' described at paragraph 11 (d) of the NPPF is therefore engaged.

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

- 2.8 The immediate feature of the site is the very strong 'treescape', with mature trees extending up the bank and, effectively hiding the standing structures from general view. This gives the site the appearance of a small wooded area towards the periphery of the otherwise relatively tight-knit village. Nevertheless, it is relevant to note that the density of the built-up area significantly reduces towards the end of the settlement (i.e. where the site is located). Immediately opposite the site across The Street are an eclectic mix of relatively large buildings of varying ages from C16th to C19th occupying large plots. The Street is characterised by street fronting linear development although it is noted that there is no consistency in terms of its overall scale and design. The development to the north (properties fronting Glebelands) is completely hidden from view from The Street and is only apparent when approached either by Molland Lane or on foot via the public footpath.
- 2.9 The existing building on the site could be accessed by the existing (historic) access which is a steeply rising drive from the corner of the plot at the intersection of the public footpath with The Street, and the drive leads to the immediate right of the house. A Heritage Statement has been received with the application which gives a detailed summary of the features of the existing redundant dwelling. It concludes that the existing house has been little altered and retains much of its original features internally. It is also stated, *"The historic Ordnance Survey maps show that the structures existed in 1873 and the subsequent layers show that the footprint has remained unaltered. The maps indicate that the trees were a feature of the site from earliest times and indicate 'mini parkland' tree planting"*.
- 2.10 It is noted that the site would utilise the existing (historic) access which would be widened, and a number of trees would have to be lost. The Planning Statement also makes it apparent that substantial vegetation clearance would be required towards the

rear of the site. The proposed block plan shows a driveway into the site running along the boundary with Glebelands. In respect of the layout, it is noted that the development in this part of the village is low density with the majority of the buildings facing towards The Street, however, the separation from the road varies considerably, with some buildings directly addressing the road and others set back by a significant distance. It is considered that the unplanned, sporadic and diverse character of the properties produces a strong defining character to the area. The proposed development although has a planned layout, which neither provides street fronting development nor larger properties set back from road within spacious plots, it is relevant to note that the site is significantly elevated from The Street and this variation would not result in unacceptable harm to the character and appearance of the street scene. In addition to this, the existing mature tree screening would be retained where possible which would screen the majority of the development from views in The Street.

- 2.11 In respect of detailed design, the proposal seeks to incorporate contemporary architectural features. The Planning Statement describes how this design approach responds to the character of the area in a contemporary manner. It makes reference to a collection of gables that echo that of the village, providing modest rural houses set amongst a large tree canopy. The pitched roofs create a traditional roofscape offsetting the neighbouring dwellings to the north. The use of yellow brick and slate roofs compliment the retained dwelling to the front of the site. The window frames will match the slate in colour to give the building a complete composition which is coherent and clear. The use of high quality brickwork with careful and precise detailing give depth and texture to the exterior to create a modern building of its time and setting. It is described as having an *“architectural language that reflects order and proportion with large windows forming a dignified composition within the site. This language is traditional in principle, but contemporary in detail”*. In turn, the site would not be highly prominent in views from the Conservation Area or the street scene. I am therefore satisfied that the character and appearance of the Conservation Area would be preserved.
- 2.12 In conclusion, the proposed development is considered well sited and appropriately designed and would not cause harm to the character and appearance of the street scene. It would therefore accord with paragraph 130 of the NPPF.

#### Impact on Heritage

- 2.13 Regard must be had to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (199–202) at Chapter 16. Notwithstanding the statutory duty, the NPPF paragraph 202 requires that regard must be had for whether development would cause harm to any designated heritage assets, whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.14 The applicant’s Heritage Statement notes that the dwelling in question is shown on the 1st Edition Ordnance Survey map of 1873 (Kent XLVII.4 Series: Ordnance Survey, 25 inch to the mile). The 1840 tithe indicates a property within generous grounds on this site. The existing building, by virtue of its polite architectural detailing and use of gault brick and welsh slate is likely to date to the mid C19. Although internal access was not gained (for reasons of public health), externally the building retains its original features such as sash windows and door surround. In addition, the former ancillary outbuildings

including coach house remain largely unaltered, resulting in an attractive ensemble. Being set back from the street frontage and with fairly large grounds is unusual for this Conservation Area. Although now largely shielded from view by mature trees, the building is orientated to address its single access route and consequently a view is provided of the principle elevation from this vantage. With the surrounding vegetation the site provides a quiet semi-rural character on the edge of the settlement. Therefore, by virtue of its age, setting and architectural detailing, the property and its related courtyard structures is considered to be a non-designated heritage asset. In reaching this conclusion regard has been had for the 'values' within Historic England's 'Conservation Principles, Policies and Guidance'.

- 2.15 Having visited the site and from the photos submitted with the heritage statement, it is not considered that the building is in an 'unrepairable' state as had been originally asserted by the applicant within the Planning statement (such that the only option is to demolish). No evidence had been submitted to evidence this claim, for example a detailed structural survey to demonstrate whether or not the building is beyond repair. I refer to the paragraph 189 of the NPPF which explains that heritage assets (which includes non-designated heritage assets) are "an irreplaceable resource and should be conserved in a manner appropriate to their significance". At paragraph 197 (a) of the NPPF, it states, "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". The building and its related courtyard structures have historic and architectural value and are considered to be a positive contributor to the character of this part of the Ash Conservation Area. In light of the above, discussions were had with the applicant's agent in this regard, and it was eventually agreed by the applicant that the building could be retained and restored with some refurbishment works although it is also proposed to the extend the principal building. Having reviewed the amended drawings, it is considered that the proposed conversion and extension of the non-designated heritage asset would not cause harm to its significance whilst also bringing the disused building back into residential use.
- 2.16 In respect of the Conservation Areas and the nearby listed buildings, DDC's Heritage has confirmed that they are satisfied that the proposed development is well screened and appropriately designed and as such it would preserve the character and appearance of the Conservation Area and the setting of the nearby listed buildings. For the above reasons and having regard to both the statutory duty of the council under The 'Act' and the policy within the NPPF, no harm would be caused to the setting of the Listed Building or the Conservation Area. It would therefore accord with paragraphs 189, 197 and 203 of the NPPF.

#### Impact on Trees

- 2.17 I would refer back to the heritage statement which states, "*The maps indicate that the trees were a feature of the site from earliest times and indicate 'mini parkland' tree planting*". A number of third party representations have been received raising concerns regarding the loss of trees on the site. It is relevant to note whilst the proposed development would require substantial clearance of the existing vegetation on the site to accommodate the proposed dwellings, it would not result in the loss of high amenity value trees. DDC's Tree Officer had previously raised concerns regarding the potential impact on the protected trees annotated as T1, T2, T3 and T4, by virtue of construction of driveway over the root protection zones. Subsequently, a tree survey was submitted together with a tree protection plan. This was reviewed by the DDC's Tree Officer and the proposal was deemed acceptable subject to a condition requiring execution of the tree protection plan during the construction period.

### Highways/Travel Impacts

- 2.18 Policy DM13 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a designed process. The application proposes 21 off street car parking spaces within the site, which includes two communal visitor spaces. Therefore, the proposal makes adequate provision for the off-street parking spaces thereby meeting the needs generated by the future occupants of the proposed development. The proposed development would therefore accord with policy DM13 of the Core Strategy.
- 2.19 The development includes provision for cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that provision of cycle parking (at one space per bedroom) should be secured by condition.
- 2.20 With regards to the access to the development, it is proposed to utilise the existing access. KCC Highways initially raised concerns regarding the use of the existing access for the proposed development. It was advised that the existing on-street parking takes place opposite the site access and along the southern side of The Street, extending both eastwards and westwards from the access. It had not been demonstrated that the splays required are achievable due to level differences and presence of barriers/walls/street furniture. There was insufficient space for delivery vehicles to enter the site, manoeuvre and exit in a forward gear. In addition to this, it was unclear whether a suitable pedestrian link could be made as was indicated within the Transport Statement. The applicant's agent was made aware of these concerns and a series of amended drawings were received following by formal consultations with KCC Highways.
- 2.21 In the latest response, KCC Highways have confirmed that the proposals are considered satisfactory and would provide acceptable visibility and manoeuvring room at the site access. A number of conditions have been recommended to be attached to the permission. It has been advised that the proposals are likely to generate 3-4 two-way vehicle trips during the network peak hours, which is unlikely to have a severe impact on the capacity of the highway network. However, it is acknowledged that there is a lack of passing places in this section of The Street due to the demand for on-street parking. This leads to some eastbound drivers overrunning the footway immediately to the east of the site at the access to nos. 10/10A/10B/12 The Street, to make way for westbound drivers. The provision of an 11-metre length of double yellow lines opposite this access, measured from the corner of no. 11 The Street, will provide a passing place and remove the need for vehicles to overrun the footway. This improvement now forms part of the proposals. This will entail the loss of two existing on-street parking places, however, as a compensatory measure, three additional parking places would be provided within the site to mitigate this loss. These works could be secured by a suitably worded condition.
- 2.22 There is no footway fronting the site and therefore a step-free connection is proposed to the existing public footpath at the rear of the site, providing safe pedestrian access to the wider footway network and bus stops, school and other services/amenities in the village.
- 2.23 Having regard to the above, the proposed development is considered acceptable and would not cause harm to the pedestrian or highway safety. Therefore, it would be in accordance with paragraphs 110 and 111 of the NPPF.

### Impact on Neighbours

- 2.24 Below is a detailed assessment of the impact on the properties adjoining the application site fronting Glebelands to the north.
- 2.25 The application site abuts the rear boundaries (properties fronting Glebelands) of nos 40, 42, 44, 46, 48, 50 and 52. The neighbouring properties where there is potential to be affected are nos 44, 46, 48 and 50. Therefore, detailed assessment of the potential impacts has been carried out. Nos 40, 42 and 52 are at substantial separation distances from the proposed dwellings. Therefore, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring properties.

### Nos 46, 48 and 50 Glebelands

- 2.26 The proposed dwelling 'Unit 7' (L-shaped two storey detached dwelling) is sited along the rear boundary of the site and would sit at a distance of approximately 19.5m from no.50 and 20m from no.48 and 25m from no.46 their rear elevations. Having regard for the adequate separation distance together with boundary screening, it is not considered that the proposed dwelling would cause sense of enclosure, loss of light or overshadowing to the neighbouring occupants of nos 46, 48 and 50 Glebelands.
- 2.27 With regards to loss of privacy, no windows are proposed to the side elevation of the proposed dwelling facing nos 48 and 50. It is noted that the first floor elevation facing no.46 would have two windows serving two bedrooms. The nearest window would be approximately at a distance of 20m and 25m from the area of private gardens of nos 48 and 46 respectively. Whilst some glimpse views of the private gardens would be achievable particularly given the topography of the site, it is not considered that the loss of privacy would be sufficiently harmful to justify withholding permission on this basis.
- 2.28 In conclusion, the proposed development is considered well designed and would not prejudice the living conditions of the neighbouring occupants. The proposal would therefore accord with paragraph 130 of the NPPF.

### Nos 44 and 42 Glebelands

- 2.29 The proposed semi-detached pair of dwellings (Units 2 and 3) would lie at a distance of approximately 16.2m and 12m from the dividing boundaries with nos.44 and 42 respectively; and approximately 25m and 21.5m from the rear elevations of nos 44 and 42. Whilst the separation distances are felt to be sufficient, it is acknowledged that a degree of perception of overlooking may still persist. However, on balance, it is not felt that the perception of overlooking would be so severe to warrant a refusal of the application on this basis.

### Drainage

- 2.30 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased on-site or elsewhere, and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.

- 2.31 Whilst Southern Water have raised no objection in this instance, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal.

### Ecology

- 2.32 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The site itself contains unmanaged vegetation surrounded by dense mature trees/hedges albeit, it is noted that a number of mature trees have been felled and other vegetation cleared. Nevertheless, the site still contains established trees/hedges and other vegetation which could provide habitat for protected species.
- 2.33 The application has been supported by a Preliminary Ecological Appraisal (PEA), a bat survey and a reptile survey. It is noted that the reptiles survey was recommended within the Phase 1 Habitat Survey however it has not been carried out. The Council's ecologist has accepted the recommendations made in relation to enhancements and has recommended further conditions to secure the habitat for bats. In respect of reptiles, the additional report concluded that no reptiles were found during the seven surveys, therefore reptiles are expected to be absent from the site and no mitigation measures were considered necessary in this instance.

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

- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 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.
- 2.38 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.

### Stodmarsh Nutrient Area

- 2.39 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment.
- 2.40 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.
- 2.41 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.42 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.43 The above results were presented to NE in mid 2021. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.44 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The results of this have been presented to NE who have to date, maintained their position. We remain in discussion with NE and are considering all options.



- 2.45 The current application, along with many other [housing] proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the delays caused by this issue and the progress made so far with the advice provided by our consultants and discussions with NE ongoing, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved.

### **3. Conclusion**

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the wider Conservation Area or the street scene. The development would retain the non-designated heritage asset and bring the disused structure back into use. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact, drainage and ecology. Having regard to the above, it is recommended that the application be approved, subject to conditions.

### **g) Recommendation**

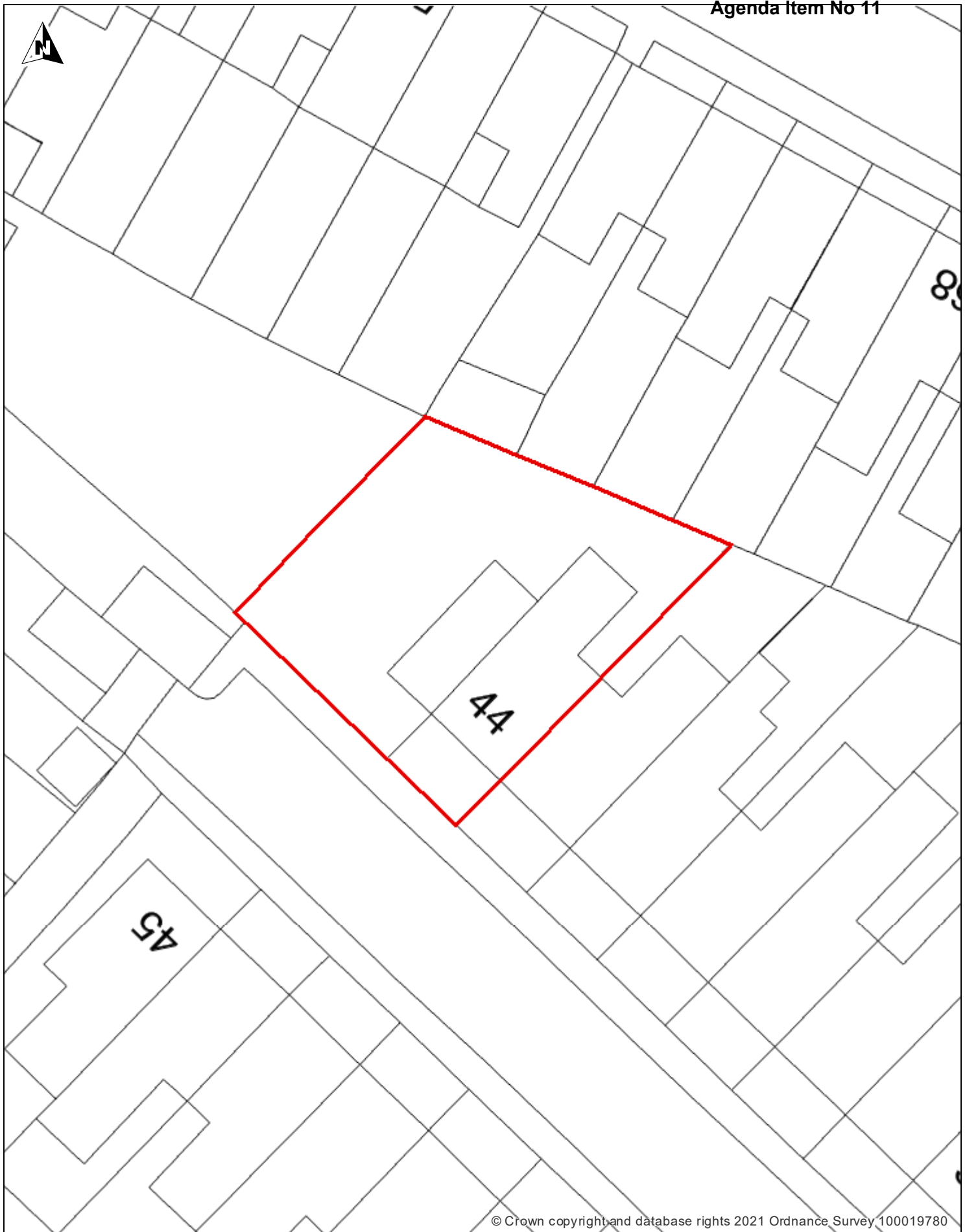
I. SUBJECT TO the local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as/if necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or, alternatively, that satisfactory mitigation can be achieved, PLANNING PERMISSION BE GRANTED, subject to conditions which include:

- 1) 3-year standard time limit
- 2) Approved plans
- 3) Samples of materials
- 4) Provision of bike and bin storage prior to first occupation
- 5) Precommencement condition - Demolition and Construction management plan (Routing of demolition, construction and delivery vehicles to/from site; Parking and turning areas for demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel washing facilities; Temporary traffic management / signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements).
- 6) Provision of measures to prevent the discharge of surface water onto the highway.
- 7) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the retention of public access to the three spaces between units 1 and 2.
- 8) Use of a bound surface for the first 5 metres of the access from the edge of the highway.

- 9) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
  - 10) Completion of the access and associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions.
  - 11) Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
  - 12) Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.
  - 13) Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing.
  - 14) Provision of electric charging points
  - 15) Removal of PD rights (classes A, B, C, D and E)
  - 16) Removal of PD rights for insertion of window openings at first floor level
  - 17) Joinery details, eaves details, ridge details at 1:10 for the non-designated heritage asset.
  - 18) Hand dug condition and tree protection measures
  - 19) Programme of archaeological works
  - 20) Building's recording prior to demolition works
  - 21) Ecological mitigation and enhancement works
  - 22) Landscaping scheme
  - 23) Precommencement condition requiring submission of a detailed scheme for surface water disposal
  - 24) Precommencement condition requiring submission of a detailed scheme for foul water drainage
  - 25) Boundary treatment and hard surfacing
- II. Powers to be delegated to the Planning and Development Manager 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

Lucy Holloway



21/01618  
44 Millais Road  
Dover  
CT16 2LW

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/21/01618 – Erection of a detached dwelling with associated parking (existing garage to be demolished) - 44 Millais Road, Dover**

Reason for report: Number of objections

- b) **Summary of Recommendation**

Approve planning permission subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

DM1, DM11 and DM13

National Planning Policy Framework (NPPF) (2021)

7, 8, 11, 60, 69, 110, 111, 119, 120, 124, 130, 174, 180, 185

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)

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

Other

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

Technical Housing Standards – nationally described space standards

- d) **Relevant Planning History**

21/01223 - Erection of 2no. residential dwellings (existing garage to be demolished) - Withdrawn

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

Dover Town Council – Objects. Density of housing is too great in an already constrained area. Loss of amenity through reduction in garden space.

Third-Party Representations:

- Existing parking and highways issues.
- No room for additional housing on the street.
- No space for parking and turning at the end of the road.

- Millais is a narrow cul-de-sac road.
  - The area at the end of the cu-de-sac currently marked as double yellow lines is essential for turning.
  - Parking congestion.
  - Fire access.
  - Garage/parking for 44 Millais will be lost.
  - Removal of tree.
  - The street currently has approx. 15% disabled parking bays which take up more space.
  - Access for refuse collection.
  - Previous application was withdrawn.
- 
- Fully support.
  - Good option for the end of the street.
  - Parking arrangements will be an improvement.
  - Parking at the front of the house would have a positive impact on the street.
  - Plans look like lovely houses.
  - Looks like a nice development
  - Would be lovely to see a building here overlooking the alley at the end of the road.
  - A property watching over the alley would improve safety.
  - Would help tidy up the area.
  - Within walking distance to local facilities.
  - Will improve the road.

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

### The Site

- 1.1 The application site comprises residential garden land located in the urban area of Dover. The site is located at the end of Millais Road which is a cul-de-sac and is characterised by two-storey terrace houses on both sides of the road. 44 Millais Road is an end of terrace property with an attached single-storey garage behind access gates fronting onto the road. The site forms the side garden of 44 Millais Road.
- 1.2 The site backs onto the rear gardens of residential properties fronting Balfour Road located to the north of the site. The adjoining site to the northwest is amenity garden land associated with a residential property located on Alexandra Place. This parcel of land is laid to grass with a garage and hard surface parking area fronting onto Alexandra Place.

### The Proposal

- 1.3 Erection of a detached two-storey dwelling. Following negotiations with the applicant amended plans have been submitted making changes to the design of the proposed house. The proposed house would be two-storeys high with the same ridge and eaves level as 44 Millais Road. Two bay windows are proposed at ground floor level on the front elevation with a front door with an arched brick course above. Facing bricks and roof tiles would match the existing properties in Millais Road. The existing single-storey attached garage at 44 Millais Road would be demolished to facilitate the proposed development.

## **2. Main Issues**

2.1 The main issues for consideration are:

- Principle of development
- Design and visual amenity
- Impact on residential amenity
- Highway safety and parking
- Living standards
- Other matters
- Appropriate Assessment

### **Assessment**

#### **Principle**

2.2 The application site is located within the Dover urban area, therefore the principle of residential development is considered acceptable in terms of its location subject to other material planning considerations.

#### **Design and Visual Amenity**

2.3 Following negotiations with the applicant the design has been amended to reflect the character of the properties along Millais Road. The proposal would utilise facing bricks and roof tiles to match the existing houses and the ridge and eaves level would be the same as 44 Millais Road. Further, two front bay windows have been introduced and a central front door with an arched brick course above. The proposed design would be visually attractive and would be sympathetic to the existing character of the street in accordance with paragraph 130 of the NPPF.

2.4 The proposal is for a detached dwelling and Millais Road is characterised by terrace properties. However, given the set back behind the established building line, end of cul-de-sac location and design aspects identified above, the introduction of a detached dwelling into the streetscape would not appear significant out of keeping or visually harmful.

2.5 The site comprises private garden land which is enclosed by close board fencing adjacent to Millais Road. As such the loss of the private enclosed garden would not have a significant visual impact on the streetscape.

#### **Impact on Residential Amenity**

2.6 The proposal would be located adjacent the blank flank wall of 44 Millais Road and would not extend beyond the established rear building line of this property. As such there would be no significant adverse loss of amenity to 44 Millais Road.

2.7 The proposal would back onto the residential rear gardens of properties fronting Balfour Road. First floor rear windows would serve a bathroom and landing area and would be obscure glazed to prevent overlooking, which can be secured by condition. Due to the separation distances involved and location of neighbouring garden buildings the proposal would not appear unacceptably overbearing or dominant from the properties fronting Balfour Road.

2.8 A first floor bedroom window is proposed in the side / northwest elevation of the dwelling. This window would overlook the grassed amenity area adjacent the site. However, this amenity area is not directly linked to a residential property and public views are currently afforded into this space from Alexandra Road, therefore the

introduction of a new first floor window looking onto this space would not result in any significant adverse loss of amenity over and above the existing arrangement.

#### Highway Safety and Parking

- 2.9 Two off-street parking spaces are proposed which is above the 1 parking space requirement for a two-bed dwelling stipulated in policy DM13. The proposed off-street parking would not impact / reduce the amount of on-street parking currently provided along Millais Road as there are double yellow lines in front of the site, which would remain. The submitted plans demonstrate that the proposed driveway parking could be accessed utilising the turning head at the end of the cul-de-sac.
- 2.10 The existing garage at 44 Millais Road would be demolished as a result of the proposed development. 44 Millais Road would have no off-road parking as a result and occupants would need to park on Millais Road or the surrounding roads. However, the dimensions of the existing garage fall below the minimum size requirements for a garage set by KCC Highway and the garage is therefore not considered to be large enough to accommodate a modern car. As a result, the garage does not constitute a usable parking space under current guidance and no objections can be made to the loss of the garage in terms of parking provision. As such, the proposed development would not lead to an increase in demand in on-street parking along Millais Road over and above the current situation.
- 2.11 The proposed development would not impact on the current on-street parking provision along Millais Road and the double yellow lines would be retained at the front of the site, therefore access and turning arrangements at the end of the cul-de-sac would not change as a result of this application.

#### Living Standards

- 2.12 The internal room sizes and overall floor area for the proposed dwelling would be in accordance with the national described space standards. An acceptable standard of living accommodation is therefore proposed. The proposal would have a modest rear garden and the loss of the side garden at 44 Millais Road would create a modest rear garden for this property. Whilst the proposed rear gardens would be relatively small, the size of the gardens would be similar to other properties in proximity to the site and the area in general is characterised by close knit residential development with small rear gardens. The size of the proposed garden and reduced garden area at 44 Millais Road would therefore not warrant a sustainable reason for refusal.

#### Other Matters

- 2.13 Reference has been made to a tree within the side / front garden of 44 Millais Road which is visible within the streetscape. This tree has now been removed by the applicant. The tree was not subject to a TPO and the site is not within a conservation area therefore consent was not required to remove the tree. The loss of the tree is regrettable, however there is sufficient space towards to the front of the site adjacent the driveway parking to accommodate a new / replacement tree which would benefit the visual amenity of the street and can be secured by condition.

#### Appropriate Assessment

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

- 2.15 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.16 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.
- 2.17 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.18 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.
- 2.19 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 The development complies with sustainability objectives of the NPPF, it is within the built confines and is acceptable in terms of its design, appearance, location and all other respects, subject to the appropriate conditions. As such, the proposal would comply with Paragraphs 130 of the NPPF and policy DM1 and DM13 of the CS and is recommended for approval.

### **f) Recommendation**

- I. Approve planning permission, subject to the following conditions:
  1. Time limit
  2. Approved Plans
  3. Materials to match 44 Millais Road
  4. Obscure glazing first floor rear windows
  5. Retention of parking spaces
  6. Electric charging
  7. Cycle parking and Bin storage
  8. Tree planting
- II. Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.



Case Officer

Andrew Jolly